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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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Doc. No. AMS–FV–13–0071; FV13–920–2 FIR]

Kiwifruit Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that decreased the assessment rate established for the Kiwifruit Administrative Committee (Committee) for the 2013–14 and subsequent fiscal periods from $0.035 to $0.025 per 9-kilo volume-fill container or equivalent of kiwifruit. The Committee locally administers the marketing order, which regulates the handling of kiwifruit grown in California. The interim rule was necessary to allow the Committee to reduce its financial reserve while still providing adequate funding to meet program expenses.

DATES: *Effective Date:* February 10, 2014.

FOR FURTHER INFORMATION CONTACT: Kathie Notoro, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Kathie.Notoro@ams.usda.gov,* or *Martin.Engeler@ams.usda.gov.* Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/Marketing OrdersSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 920, as amended (7 CFR part 920), regulating the handling of kiwifruit grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

Under the marketing order, California kiwifruit handlers are subject to assessments, which provide funds to administer the order. Assessment rates issued under the order are intended to be applicable to all assessable kiwifruit for the entire fiscal period, and continue indefinitely until amended, suspended, or terminated. The Committee's fiscal period begins on August 1 and ends on July 31.

In an interim rule published in the **Federal Register** on October 23, 2013, and effective on October 24, 2013 (78 FR 62959, Doc. No. AMS–FV–13–0071; FV13–920–2 IR), § 920.213 was amended by decreasing the assessment rate established for kiwifruit grown in California for the 2013–14 and subsequent fiscal years from $0.035 to $0.025 per 9-kilo volume-fill container or equivalent of kiwifruit. The decrease in assessment rate will provide sufficient revenue to meet the Committee's expenses while maintaining a financial reserve within the maximum amount permitted under the order, which is approximately one fiscal period's expense.

Final Regulatory Flexibility Analysis

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

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

There are approximately 178 kiwifruit growers in the production area and approximately 28 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000.

The California Agricultural Statistics Service, (CASS) reported total California kiwifruit production for the 2011–12 season at 37,700 tons, with an average price of $775 per ton. Based on the average price and shipment information provided by the CASS and the Committee, it could be concluded that the majority of kiwifruit handlers would be considered small businesses under the SBA definition. Based on kiwifruit production and price information, as well as the total number of California kiwifruit growers, average annual grower revenue is less than $750,000. Thus, the majority of California kiwifruit producers may also be classified as small entities.

This rule continues in effect the action that decreased the assessment rate established for the Committee and collected from handlers for the 2013–14 and subsequent fiscal years from $0.035 to $0.025 per 9-kilo volume-fill container or equivalent of kiwifruit. The Committee unanimously recommended 2013–14 expenditures of $113,550 and an assessment rate of $0.025 per 9-kilo volume-fill container. The assessment rate of $0.025 is $0.010 lower than the 2012–13 rate. The quantity of assessable kiwifruit for the 2013–14 fiscal year is estimated at 2,600,000 9-kilo volume-fill containers. Thus, the $0.025 rate should provide $65,000 in assessment income and when combined with carry-in funds and interest income, should be adequate to meet this year's expenses.

This rule continues in effect the action that decreased the assessment

obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the kiwifruit industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the July 11, 2013, meeting was a public meeting. All entities, both large and small, were able to express views on this issue.

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

This action imposes no additional reporting or recordkeeping requirements on either small or large California kiwifruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

Comments on the interim rule were required to be received on or before November 22, 2013. No comments were received. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS_FRDOC_0001-1100.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (78 FR 62959, October 23, 2013), will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

Accordingly, the interim rule amending 7 CFR part 920, which was published at 78 FR 62959 on October 23, 2013, is adopted as final without change.

Dated: January 31, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–02648 Filed 2–6–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2013–BT–TP–0044]

RIN 1904–AD06

Energy Conservation Program: Compliance Date for the Dehumidifier Test Procedure

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is issuing a final rule that will require manufacturers to test dehumidifiers using the active mode provisions in the test procedure for dehumidifiers currently found in DOE regulations to determine compliance with the existing energy conservation standards. The appendix in its entirety will be required for use by manufacturers that make representations of standby mode or off mode energy use, and, after the compliance date for any amended energy conservation standards enacted in the future that incorporate measures of standby mode and off mode energy use, to demonstrate compliance with such amended standards. The amendments in this final rule modify the compliance dates to allow use of the ANSI/AHAM DH–1–2008 in the near term.

DATES: The effective date of this rule is March 10, 2014. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of March 10, 2014.

ADDRESSES: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2013-BT-TP-0044.* This Web page will contain a link to the docket for this rule on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Email: *dehumidifiers@ee.doe.gov.*

Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–7796. Email: *elizabeth.kohl@hq.doe.gov.*

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I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* ''EPCA'' or ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).) Part B of title

III, which for editorial reasons was redesignated as Part A upon incorporation into the U. S. Code (42 U.S.C. 6291–6309, as codified), establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' The list of ''covered products'' under EPCA includes dehumidifiers, which are the subject of today's rule. 42 U.S.C. 6292(a)(11).

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of products must use to: (1) Ensure that their products meet the applicable energy conservation standards adopted under EPCA; and (2) make representations about the efficiency of those products. DOE must use the test procedures to ensure compliance with DOE's energy conservation standards. 42 U.S.C. 6295(s)

General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides in relevant part that any test procedures prescribed or amended under section 6293 must be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2))

The Energy Policy Act of 2005 (EPACT) amended EPCA to specify that the dehumidifier test criteria used under the ENERGY STAR [1] program in effect as of January 1, 2001, must serve as the basis for the DOE test procedure for dehumidifiers, unless revised by DOE. (EPACT, section 135(b); 42 U.S.C. 6293(b)(13)) The ENERGY STAR test criteria required that the Canadian Standards Association (CAN/CSA) standard CAN/CSA–C749–1994 (R2005), ''*Performance of Dehumidifiers,*'' be used to calculate the energy factor (EF) and that ANSI/AHAM Standard DH–1, ''Dehumidifiers,'' be used to measure capacity. The ENERGY STAR test criteria did not specify which version of ANSI/AHAM Standard DH–1, ''Dehumidifiers,'' was to be used, although the version in effect on January 1, 2001, was ANSI/AHAM DH–1–1992. DOE adopted these test criteria, along with related definitions and tolerances, as its test procedure for dehumidifiers at 10 Code of Federal Regulations (CFR) part 430, subpart B, appendix X in 2006. 71 FR 71340, 71347, 71366, 713667–68 (Dec. 8, 2006).

On October 31, 2012, DOE published a final rule to establish a new test procedure for dehumidifiers that references ANSI/AHAM Standard DH–1–2008, ''Dehumidifiers,'' (ANSI/AHAM DH–1–2008) rather than the ENERGY STAR test criteria for both energy use and capacity measurements. 77 FR 65995 (Oct. 31, 2012). The final rule also adopted standby and off mode provisions that satisfy the requirement in the Energy Independence and Security Act of 2007 (EISA) for DOE to include measures of standby mode and off mode energy consumption in its test procedures for residential products, if technically feasible. (42 U.S.C. 6295(gg)(2)(A)) This new DOE test procedure, codified at 10 CFR part 430, subpart B, appendix X1 (''appendix X1''), establishes a new metric, integrated energy factor (IEF), which incorporates measures of active mode, standby mode, and off mode energy use. Appendix X1 is not currently required to demonstrate compliance with energy conservation standards, but would be required after the compliance date of any amended standards that include standby mode and off mode energy consumption. Manufacturers may currently use the test procedure set forth in either appendix X or appendix X1 to make representations related to active mode energy consumption of dehumidifiers; however, manufacturers are required to use the test procedure set forth in appendix X1 to make any representations related to standby mode and off mode energy consumption.

On October 22, 2013, DOE published a NOPR (''October 2013 NOPR'') proposing to require manufacturers to test using the active mode provisions in appendix X1 to determine compliance with the existing energy conservation standards. DOE determined that the active mode provisions of appendix X1 are the functional equivalent of the active mode provisions of appendix X. In addition, appendix X1 in its entirety would be required for use by manufacturers that make representations of standby mode or off mode energy use, and, after the compliance date for any amended energy conservation standards that incorporate standby mode or off mode energy use, to demonstrate compliance with those standards. In addition, 30 days after publication of the final rule in the **Federal Register**, the existing appendix X would be removed from the **Federal Register**, and appendix X1 would be re-designated as appendix X. 78 FR 62488 (Oct. 22, 2013).

II. Discussion

In the October 2013 NOPR, DOE stated that although manufacturers may currently test dehumidifiers using the test procedure set forth in either appendix X or appendix X1 to determine compliance with existing energy conservation standards and to make representations related to active mode energy consumption, DOE believes that manufacturers and test laboratories typically use ANSI/AHAM DH–1–2008 for such purposes, consistent with the requirements of appendix X1. DOE further noted that the use of the current version of ANSI/AHAM DH–1 is required to be used for other industry testing purposes, such as for the AHAM dehumidifier verification program, and at this time ANSI/AHAM DH–1–2008 is the current version. In addition, appendix X is functionally equivalent to the active mode provisions of appendix X1. 78 FR 62488, 62488 (Oct. 22, 2013).

Therefore, DOE proposed in the October 2013 NOPR that, as of 30 days after publication of the final rule, manufacturers would demonstrate compliance with existing energy conservation standards using appendix X1 (re-designated as appendix X) and that appendix X would no longer be used and would be removed from the **Federal Register**. DOE also proposed to clarify that, to preclude unnecessary testing burden, manufacturers that do not make representations with respect to standby mode and off mode energy consumption may perform only the active mode test provisions when testing to determine compliance with existing standards. Manufacturers would have 180 additional days to make any changes needed to representations, including labels, certification reports, marketing materials, etc., although DOE did not expect any modifications would be needed because the proposal would not change measured energy consumption. Finally, DOE proposed to amend the test procedures at 10 CFR 430.23(z) to require that EF, when measured, be determined according to the relevant active mode provisions of appendix X1 (re-designated as appendix X), and IEF, when measured, be

[1] For more information, please visit *http://www.energystar.gov/.*

determined according to appendix X1 (re-designated as appendix X) in its entirety. Id.

In response to the October 2013 NOPR, AHAM expressed support for DOE's proposal to require the use of the active mode provisions of appendix X1 to determine compliance with existing energy conservation standards. According to AHAM, current practice is to test according to ANSI/AHAM DH–1–2008. In addition, AHAM agreed that appendix X is functionally equivalent to the active mode provisions of appendix X1, and that the proposal would not be expected to cause changes in measured dehumidifier energy efficiency. (AHAM, No. 2 at p. 2) [2] AHAM also submitted suggested clarifications to the active mode provisions in appendix X1 related to control settings and psychrometer requirements. DOE will address such proposals in a separate rulemaking. In consideration of this support and for the reasons discussed previously, DOE adopts in this final rule the amendments that were proposed in the October 2013 NOPR.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed today's final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE has concluded that the rule will not have a significant impact on a substantial number of small entities. The factual basis for this certification is as follows:

The Small Business Administration (SBA) considers a business entity to be small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121. These size standards and codes are established by the North American Industry Classification System (NAICS). The threshold number for NAICS classification code 335211, ''Electric Housewares and Household Fan Manufacturing,'' which applies to dehumidifier manufacturers, is 750 employees.

Most of the manufacturers supplying residential dehumidifiers are large multinational corporations. DOE surveyed the AHAM member directory to identify manufacturers of residential dehumidifiers. DOE then consulted publicly-available data, purchased company reports from vendors such as Dun and Bradstreet, and contacted manufacturers, where needed, to determine if they meet the SBA's definition of a ''small business manufacturing facility'' and have their manufacturing facilities located within the United States. Based on this analysis, DOE identified five small businesses that manufacture residential dehumidifiers.

Today's final rule amends DOE's test procedures for dehumidifiers by requiring use of the procedures at appendix XI (re-designated as appendix X), which DOE understands is consistent with current industry practice. These procedures require use of an updated industry dehumidifier test method, which may potentially require manufacturers to install a larger test chamber and different air handling equipment. However, many manufacturers may already be using ANSI/AHAM DH–1–2008 in certifying their products. DOE notes that one of the small businesses has products listed in AHAM's current dehumidifier database of verified products, indicating that those tests were conducted according to DH–1–2008. In addition, AHAM selected an independent test laboratory to conduct dehumidifier testing and verification for its certification program using DH–1–2008. It is likely that this laboratory also performs testing for manufacturers to determine compliance with energy conservation standards in the same facility as the AHAM verification testing. Therefore, DOE concluded in the October 2012 final rule that established these procedures that small businesses will not be likely to require investments in facility upgrades due to the requirement to use the DOE dehumidifier test procedure that references DH–1–2008.

For these reasons, DOE concludes and certifies that today's final rule requiring earlier use of these procedures, consistent with current industry practice, will not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE has transmitted the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the SBA for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of residential dehumidifiers must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for dehumidifiers, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including dehumidifiers. (76 FR 12422 (March 7, 2011). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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

[2] A notation in the form ''AHAM, No. 2 at p. 2'' identifies a written comment: (1) Made by the Association of Home Appliance Manufacturers; (2) recorded in document number 2 that is filed in the docket of the residential dehumidifier test procedure rulemaking (Docket No. EERE–2013–BT–TP–0044) and available for review at www.regulations.gov; and (3) which appears on page 2 of document number 2.

with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE amends its test procedure for dehumidifiers. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule amends an existing rule without affecting the amount, quality or distribution of energy usage, and, therefore, will not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of today's final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined today's final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Today's final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed today's final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Today's regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition. DOE required the use of a commercial standard (DH–1–2008) in the October 2012 final rule. This rule requires earlier use of the October 2012 test procedures in this rulemaking, but does not require the use of a commercial standard, so these requirements do not apply.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of today's rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on January 29, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE amends part 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

§ 430.3 [Amended]

■ 2. Section 430.3 is amended by removing ''X1'' from paragraphs (h)(1) and (o)(4) and adding ''X'' in its place.

■ 3. Section 430.23 is amended by revising paragraph (z) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(z) *Dehumidifiers.* (1) When measuring the energy factor for dehumidifiers (see the note at the beginning of appendix X to this subpart), expressed in liters per kilowatt hour (L/kWh), energy factor shall be measured in accordance with section 4.1 of appendix X to this subpart.

(2) When measuring the integrated energy factor for dehumidifiers (see the note at the beginning of appendix X to this subpart), expressed in L/kWh, integrated energy factor shall be determined according to paragraph 5.2 of appendix X to this subpart.

* * * * *

Appendix X to Subpart B of Part 430—[Removed]

■ 4. Appendix X to subpart B of part 430 is removed.

Appendix X1 to Subpart B of Part 430—[Redesignated as Appendix X]

■ 5. Appendix X1 to subpart B of part 430 is redesignated as appendix X.

■ 6. Redesignated appendix X to subpart B of part 430 is amended by revising the Note after the heading to read as follows:

Appendix X to Subpart B of Part 430–Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers

Note: After August 6, 2014, any representations made with respect to the energy use or efficiency of dehumidifiers must be made in accordance with the results of testing pursuant to this appendix. After this date, if a manufacturer elects to make representations with regard to standby mode and off mode energy consumption, then testing must also include the provisions of this appendix related to standby mode and off mode energy consumption.

* * * * *

[FR Doc. 2014–02355 Filed 2–6–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0942; Special Conditions No. 25–515–SC]

Special Conditions: Bombardier Aerospace Inc., Models BD–500–1A10 and BD–500–1A11 Series Airplanes; Autobraking System Loads

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Bombardier Aerospace Inc. Models BD–500–1A10 and BD–500–1A11 series airplanes. These airplanes will have novel or unusual design features associated with the autobraking system for use during landing. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety

equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* March 10, 2014.

FOR FURTHER INFORMATION CONTACT: Mark Freisthler, FAA, Airframe and Cabin Safety Branch, ANM–115 Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1119; facsimile 425–227–1232.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 2009, Bombardier Inc. applied for a type certificate for their new Models BD–500–1A10 and BD–500–1A1 series airplanes (hereafter collectively referred to as ''C-series''). The C-series airplanes are swept-wing monoplanes with an aluminum alloy fuselage sized for 5-abreast seating. Passenger capacity is designated as 110 for the Model BD–500–1A10 and 125 for the Model BD–500–1A11. Maximum takeoff weight is 131,000 pounds for the Model BD–500–1A10 and 144,000 pounds for the Model BD–500–1A11.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Bombardier Inc. must show that the C-series airplanes meet the applicable provisions of part 25, as amended by Amendment 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the C-series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the C-series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The C-series airplanes will incorporate the following novel or unusual design features: The C-series airplanes will have an autobrake system. This is a pilot-selectable function that allows earlier maximum braking at landing without pilot pedal input. When the autobrake system is armed before landing, it automatically commands maximum braking at main wheels touchdown. Normal procedures remain unchanged and call for manual braking after nose wheel touchdown.

Discussion

Section 25.493 addresses braked roll loads but does not contain a specific ''pitchover'' requirement addressing the loading on the nose gear, the nose gear surrounding structure, and the forward fuselage. Moreover, § 25.493 specifies airplane attitudes in accordance with figure 6 of appendix A to part 25, which are level landing attitudes. For airplanes with traditional braking systems, the current ground load requirements are considered adequate for the design of the nose gear and airframe structure. However, the C-Series airplane autobrake system, which could apply maximum braking at the main wheels with the airplane in a tail-down attitude well before the nose touches down, will cause a high nose gear sink rate and potentially higher gear and airframe loads.

Part 25 does not contain adequate requirements to address the potentially higher structural loads that could result from this type of braking system. In addition, the effects on fatigue covered by § 25.571 also need to be considered. Therefore, FAA has determined that additional airworthiness standards are needed for the certification of this unusual design feature. These special conditions propose airworthiness standards for the certification of the C-series airplanes with an autobrake system.

Discussion of Comments

Notice of proposed special conditions No. FAA–2013–0942 for the Bombardier C-series airplanes was published in the **Federal Register** on November 12, 2013 (78 FR 67321). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Models BD–500–1A10 and BD–500–1A11 series airplanes. Should Bombardier Inc. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Inc. Models BD–500–1A10 and BD–500–1A11 series airplanes.

Autobraking System Loads. A landing pitchover condition must be addressed that takes into account the effect of the autobrake system. The airplane is assumed to be at the design maximum landing weight, or at the maximum weight allowed with the autobrake system on. The airplane is assumed to land in a tail-down attitude at the speeds defined by § 25.481. Following main gear contact, the airplane is assumed to rotate about the main gear wheels at the highest pitch rate generated by the autobrake system. This is considered a limit load condition from which ultimate loads must also be determined. Loads must be determined for a critical fuel and payload distribution and centers of gravity. Nose gear loads, as well as airframe loads, must be determined. The airplane must support these loads as described in § 25.305.

In addition to the above airworthiness standards, fatigue loads must also be determined and applied in accordance to § 25.571.

Issued in Renton, Washington, on January 31, 2014.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02613 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0857; Special Conditions No. 25–528–SC]

Special Conditions: Learjet Inc., Model LJ–200–1A10 Airplane; Crashworthiness, Emergency Landing Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Learjet Inc. Model LJ–200–1A10 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This feature is a hybrid construction that uses both composite and metallic materials in the structure for which the crashworthiness responses for occupant safety may not be equivalent to current all-metallic airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* March 10, 2014.

FOR FURTHER INFORMATION CONTACT: Mark Freisthler, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–1119; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION:

Background

On February 9, 2009, Learjet Inc. applied for a type certificate for their new Model LJ–200–1A10 airplane (hereafter referred to as the ''Model LJ–200''). The Model LJ–200 is a business class airplane powered by two high-bypass turbine engines with an estimated maximum takeoff weight of 35,550 pounds and an interior configuration for up to 10 passengers.

The current design includes a skin-stringer fuselage configuration. The pressure fuselage will consist of monolithic carbon fiber reinforced plastic (CFRP) skin, with CFRP and metallic frames above floor level, and CFRP longerons and stringers. All substructure will be mechanically fastened to the skin. Fasteners for stringers aligned along the length of the co-cured splice will provide fail-safe capability for the splice. Cabin entry door frames, over-wing exit door frames, and frames below floor level will be metallic. Attachment of pressure bulkheads, windshield frame, and splicing concepts will be adjusted for any skin thickness variation that occurs. The wing consists of resin transfer infusion skins with composite spars and metallic ribs. The empennage consists of composite sandwich skins with metallic spars and ribs. The airframe has a sandwich construction for the nose and empennage structures.

There are no existing regulations that adequately address the potential difference between metallic fabricated airplanes and composite fabricated airplanes with regards to impact response characteristics for what are considered survivable crash conditions. The CFRP fuselage constitutes a novel and unusual design feature for a transport category airplane. These special conditions are necessary to ensure a level of safety equivalent to that provided by Title 14, Code of Federal Regulations (14 CFR) part 25.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Learjet Inc. must show that the Model LJ–200 meets the applicable provisions of part 25, as amended by Amendment 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model LJ–200 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model LJ–200 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model LJ–200 will incorporate the following novel or unusual design feature: Hybrid construction using both composite and metallic materials in the structure for which the crashworthiness responses for occupant safety may not be equivalent to that of all-metallic structure.

Discussion

The Model LJ–200 fuselage is fabricated using CFRP skins with aluminum ribs and stringers. This hybrid construction may behave differently from similar, fully-metallic structure due to differences in material ductility, stiffness, failure modes, and energy absorption characteristics. Therefore, the impact response characteristics of the Model LJ–200 must be evaluated to ensure the survivable crashworthiness characteristics are not significantly different than those of a similarly-sized airplane fabricated from traditionally-used metallic materials.

The FAA and industry have been working together for many years to understand how transport airplane occupant safety can be improved for what are considered survivable accidents. This work has involved examining airplane accidents, conducting tests to simulate crash conditions, and developing analytical modeling of a range of crash conditions, all with the purpose of providing further insight into the factors that can influence occupant safety. Results of this on-going effort have enabled specific changes to regulatory standards and design practices to improve occupant safety. This evolution is reflected in changes to the part 25 emergency landing condition regulations. For example, airplane emergency load factors in § 25.561, *General,* have been increased, and passenger seat dynamic load conditions have been added (§ 25.562, *Emergency landing dynamic conditions*).

The seat dynamic load conditions were added to the regulations based on FAA and industry tests and a review of accidents. They reflect horizontal and vertical accelerations/time environment generated by previously certificated airplane designs given conditions that were survivable. These tests also demonstrated that the performance of the airframe was acceptable in a dynamic impact event. In the evolution of the regulations, there is at present no specific dynamic regulatory requirement for airplane-level crashworthiness.

However, the FAA requires an assessment of each new model airplane to ensure that the airplane will not significantly depart from typical dynamic characteristics found in previously certificated designs.

The nature of the assessment is largely dependent on the similarities and differences between the new type design and previously certificated airplanes. Such an assessment ensures that the level of safety of the new composite designs corresponds to the level of safety achieved with similar metallic designs around which the existing regulations were written. If significant trends in industry warrant change to the existing regulations, the FAA and industry rulemaking process may be used to develop an appropriate dynamic regulatory requirement for airplane level crashworthiness.

The FAA and industry have collected a significant amount of experimental data as well as data from crashes of transport category airplanes that demonstrated a high occupant survival rate at vertical descent velocities up to 30 ft/sec (on a single aisle airplane). Based on this information, the FAA finds it appropriate and necessary for an assessment of the Model LJ–200 to span a range of airplane vertical descent velocities (up to 30 ft/sec, or that appropriate for a comparable size airplane).

The FAA expects the Model LJ–200 to exhibit similar crashworthiness capabilities under foreseeable survivable impact events as achieved by previously certificated transport category airplanes of similar size and configuration. In order to make this assessment, criteria need to be established by which the similarities and differences between new type designs and previously certificated airplanes may be analytically evaluated. Based on the FAA's evaluation of the intent of existing regulations, the following areas need to be evaluated to demonstrate comparable behavior of the Model LJ–200 design to currently certificated transport category airplanes:

- Retention of items of mass. It must be shown that the occupants, i.e., passengers, flight attendants, and flight crew, will be protected during the impact event from release of seats, overhead bins, and other items of mass due to the impact loads and resultant structural deformation of the supporting airframe and floor structures.
- Maintenance of occupant emergency egress paths. The airframe must not deform such that rapid evacuation of occupants is impeded.
- Maintenance of acceptable acceleration and loads experienced by the occupants.
- Maintenance of a survivable volume. All areas of the airplane occupied for takeoff and landing must be shown to provide a survivable volume during and after the impact event.

Discussion of Comments

Notice of proposed special conditions No. 25–13–08–SC for the Learjet Inc. Model LJ–200 airplanes was published in the **Federal Register** on October 31, 2013 (78 FR 65235). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Learjet Inc. Model LJ–200–1A10. Should Learjet Inc. apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Learjet Inc. Model LJ–200–1A10 airplanes.

Crashworthiness, Emergency Landing Conditions

In order to demonstrate an equivalent level of occupant safety and survivability to that provided by previously certificated transport category airplanes of similar size and configuration under foreseeable survivable impact events, Learjet Inc. must demonstrate that the Model LJ–200–1A10 meets the following criteria for a range of airplane vertical descent velocities up to 30 ft/sec:

1. *Retention of items of mass.* The occupants, i.e., passengers, flight attendants, and flightcrew, must be protected during the impact event from release of seats, overhead bins, and other items of mass due to the impact loads and resultant structural deformation of the supporting airframe and floor structures. The applicant must show that loads due to the impact event and resultant structural deformation of the supporting airframe and floor structure at the interface of the airplane structure to seats, overhead bins, and other items of mass are comparable to those of previously certificated transport category airplanes of similar size for the range of descent velocities stated above. The attachments of these items need not be designed for static emergency landing loads in excess of those defined in § 25.561 if impact response characteristics of the Model LJ–200–1A10 yield load factors at the attach points comparable with those expected for a previously certificated transport category airplane of similar size.

2. *Maintenance of acceptable acceleration and loads experienced by the occupants.* The applicant must show that the vertical acceleration levels experienced at the seat/floor interface and loads experienced by the occupants during the impact event are consistent with those found in § 25.562(b) or with the levels expected for a previously certificated comparable transport category airplane of similar size.

3. *Maintenance of a survivable volume.* The applicant must show that all areas of the airplane occupied for takeoff and landing provide a survivable volume comparable to that of previously certificated transport category airplanes of similar size during and after the impact event. This means that structural deformation will not result in infringement of the occupants' normal living space significantly affecting their survivability or egress.

4. *Maintenance of occupant emergency egress paths.* The applicant must show that the airframe deformation after the vertical impact event does not impede the rapid evacuation of occupants comparable to previously certified transport category airplanes of similar size.

Issued in Renton, Washington, on January 31, 2014.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02611 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0691; Directorate Identifier 2012–NM–170–AD; Amendment 39–17678; AD 2013–24–04]

RIN 2120–AA64

Airworthiness Directives; Learjet Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2003–19–11 for certain Learjet Inc. Model 60 airplanes. AD 2003–19–11 required determining if a certain fuel crossflow tube is installed; and follow-on/corrective actions, as applicable. This new AD requires retaining all actions in AD 2003–19–11, and it also requires determining if a certain fuel crossflow tube is installed, performing repetitive measurements of the fuel crossflow tube and surrounding valves and cables, and doing corrective actions if necessary. In addition, this new AD expands the applicability of AD 2003–19–11. This AD was prompted by a report that airplanes produced since 2003 might also be subject to the unsafe condition; and that the minimum allowable clearance is not established in the airplane maintenance information. We are issuing this AD to prevent chafing and consequent failure of the fuel crossflow tube due to inadequate clearance between the tube and the flight control cables, which could result in loss of fuel from one fuel tank during normal operating conditions or loss of fuel from both main fuel tanks during fuel cross-feeding operations.

DATES: This AD is effective March 14, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 3, 2003 (68 FR 55812, September 29, 2003).

ADDRESSES: For service information identified in this AD, contact Learjet, Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com;* Internet *http://www.bombardier.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/#!docketBrowser;rpp=25;po=0;D=FAA-2013-0691;* 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: Jeff Janusz, Aerospace Engineer, Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Wichita, KS 67209; phone: 316–946–4148; fax: 316–946–4107; email: *jeff.janusz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003). AD 2003–19–11 applied to certain Learjet Inc. Model 60 airplanes. The NPRM published in the **Federal Register** on August 13, 2013 (78 FR 49232). The NPRM was prompted by a report that airplanes produced since 2003 might also be subject to the unsafe condition; and that the minimum allowable clearance is not established in the airplane maintenance information. The NPRM proposed to continue to require determining if a certain fuel crossflow tube is installed; and follow-on/corrective actions, as applicable. The NPRM also proposed to require determining if a certain fuel crossflow tube is installed, performing repetitive measurements of the fuel crossflow tube and surrounding valves and cables, and doing corrective actions if necessary. In addition, the NPRM proposed to expand the applicability of AD 2003–19–11. We are issuing this AD to prevent chafing and consequent failure of the fuel crossflow tube due to inadequate clearance between the tube and the flight control cables, which could result in loss of fuel from one fuel tank during normal operating conditions or loss of fuel from both main fuel tanks during fuel cross-feeding operations.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 49232, August 13, 2013) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 49232, August 13, 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 49232, August 13, 2013).

Costs of Compliance

We estimate that this AD affects 264 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection [retained actions from AD 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003)].	2 work-hours × $85 per hour = $170	$2	$172	$45,408

We estimate the following costs to do any necessary replacement that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	4 work-hours × $85 per hour = $340	$20	$360

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

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 Directive (AD) 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003), and adding the following new AD:

2013–24–04 Learjet Inc.: Amendment 39–17678; Docket No. FAA–2013–0691; Directorate Identifier 2012–NM–170–AD.

(a) Effective Date

This AD is effective March 14, 2014.

(b) Affected ADs

This AD supersedes AD 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003).

(c) Applicability

This AD applies to Learjet Inc. Model 60 airplanes, certificated in any category, serial numbers 60–001 through 60–409 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by a report that airplanes produced since 2003 might also be subject to the unsafe condition; and that the minimum allowable clearance is not established in the airplane maintenance information. We are issuing this AD to prevent chafing and consequent failure of the fuel crossflow tube due to inadequate clearance between the tube and the flight control cables, which could result in loss of fuel from one fuel tank during normal operating conditions or loss of fuel from both main fuel tanks during fuel cross-feeding operations.

(f) Compliance

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

(g) Retained Part Identification for Airplanes Having Serial Numbers 60–001 Through 60–145 Inclusive

This paragraph restates the part identification required by paragraph (a) of AD 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003). For airplanes having serial numbers 60–001 through 60–145 inclusive: Within 25 flight hours after November 3, 2003 (the effective date of AD 2003–19–11), inspect the fuel crossflow tube to determine whether part number (P/N) 6026020–005 is installed. Instead of inspecting the tube, a review of airplane maintenance records is acceptable if the part number of the tube can be positively determined from that review.

(h) Retained Clearance Measurement and Corrective Action for Airplanes Having Serial Numbers 60–001 Through 60–145 Inclusive, With Revised Repair Language

This paragraph restates the clearance measurement and corrective action required by paragraph (b) of AD 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003), with revised repair language. For airplanes having serial numbers 60–001 through 60–145 inclusive: If P/N 6026020–005 is found installed during the review or inspection required by paragraph (g) of this AD, before further flight, measure the clearance between the fuel crossflow tube and the flight control cables to determine if it is at least 0.35 inch, per paragraph 2.B.(8) of the Accomplishment Instructions of Bombardier Alert Service Bulletin A60–28–3, Revision 2, dated October 26, 1998.

(1) If the clearance is 0.35 inch or more, no further action is required by this paragraph.

(2) If the clearance is less than 0.35 inch, before further flight, repair in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Wichita ACO, as required by

this paragraph, the Manager's approval letter must specifically refer to this AD.

Note 1 to paragraphs (h) and (j) of this AD: Bombardier Alert Service Bulletin A60–28–3, Revision 2, dated October 26, 1998, Figure 1, Detail D, incorrectly identifies the fuel crossflow tube to be installed as P/N 6026020–001. The manufacturer is aware of this error and stated it plans to correct the part number in the next revision of the service information.

(i) Retained Part Replacement, Measurement, and Repair for Airplanes Having Serial Numbers 60–001 Through 60–055 Inclusive, With Revised Repair Language

This paragraph restates the part replacement, clearance measurement, and corrective action required by paragraph (c) of AD 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003), with revised repair language. For airplanes having serial numbers 60–001 through 60–055 inclusive: If P/N 6026020–005 is not found installed during the review or inspection required by paragraph (g) of this AD, within 90 days after accomplishing the review or inspection, replace the existing fuel crossflow tube with a new fuel crossflow tube having P/N 6026020–005, and measure the clearance between the newly installed fuel crossflow tube and the flight control cables, per paragraph 2.A. of the Accomplishment Instructions of Bombardier Service Bulletin 60–28–4, Revision 2, dated August 22, 2001.

(1) If the clearance is 0.35 inch or more, no further action is required by this paragraph.

(2) If the clearance is less than 0.35 inch, before further flight, repair in accordance with a method approved by the Manager, Wichita ACO, FAA. For a repair method to be approved by the Manager, Wichita ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(j) Retained Part Replacement, Measurement, and Repair for Airplanes Having Serial Numbers 60–056 Through 60–145 Inclusive, With Revised Repair Language

This paragraph restates the part replacement, clearance measurement, and corrective action required by paragraph (d) of AD 2003–19–11, Amendment 39–13314 (68 FR 55812, September 29, 2003), with revised repair language. For airplanes having serial numbers 60–056 through 60–145 inclusive: If P/N 6026020–005 is not found installed during the review or inspection required by paragraph (g) of this AD, within 90 days after accomplishing the review or inspection, replace the existing fuel crossflow tube with a new fuel crossflow tube having P/N 6026020–005, and measure the clearance between the newly installed fuel crossflow tube and the flight control cables to determine if the clearance is at least 0.35 inch, per paragraph 2.B. of the Accomplishment Instructions of Bombardier Alert Service Bulletin A60–28–3, Revision 2, dated October 26, 1998.

(1) If the clearance is 0.35 inch or more, no further action is required by this paragraph.

(2) If the clearance is less than 0.35 inch, before further flight, repair in accordance with a method approved by the Manager, Wichita ACO, FAA. For a repair method to be approved by the Manager, Wichita ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(k) New Part Identification

For airplanes having serial numbers 60–001 through 60–409 inclusive: Within 25 flight hours after the effective date of this AD, inspect the fuel crossflow tube to determine whether P/N 6026020–005 is installed. In lieu of inspecting the tube, a review of airplane maintenance records is acceptable if the part number of the tube can be positively determined from that review.

(l) New Clearance Measurement

If P/N 6026020–005 is found installed during the inspection required by paragraph (k) of this AD, before further flight, measure the clearance between the fuel crossflow tube and both elevator control cables to determine if it is 0.35 inch or more, in accordance with paragraph 2.A.(9) of the Accomplishment Instructions of Bombardier Service Bulletin 60–28–4, Revision 2, dated August 22, 2001.

(1) If the clearance is 0.35 inch or more, no further action is required by this paragraph.

(2) If the clearance is less than 0.35 inch, before further flight, adjust the fit of the P/N 6026020–005 tube to provide 0.35 inch or more clearance to both elevator control cables, in accordance with paragraph 2.A.(9) of the Accomplishment Instructions of Bombardier Service Bulletin 60–28–4, Revision 2, dated August 22, 2001. If the tube shows any indication of chafing from the control cables, before further flight, replace the fuel crossflow tube with a new fuel crossflow tube, in accordance with paragraph 2.A.(9) of the Accomplishment Instructions of Bombardier Service Bulletin 60–28–4, Revision 2, dated August 22, 2001.

(m) New Repetitive Measurements

For all airplanes: As of the effective date of this AD and after accomplishing the inspection required by paragraph (g) or (k) of this AD, as applicable: Before further flight after removal, replacement, or adjustment of any crossflow tube, fuel crossflow drain valve, fuel crossflow valve or related plumbing and fittings, and elevator control cable, measure the clearance between the fuel crossflow tube and the flight control cables, in accordance with paragraph 2.A.(9) of the Accomplishment Instructions of Bombardier Service Bulletin 60–28–4, Revision 2, dated August 22, 2001.

(1) If the clearance is 0.35 inch or more, no further action is required by this paragraph.

(2) If the clearance is less than 0.35 inch, before further flight, adjust the fit of the P/N 6026020–005 tube to provide 0.35 inch or more clearance to both elevator control cables, in accordance with paragraph 2.A.(9) of the Accomplishment Instructions of Bombardier Service Bulletin 60–28–4, Revision 2, dated August 22, 2001.

(n) Reporting Requirement

Submit a report of the findings of the initial measurement required by paragraph (l) of this AD to the Wichita Manufacturing Inspection District Office, 2204 South Tyler Road, Wichita, KS 67209–3001, at the applicable time specified in paragraph (n)(1) or (n)(2) of this AD. The report must include the airplane registration, serial number, the total time in service, and the measured clearance found between the fuel crossflow tube and the elevator control cables after the initial inspection.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(o) Part Installation Prohibition

As of the effective date of AD, only fuel crossflow tubes having P/N 6026020–005 may be installed on any airplane.

(p) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(q) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita 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 (r) of this AD.

(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.

(r) Related Information

For more information about this AD, contact Jeff Janusz, Aerospace Engineer, Propulsion Branch, ACE–116W, FAA, Wichita ACO, 1801 Airport Road, Room 100, Wichita, KS 67209; phone: 316–946–4148; fax: 316–946–4107; email: *jeff.janusz@faa.gov*.

(s) 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 November 3, 2003 (68 FR 55812, September 29, 2003).

(i) Bombardier Alert Service Bulletin A60–28–3, Revision 2, dated October 26, 1998.

(ii) Bombardier Service Bulletin 60–28–4, Revision 2, dated August 22, 2001.

(4) For service information identified in this AD, contact Learjet, Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(5) 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.

(6) 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 27, 2013.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02464 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0538; Directorate Identifier 2012–NM–212–AD; Amendment 39–17728; AD 2014–01–05]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain the Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by a report of cracks in stringer splices at body station STA 360 and STA 908, between stringer (S) S–10L and S–10R; cracks in butt straps between S–5L and S–3L, and S–3R and S–5R; vertical chem-mill fuselage skin cracks at certain butt joints; and an instance of cracking that occurred in all those three structural elements on one airplane. This AD requires repetitive inspections for any cracking of stringer splices and butt straps, and related corrective and investigative actions if necessary. We are issuing this AD to detect and correct cracking in the three structural elements, which could result in the airplane not being able to sustain limit load requirements and possibly result in uncontrolled decompression.

DATES: This AD is effective March 14, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 14, 2014.

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* by searching for and locating Docket No. FAA–2013–0538; 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: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6447; fax: (425) 917–6590; email: *wayne.lockett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on June 27, 2013 (78 FR 38608). The NPRM was prompted by a report of cracks in stringer splices at body station STA 360 and STA 908, between stringer (S) S–10L and S–10R; cracks in butt straps between S–5L and S–3L, and S–3R and S–5R; vertical chem-mill fuselage skin cracks at certain butt joints; and an instance of cracking that occurred in all those three structural elements on one airplane. The NPRM proposed to require repetitive inspections for any cracking of stringer splices and butt straps, and related corrective and investigative actions if necessary. We are issuing this AD to detect and correct cracking in the three structural elements, which could result in the airplane not being able to sustain limit load requirements and possibly result in uncontrolled decompression.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 38608, June 27, 2013) and the FAA's response to each comment.

Request to Clarify That Post-Repair Inspections Are Not Required by This Final Rule

Boeing requested clarification that Table 11, ''Stringer Splice Post Repair Inspection,'' in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, is not required by paragraph (h) of the NPRM (78 FR 38608, June 27, 2013). Boeing suggested that paragraph (h) of the NPRM be revised to include an exception phrase that references paragraph (i) of the NPRM. Boeing stated that the inspections specified in Table 11, ''Stringer Splice Post Repair Inspection,'' in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, are required to support operating requirements for complying with section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). Boeing also stated that the way the sentences of paragraph (h) of the NPRM are arranged, the sentences for doing corrective actions and repeating inspections seem to link the corrective actions and the repetitive inspections and imply that Table 11, ''Stringer Splice Post Repair Inspection,'' in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, is required by both the NPRM and the Federal Aviation Regulations.

We agree to provide clarification, but we do not agree to revise this final rule. Paragraph (h) of the final rule indicates that after the corrective actions are accomplished on a cracked stringer splice, the repetitive inspections are terminated for that stringer splice only. The sentence that includes the phrase ''repeat the applicable inspections'' is not intended to imply any requirement to accomplish the post repair inspections specified in Table 11, ''Stringer Splice Post Repair Inspection,'' in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012. Paragraph (i) of this final rule also indicates that accomplishing Table 11, ''Stringer Splice Post Repair Inspection,'' in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, is not required. No change to the final rule is necessary in this regard.

Request To Reference Alternative Service Information Instead of Contacting the Manufacturer for Corrective Actions

Southwest Airlines requested that paragraph (j)(1) of the NPRM (78 FR 38608, June 27, 2013) be revised to reference certain service information for corrective action instructions instead of requiring corrective actions that involve contacting the FAA or the Boeing Commercial Airplanes Organization Designation Authorization (ODA) for instructions. Southwest Airlines proposed that paragraph (j)(1) of the NPRM be changed to instead require replacement of cracked butt splice straps using a Boeing production drawing and require inspections for cracking in the fuselage skin using certain portions and revisions of Boeing Service Bulletins 737–53A1210 or 737–53A1234. Southwest Airlines also suggested referencing Repair 31 of section 53–00–01–2R in the Boeing 737–300/–500 Structural Repair Manual as an acceptable means of compliance for repairing any cracking or damage found on the fuselage skins.

We do not agree. The specific skin inspection requirements after finding a cracked butt joint splice strap might not be covered by the inspections provided in Boeing Service Bulletins 737–53A1210 or 737–53A1234. The specific skin inspection requirements will be developed based on the specific butt strap cracking that is found, and specific repairs will be developed based on the skin cracking that is found. Operators may request approval of an alternative method of compliance using the procedures specified in paragraph (k) of this AD. We have not changed this final rule in this regard.

Request To Exclude Service Information Note for Corrosion Findings

Southwest Airlines requested that the NPRM (78 FR 38608, June 27, 2013) be revised to exclude General Information Note 12 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, from the required actions of the final rule. Southwest Airlines stated that General Information Note 12 specifies to contact Boeing for repair instructions if corrosion is found. Southwest Airlines pointed out that the NPRM does not propose any inspections for corrosion and suggested that any findings of corrosion during the accomplishment of the requirements of this final rule be addressed using the operator's maintenance program.

We agree to revise this final rule. Cracking, not corrosion, is the primary safety concern addressed by this final rule. If any corrosion is found during any inspection for cracking that is required by this final rule, the corrective action for the corrosion should be provided by the operator's maintenance program. We have added paragraph (j)(3) to this final rule to remove the requirement to comply with General Information Note 12 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012.

Request To Exclude Service Information Note for Deviations From Modification Drawings

Southwest Airlines requested that paragraph (j) of the NPRM (78 FR 38608, June 27, 2013) be revised to provide an exclusion of General Information Note 16 from the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012. Southwest Airlines describes General Information Note 16 as specifying to contact Boeing if the fastener patterns, types, and sizes, or the structure does not agree with the production drawing requirements or applicable modification drawing requirements. Southwest Airlines stated that since there are previous FAA-approved repairs and deviations to modification drawings, and the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, specify actions to remove and install structure and fasteners, Southwest Airlines expected to encounter numerous conditions that would prevent complying with the actions detailed in the figures of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012.

We do not agree to exclude General Information Note 16 from the requirements of this final rule to accomplish actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012. The previously approved repairs or deviations to modification drawings may require changes to the inspection methods used and structure that may require removal to accomplish the inspection required by this final rule. Any change from the procedures specified in the service information must be approved as an AMOC under paragraph (k) of the final rule. We have not changed this final rule in this regard.

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 38608, June 27, 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 38608, June 27, 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 612 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	Up to 362 work-hours × $85 per hour = $30,770, per inspection cycle.	None	Up to $30,770, per inspection cycle.	Up to $18,831,240, per inspection cycle.
Removal and reinstallation of butt strap fastener(s).	Up to 2 work-hours × $85 per hour = $170, per inspection cycle.	$0	Up to $170, per inspection cycle.	Up to $104,040, per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Stringer splice replacement	3 work-hours × $85 per hour = $255	Operator-supplied, information not available.	$255

The work-hour estimate and parts cost information are not available for estimating the cost of a butt strap replacement.

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

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 adding the following new airworthiness directive (AD):

2014–01–05 The Boeing Company: Amendment 39–17728; Docket No. FAA–2013–0538; Directorate Identifier 2012–NM–212–AD.

(a) Effective Date

This AD is effective March 14, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certified in any category, as identified in Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report of cracks in stringer splices at body station STA 360 and STA 908, between stringer (S) S–10L and S–10R; cracks in butt straps between S–5L and S–3L, and S–3R and S–5R; vertical chem-mill fuselage skin cracks at certain butt joints; and an instance of cracking that occurred in all those three structural elements on one airplane. We are issuing this AD to detect and correct cracking in the three structural elements, which could result in the airplane not being able to sustain limit load requirements and possibly result in uncontrolled decompression.

(f) Compliance

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

(g) Actions for Group 1 Airplanes

For Group 1 airplanes, as identified in Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012: At the compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, except as provided by paragraph (j)(2) of this AD, inspect the stringers and butt straps and repair as applicable, using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(h) Actions for Groups 2 Through 6 Airplanes

For Groups 2 through 6 airplanes, as identified in Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012: At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing

Alert Service Bulletin 737–53A1322, dated November 5, 2012, do the applicable inspections for cracking identified in paragraphs (h)(1) through (h)(4) of this AD, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, except as provided by paragraph (j) of this AD. Do all applicable corrective actions before further flight. Thereafter, repeat the applicable inspections at the compliance times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012. Accomplishing the corrective actions for a cracked stringer splice, as specified in Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, terminates the repetitive inspections required by this paragraph for that stringer splice only.

(1) Internal detailed inspections of the stringer splices and butt straps.

(2) Internal high-frequency eddy current (HFEC) surface inspections of the butt straps.

(3) Internal low-frequency eddy current (LFEC) inspection of the butt straps.

(4) HFEC open hole rotary probe inspections of butt straps or of one location of a butt strap, as applicable.

(i) Post-Repair Inspections

The post-repair inspection specified in Table 11 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, is not required by this AD.

Note 1 to paragraph (i) of this AD: The post-repair inspections specified in Table 11 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, may be used in support of compliance with section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). The corresponding actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, are not required by this AD.

(j) Exceptions to the Service Information

(1) Where Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, specifies to contact Boeing for appropriate action: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(2) Where Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(3) Where General Information Note 12 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012, specifies contacting Boeing, this AD does not require the actions specified in that note.

(k) 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 (l) 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.

(l) Related Information

For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6447; fax: (425) 917–6590; email: *wayne.lockett@faa.gov*.

(m) 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) Boeing Alert Service Bulletin 737–53A1322, dated November 5, 2012.

(ii) Reserved.

(3) 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*.

(4) You may view this service information at FAA, 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.

(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 Renton, Washington, on January 7, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02419 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0793; Directorate Identifier 2012–NM–138–AD; Amendment 39–17727; AD 2014–01–04]

RIN 2120–AA64

Airworthiness Directives; Bae Systems (Operations) Limited Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Bae Systems (Operations) Limited Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes. This AD was prompted by reports of excess solder deposited during overhaul on the frangible plug of a fire extinguisher, which prevented the release of the extinguishant. This AD requires a one-time inspection of certain engine and auxiliary power unit (APU) fire extinguishers to determine if the fire extinguishers are affected by excessive solder and corrective actions if necessary. We are issuing this AD to prevent the failure of a fire extinguisher to discharge, which reduces the ability of the fire protection system to extinguish fires in the engine or APU fire zones, possibly resulting in damage to the airplane and injury to the passengers.

DATES: This AD becomes effective March 14, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 14, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0793* or in person at the 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.

For Bae Systems (Operations) Limited service information identified in this AD, contact Bae Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm*. For Kidde Graviner service information

identified in this AD, contact Kidde Graviner Limited, Mathisen Way, Colnbrook, Slough, Berkshire, SL3 0HB, United Kingdom; telephone +44 (0) 1753 683245; fax +44 (0) 1753 685040. 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.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Bae Systems (Operations) Limited Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes. The NPRM published in the **Federal Register** on September 25, 2013 (78 FR 58960). The NPRM was prompted by reports of excess solder deposited during overhaul on the frangible plug of a fire extinguisher, which prevented the release of the extinguishant. The NPRM proposed to require a one-time inspection of certain engine and auxiliary power unit (APU) fire extinguishers to determine if the fire extinguishers are affected by excessive solder and corrective actions if necessary. We are issuing this AD to prevent the failure of a fire extinguisher to discharge, which reduces the ability of the fire protection system to extinguish fires in the engine or APU fire zones, possibly resulting in damage to the airplane and injury to the passengers.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0126R1, dated September 10, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> A fire handle on a BAe 146 aeroplane was operated on the ground as a precautionary measure after the throttle cable on the affected engine failed, due to corrosion. The extinguisher failed to discharge.
>
> Investigation results revealed that excess solder, which had been deposited during overhaul on the frangible plug of the extinguisher, prevented the release of the extinguishant. Prompted by this report, Kidde Graviner, the fire extinguisher manufacturer, identified four further extinguishers of similar design that had the same issue.
>
> This condition, if not detected and corrected, could result in the failure of a fire bottle to discharge, which reduces the ability of the fire protection system to extinguish fires in the engine or Auxiliary Power Unit (APU) fire zones, possibly resulting in damage to the aeroplane and injury to the occupants.
>
> For the reasons described above, EASA issued AD 2012–0126 to require a one-time inspection of the affected Part Number (P/N) 57333 engine and APU fire extinguishers. In addition, this [EASA] AD prohibited installation of a fire extinguisher, unless it has passed the inspection as required by [EASA] AD 2012–0126.
>
> Revision 1 of this [EASA] AD is issued to clarify that new extinguishers P/N 57333 may be fitted with no additional inspection required by this [EASA] AD.

Required actions include installing a new unit or overhauling the unit if any solder is found during the inspection.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0793-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 58960, September 25, 2013) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 58960, September 25, 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 58960, September 25, 2013).

Costs of Compliance

We estimate that this AD affects 1 airplane of U.S. registry.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $85, or $85 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 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 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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0793;* 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 street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section.

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 AD:

2014–01–04 Bae Systems (Operations) Limited: Amendment 39–17727. Docket No. FAA–2013–0793; Directorate Identifier 2012–NM–138–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 14, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bae Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes; and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes; certificated in any category; all models, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Reason

This AD was prompted by reports of excess solder deposited during overhaul on the frangible plug of the extinguisher, which prevented the release of the extinguishant. We are issuing this AD to prevent the failure of a fire extinguisher to discharge, which reduces the ability of the fire protection system to extinguish fires in the engine or auxiliary power unit (APU) fire zones, possibly resulting in damage to the airplane and injury to the passengers.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Inspection and Corrective Action

For airplanes equipped with fire extinguishers manufactured by Kidde Graviner Limited having part number (P/N) 57333 (all dash numbers): Within 12 months after the effective date of this AD, do an x-ray inspection to determine if there is solder between the operating head and container of the fire extinguishers in the engine and APU, in accordance with the Accomplishment Instructions of Bae Systems (Operations) Limited Inspection Service Bulletin ISB. 26–078, dated September 21, 2011; or Kidde Graviner Service Bulletin 26–080, Revision 1, dated July 27, 2011; as applicable.

(1) If any solder is found, before further flight, do the action specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD, in accordance with the Accomplishment Instructions of Kidde Graviner Service Bulletin 26–080, Revision 1, dated July 27, 2011.

(i) Overhaul the fire extinguisher and install. An overhaul includes the replacement of the operating head. Replacement of the pressure relief plug assembly only is not considered an overhaul.

(ii) Install a new fire extinguisher.

(2) If no solder is found, no further action is required by this paragraph.

(h) Parts Installation Limitation

As of the effective date of this AD, no person may install a Kidde Graviner Limited fire extinguisher having P/N 57333 (any dash number), on any airplane, unless the fire extinguisher is new, or it has been determined that there is no solder between the operating head and container of the fire extinguishers as required by paragraph (g) of this AD, or has been overhauled in accordance with the Accomplishment Instructions of Kidde Graviner Service Bulletin 26–080, Revision 1, dated July 27, 2011.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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. The AMOC approval letter must specifically reference this AD.

(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.

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2012–0126R1, dated September 10, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0793-0002.*

(k) 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 this AD specifies otherwise.

(i) Bae Systems (Operations) Limited Inspection Service Bulletin ISB. 26–078, dated September 21, 2011.

(ii) Kidde Graviner Limited Service Bulletin 26–080, Revision 1, dated July 27, 2011.

(3) For Bae Systems (Operations) Limited service information identified in this AD, contact Bae Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.*

(4) For Kidde Graviner service information identified in this AD, contact Kidde Graviner Limited, Mathisen Way, Colnbrook, Slough, Berkshire, SL3 0HB, United Kingdom; telephone +44 (0) 1753 683245; fax +44 (0) 1753 685040.

(5) You may view this 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.

(6) 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 January 7, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02451 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0997; Directorate Identifier 2012–NM–060–AD; Amendment 39–17729; AD 2014–02–01]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2011–03–

13 for certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, and Model CL–600–2D24 (Regional Jet Series 900) airplanes. AD 2011–03–13 required repetitive inspections of the rudder travel limiter (RTL) return springs and primary actuator, and corrective actions if necessary. This new AD requires replacing certain RTL return springs, including doing related investigative and corrective actions, if necessary; which is terminating action for the repetitive inspections. This new AD also revises the applicability. This AD was prompted by reports of failure of the RTL return spring. We are issuing this AD to prevent failure of the RTL, which would permit an increase of rudder authority beyond normal structural limits and consequently affect the controllability of the airplane.

DATES: This AD becomes effective March 14, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 14, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of March 14, 2011 (76 FR 6539, February 7, 2011).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2012-0997;* or in person at the 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.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.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.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228–7318; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011). AD 2011–03–13 applied to certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, and Model CL–600–2D24 (Regional Jet Series 900) airplanes. The NPRM published in the **Federal Register** on September 24, 2012 (77 FR 58787). The NPRM was prompted by reports of failure of the RTL return spring. The NPRM proposed to continue to require repetitive inspections of the rudder travel limiter (RTL) return springs and primary actuator, and corrective actions if necessary. The NPRM also proposed to require replacing certain RTL return springs, including doing related investigative and corrective actions, if necessary. The NPRM also proposed to revise the applicability. We are issuing this AD to prevent failure of the RTL, which would permit an increase of rudder authority beyond normal structural limits and consequently affect the controllability of the airplane.

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, has issued Canadian Airworthiness Directive CF–2010–18R1, dated March 19, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Rudder Travel Limiter (RTL) return spring, part number (P/N) E0650–069–2750S, failed prior to completion of the required endurance test. In addition, the replacement RTL return spring, P/N 670–93465–1 (see Note) was found to be susceptible to chafing on the primary actuator, which could also result in eventual dormant spring failure. There are two return springs in the RTL and if both springs failed, a subsequent mechanical disconnect of the RTL components would result in an unannunciated failure of the RTL. This, in turn, would permit an increase of rudder authority beyond normal structural limits and, in the event of a strong rudder input, the controllability of the aeroplane could be affected.
>
> Note: RTL return springs, P/N 670–93465–1, were installed in production aeroplanes serial number 10266 (CL–600–2C10) and 15182 (CL–600–2D24) respectively and were introduced in-service by [Bombardier] Service Bulletin (SB) 670BA–27–047. [Bombardier] SB 670BA–27–047 has since been superseded by [Bombardier] SB 670BA–27–055.
>
> This [TCCA] AD mandates repetitive [detailed] visual inspection of the RTL [for broken] return springs and [damage through the casing or chafing of the casing of the] primary actuator, [and] replacement of parts as necessary.
>
> This revision mandates the installation of the RTL return spring, P/N BA670–93468–1, as a terminating action to this [TCCA] AD.

This AD expands the applicability by adding Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplane, serial number 10002. This AD also reduces the applicability by removing Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes serial numbers 10334 and subsequent; and also removes Model CL–600–2D15, serial numbers 15289 and subsequent. The installation consists of replacing certain RTL return springs with new springs and doing related investigative and corrective actions, if necessary. The related investigative action is a detailed inspection of the casing of the primary actuator for signs of chafing or missing paint. Corrective actions include replacing any broken return spring with a new spring, repairing any chafing of the primary actuator on its casing, and replacing any primary actuator that has damage through its casing with a new actuator. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2012-0997-0003*.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Correct Service Information

Mesa Air Lines Inc. (Mesa) requested that we correct a step sequence in Bombardier Service Bulletin 670BA–27–059, Revision A, dated March 8, 2012. Mesa stated that step (6) of the job set-up section, in Bombardier Service Bulletin 670BA–27–059, Revision A, dated March 8, 2012, specifies installing the rig pin. Mesa stated that it is not until step (10) that Bombardier Service Bulletin 670BA–27–059, Revision A, dated March 8, 2012, specifies removing panels 325DL and 325EL, and that removing these panels is necessary to install the rig pin.

We agree with the commenter's request regarding the incorrect step sequence. The manufacturer has issued Revision B to Bombardier Service Bulletin 670BA–27–059, dated September 26, 2013, which corrects the step sequence. We have revised paragraph (j) of this final rule to reference Bombardier Service Bulletin 670BA–27–059, Revision B, dated September 26, 2013; and added Bombardier Service Bulletin 670BA–27–

059, Revision A, dated March 8, 2012, to paragraph (k)(2) in this final rule to provide credit for the actions required by paragraph (j) of this AD, if those actions were performed before the effective date of this AD.

Request To Clarify Part Information

Mesa observed that Bombardier Service Bulletin 670BA–27–059, Revision A, dated March 8, 2012, does not mention, reference, or address part number (P/N) BA670–93470–5 (rudder travel limiter). Mesa asked whether Bombardier Service Bulletin 670BA–27–059, Revision A, dated March 8, 2012, or the proposed AD (77 FR 58787, September 24, 2012) applies to its airplanes, since the service information does not reference P/N BA670–93470–5.

We agree that clarification is necessary. Only paragraph (j) of this final rule refers to Bombardier Service Bulletin 670BA–27–059, Revision B, dated September 26, 2013. Paragraph (j) of this final rule affects airplanes having parts identified in paragraphs (j)(1) and (j)(2) of this final rule, and P/N BA670–93470–5 is not identified. Therefore, operators are not required to do the actions specified in paragraph (j) of this final rule on airplanes having P/N BA670–93470–5.

However, airplanes having P/N BA670–93470–5 are still affected by this final rule. This AD applies to airplanes having serial numbers identified in paragraph (c) of this final rule; paragraph (c) of this final rule does not exclude airplanes having specific parts. All operators of the airplanes identified in applicability of this final rule must show compliance with the provisions of this final rule, including a determination that specific paragraphs do not apply. We have not changed this final rule in this regard.

Conclusion

We reviewed the available data, including 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 changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 58787, September 24, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 58787, September 24, 2012).

Costs of Compliance

We estimate that this AD affects 366 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection [actions retained from AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011)].	2 work-hours × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle	$62,220 per inspection cycle.
Replacement [new action]	8 work-hours × $85 per hour = $680.	1,291	$1,971	$721,386.

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 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 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.

Examining the AD Docket

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2012-0997-0003;* 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 regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section.

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 directive (AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011), and adding the following new AD:

2014–02–01 Bombardier, Inc.: Amendment 39–17729. Docket No. FAA–2012–0997; Directorate Identifier 2012–NM–060–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 14, 2014.

(b) Affected ADs

This AD supersedes AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011).

(c) Applicability

This AD applies to the Bombardier, Inc. airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10002 through 10333 inclusive.

(2) Model CL–600–2D15 (Regional Jet Series 705) airplanes; and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15288 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports of failure of the rudder travel limiter (RTL) return spring. We are issuing this AD to prevent failure of the RTL, which would permit an increase of rudder authority beyond normal structural limits and consequently affect the controllability of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Retained Initial Inspections and Replacement/Repair for Certain Airplanes

This paragraph restates the requirements of paragraph (g) of AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011). Except for Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplane, serial number 10002, for airplanes that have accumulated 4,000 or less total flight hours as of March 14, 2011 (the effective date of AD 2011–03–13): Before the accumulation of 6,000 total flight hours, do a detailed inspection of the RTL for broken return springs and damage through the casing, or chafing of the casing of the primary actuator, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–055, Revision A, dated August 6, 2010. Before further flight, replace any broken return springs with new springs, and repair or replace with a new actuator any chafed or damaged primary actuator, as applicable, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–055, Revision A, dated August 6, 2010. Repeat the inspection thereafter at intervals not to exceed 6,000 flight hours. Accomplishment of the actions required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Initial Inspections and Replacement/Repair for Certain Higher Flight Time Airplanes

This paragraph restates the requirements of paragraph (h) of AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011). Except for Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplane, serial number 10002, for airplanes that have accumulated more than 4,000 total flight hours as of March 14, 2011 (the effective date of AD 2011–03–13): Within 2,000 flight hours after March 14, 2011 (the effective date of AD 2011–03–13), do a detailed inspection of the RTL for broken return springs and damage through the casing, or chafing of the casing of the primary actuator, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–055, Revision A, dated August 6, 2010. Before further flight, replace any broken return springs with new springs, and repair or replace any chafed or damaged primary actuator with a new actuator, as applicable, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–055, Revision A, dated August 6, 2010. Repeat the inspection thereafter at intervals not to exceed 6,000 flight hours. Accomplishment of the actions required by paragraph (j) of this AD terminates the requirements of this paragraph.

(i) New RTL Spring Inspection and Replacement for a Certain Airplane

For Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplane, serial number 10002, at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD: Do a detailed inspection of the RTL for broken return springs and damage through the casing, or chafing of the casing of the primary actuator, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–055, Revision A, dated August 6, 2010. Before further flight, replace any broken return springs with new springs, and repair or replace with a new actuator any chafed or damaged primary actuator, as applicable, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–055, Revision A, dated August 6, 2010. Repeat the inspection thereafter at intervals not to exceed 6,000 flight hours. Accomplishment of the applicable actions required by paragraph (j) of this AD terminates the requirements of this paragraph.

(1) If the airplane has accumulated 4,000 or less total flight hours as of the effective date of this AD: Before the accumulation of 6,000 total flight hours.

(2) If the airplane has accumulated more than 4,000 total flight hours as of the effective date of this AD: Within 2,000 flight hours after the effective date of this AD.

(j) New RTL Spring Replacement

At the applicable time specified in paragraph (j)(1) or (j)(2) of this AD: Replace the RTL return springs with new springs, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–059, Revision B, dated September 26, 2013. Do all applicable related investigative and corrective actions before further flight. Accomplishment of the applicable actions required by this paragraph terminates the requirements of paragraphs (g), (h), and (i) of this AD.

(1) For airplanes with RTL return springs having part number (P/N) 670–93465–1: Within 6,000 flight cycles after the effective date of this AD.

(2) For airplanes with RTL return springs having P/N E0650–069–2750S: At the applicable time specified in paragraph (j)(2)(i), (j)(2)(ii), or (j)(2)(iii) of this AD.

(i) For airplanes with 15,400 total flight cycles or more as of the effective date of this AD: Within 2,000 flight cycles after the effective date of this AD.

(ii) For airplanes with 5,200 total flight cycles or more, but less than 15,400 total flight cycles as of the effective date of this AD: Within 5,000 flight cycles after the effective date of this AD, but not to exceed 17,400 total flight cycles.

(iii) For airplanes with less than 5,200 total flight cycles as of the effective date of this AD: Before accumulating 10,200 total flight cycles.

(k) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before March 14, 2011 (the effective date of AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011)), using Bombardier Service Bulletin 670BA–27–055, dated May 11, 2010, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions required by paragraph (j) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 670BA–27–059, dated October 12, 2011; or Bombardier Service Bulletin 670BA–27–059, Revision A, dated March 8, 2012; which are not incorporated by reference in this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, 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: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7300; fax 516–794–5531. 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. The AMOC approval letter must specifically reference this AD. AMOCs approved previously in accordance with AD 2011–03–13, Amendment 39–16597 (76 FR 6539, February 7, 2011), are approved as AMOCs for this AD.

(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.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2010–18R1, dated March 19, 2012, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2012-0997-0003.*

(2) Service information identified in this AD that is not incorporated by reference may be obtained at the addresses specified in paragraphs (n)(5) and (n)(6) of this AD.

(n) 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 this AD specifies otherwise.

(3) The following service information was approved for IBR on March 14, 2014.

(i) Bombardier Service Bulletin 670BA–27–059, Revision B, dated September 26, 2013.

(ii) Reserved.

(4) The following service information was approved for IBR on March 14, 2011 (76 FR 6539, February 7, 2011).

(i) Bombardier Service Bulletin 670BA–27–055, Revision A, dated August 6, 2010.

(ii) Reserved.

(5) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(6) You may view this 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.

(7) 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 January 10, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02468 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0039; Directorate Identifier 2013–SW–058–AD; Amendment 39–17737; AD 2014–02–09]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France (Eurocopter) Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Eurocopter Model EC225LP and AS332L1 helicopters with emergency floatation gear. The AD requires, before the next overwater flight, inspecting the strap installation on the hinged rods of the emergency flotation gear on both rear cradles for correct installation. If a strap is installed under the hinged rod median plate rather than over it, reinstalling the strap is required. The AD is prompted by incorrect routing of the straps on the hinged rods of the emergency flotation gear rear cradles. The actions are intended to detect incorrect strap installation and prevent failure of the rods or straps upon deployment of the emergency flotation gear, incorrect float position, and subsequent capsizing of the helicopter.

DATES: This AD becomes effective February 24, 2014.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of February 24, 2014.

We must receive comments on this AD by April 8, 2014.

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

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

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 European Aviation Safety Agency (EASA) AD, any incorporated by reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

We are adopting a new AD for Eurocopter Model EC225LP and

AS332L1 helicopters. The AD requires, before the next overwater flight, inspecting the strap installation on the hinged rods of the emergency flotation gear for both rear cradles for correct installation. If at least one strap is incorrectly installed, the AD requires reinstalling the strap over the hinged rod median plate rather than under it. The AD is prompted by incorrect routing of the straps on Model EC225LP. Investigation indicates that the maintenance work cards and tasks for Model EC225LP and AS332L1 helicopters are not specific enough to describe the removal or installation of the emergency flotation gear rear cradle assembly, which can lead to incorrect routing of the straps. The maintenance work cards and tasks for other Eurocopter helicopters are more precise about the removal or installation for the rear cradle.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2013–0237–E, dated September 26, 2013, to correct an unsafe condition for Eurocopter Model EC225LP helicopters equipped with emergency flotation gear and Model AS332L1 helicopters equipped with emergency flotation gear with Eurocopter Modification (MOD) OP26277. EASA advises of incorrect routing of the straps on the hinged rods of left-hand (LH) side and right-hand (RH) side rear cradles of the emergency flotation gear installation on several recently delivered Model EC225 helicopters. According to EASA, the straps were routed over the median plate of the hinged rod instead of under it. EASA further advises that some Model AS332L1 helicopters (those incorporating MOD OP26277) are equipped with an emergency flotation gear of similar design. EASA states that this condition, if not detected and corrected, could lead to failure of the hinged rods and straps upon deployment of the emergency flotation gear during ditching and consequent unsafe positioning of the rear floats, possibly resulting in a helicopter capsizing. Therefore, the EASA AD requires a one-time inspection of the hinged rods of the emergency flotation gear LH and RH rear cradles and accomplishing applicable corrective actions.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, 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.

Related Service Information

Eurocopter issued one Emergency Alert Service Bulletin (EASB), Revision 0, dated September 25, 2013, with four different numbers: No. 25.02.76 relates to the FAA type-certificated Model AS332L1 helicopter and to the military Model AS332M1 helicopter. No. 25.01.62 relates to military Model AS532AL and UL helicopters. No. 25A142 relates to the FAA type-certificated Model EC225LP helicopter. No. 25A060 relates to the military Model EC725AP helicopter. The EASB specifies checking the routing of the straps on the hinged rods of the emergency flotation gear LH and RH rear cradles and making the installation compliant if necessary.

AD Requirements

The AD requires before the next overwater flight:

- Inspecting the strap installation on the hinged rods of the emergency flotation gear on both rear cradles for correct installation.
- If any strap is routed under the hinged rod's median plate, reinstalling the strap so that the strap is routed over the median plate.

Costs of Compliance

We estimate that this AD will affect 14 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work hour. We estimate 0.25 work-hour to inspect each helicopter for correct installation of the strap for a total of $21 per helicopter and $294 for the fleet. We estimate 0.5 work-hour to correct any improper installation of the straps for a total of $43 per helicopter.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. The required corrective actions must be done prior to the next overwater flight, which are prohibited until the inspection of the strap for incorrect routing on the hinged rods of the rear cradles of the emergency flotation gear installation is done. Therefore, we find that the risk to the flying public justifies waiving notice and comment period prior to adopting this rule because some of these helicopters are used exclusively for offshore operations.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in less than 30 days.

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 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, 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):

2014–02–09 Eurocopter France: Amendment 39–17737; Docket No. FAA–2014–0039; Directorate Identifier 2013–SW–058–AD.

(a) Applicability

This AD applies to Model EC225LP helicopters with emergency flotation gear installed and Model AS332L1 helicopters with emergency flotation gear with Eurocopter Modification OP26277 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as incorrect routing of a strap under the hinged rod median plate of an emergency flotation gear rear cradle. This condition could result in failure of the rods or straps upon deployment of the emergency flotation gear, incorrect float position, and subsequent capsizing of the helicopter.

(c) Effective Date

This AD becomes effective February 24, 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

(1) Before the next overwater flight, inspect each left hand and right hand rear cradle strap on the hinged rods of the emergency flotation gear for correct installation as shown in Photo 1, Figure 1, of Eurocopter Emergency Alert Service Bulletin No. 25A142, Revision 0, dated September 25, 2013 (EASB No. 25A142), for Model EC225LP helicopters or EASB No. 25.02.76, Revision 0, dated September 25, 2013 (EASB No. 25.02.76), for Model AS332L1 helicopters. Both straps must be installed over the hinged rod's median plate.

(2) If any strap is installed under the plate as shown in Photo 2, Figure 1, of EASB No. 25A142 or No. 25.02.76, reinstall each incorrectly routed strap so that each strap is installed over the plate as depicted in Figure 2 and Figure 3 of EASB No. 25A142 or No. 25.02.76, as applicable to your model helicopter.

(f) Special Flight Permits

Special flight permits are prohibited for flights over water.

(g) Alternative Methods of Compliance (AMOCs)

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

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013–0237–E, dated September 26, 2013. You may view the EASA AD at *http://www.regulations.gov* in Docket No. FAA–2014–0039.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 3212 Emergency Flotation Section.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 EASB No. 25.02.76, Revision 0, dated September 25, 2013.

(ii) Eurocopter EASB No. 25A142, Revision 0, dated September 25, 2013.

Note 1 to paragraph (i)(2): Eurocopter EASB No. 25.02.76, Revision 0, dated September 25, 2013, and Eurocopter EASB No. 25A142, Revision 0, dated September 25, 2013, are co-published as one document along with Eurocopter EASB No. 25.01.62, Revision 0, dated September 25, 2013, and Eurocopter ASB No. 25A060, Revision 0, dated September 25, 2013, which are not incorporated by reference.

(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 10, 2014.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–01952 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0888; Directorate Identifier 2013–CE–024–AD; Amendment 39–17735; AD 2014–02–07]

RIN 2120–AA64

Airworthiness Directives; Costruzioni Aeronautiche Tecnam srl Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Costruzioni Aeronautiche Tecnam srl Model P2006T airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued 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 of the nose landing gear (NLG) lower link. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective March 14, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 14, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at Document 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 service information identified in this AD, contact Costruzioni Aeronautiche Tecnam Airworthiness Office, Via Maiorise–81043 Capua (CE) Italy; telephone: +39 0823 620134; fax:

+39 0823 622899; email: *m.oliva@tecnam.com* or *g.paduano@tecnam.com;* Internet: *www.tecnam.com/it-IT/documenti/service-bulletins.aspx.* You may view this 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.

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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to Costruzioni Aeronautiche Tecnam srl Model P2006T airplanes. That NPRM was published in the **Federal Register** on October 25, 2013 (78 FR 63907). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> During an inspection of a P2006T, a nose landing gear (NLG) lower link was found with two cracks. The affected NLG lower link is part of NLG lower link assembly P/N 26–8–1417–000.
>
> This condition, if not detected and corrected, could lead to NLG failure, possibly resulting in damage to the aeroplane and injury to the occupants.
>
> To address this potential unsafe condition, Costruzioni Aeronautiche Tecnam (hereafter referred to as Tecnam) issued Service Bulletin (SB) SB–128–CS, providing inspection instructions. Tecnam also developed an improved NLG lower link assembly with P/N 26–8–8000–000, which can be installed in service by accomplishment of Tecnam SB–104–CS.
>
> For the reasons described above, this AD requires, for aeroplanes equipped with NLG lower link assembly P/N 26–8–1417–000, a one-time inspection of the NLG lower link and, depending on findings, accomplishment of the applicable corrective action. This AD also requires installation of the improved NLG lower link assembly P/N 26–8–8000–000.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!searchResults;rpp=25;po=0;s=FAA-2013-0888;fp=true;ns=true.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 63907, October 25, 2013) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 63907, October 25, 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 63907, October 25, 2013).

Costs of Compliance

We estimate that this AD will affect 7 products of U.S. registry. We also estimate that it would take about .5 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $297.50, or $42.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 6 work-hours and require parts costing $1,800, for a cost on U.S. operators of $16,170, or $2,310 per product. We have no way of determining the number of products that may need these actions.

According to the manufacturer, some of the costs of this AD may 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 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 this AD:

(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.

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 the NPRM, 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.

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 AD:

2014–02–07 Costruzioni Aeronautiche Tecnam srl: Amendment 39–17735; Docket No. FAA–2013–0888; Directorate Identifier 2013–CE–024–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 14, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Costruzioni Aeronautiche Tecnam srl Model P2006T airplanes, serial numbers (S/N) 001/US through S/N 9999/US, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing Gear.

(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 cracking of the nose landing gear (NLG) lower link. We are issuing this AD to detect and correct cracks in an NLG lower link, which could lead to NLG failure, possibly resulting in damage to the airplane and injury to the occupants.

(f) Actions and Compliance

Unless already done, do the following actions as specified in paragraphs (f)(1) through (f)(5) of this AD:

(1) For airplanes with an NLG lower link assembly part number (P/N) 26–8–1417–000 installed, within the next 25 hours time-in-service (TIS) after March 14, 2014 (the effective date of this AD) or within the next 30 days after March 14, 2014 (the effective date of this AD), whichever occurs first, do a detailed inspection of the NLG lower link P/N 26–8–1417–1 (this is in the NLG–000 assembly) following Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013.

(2) If a crack is detected during the inspection required by paragraph (f)(1) of this AD, before further flight, replace the NLG lower link assembly with an improved assembly. Follow the instructions in Costruzioni Aeronautiche Tecnam Job Card 442, P2006T NLG upper link replacement, Revision 1, dated February 11, 2013; Costruzioni Aeronautiche Tecnam Job Card 468, New NLG Spring replacement, dated October 12, 2012; or Costruzioni Aeronautiche Tecnam Job Card 528, P2006T NLG retraction spring installation, Revision 1, dated April 2, 2013, as applicable, as specified in Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013.

Note 1 to paragraphs (f)(2) and (f)(3) of this AD: Although Costruzioni Aeronautiche Tecnam Job Card 442, Revision 1, dated February 11, 2013, is designated P2006T NLG upper link replacement, it still pertains to the replacement of the lower link.

(3) Unless already done as required by paragraph (f)(2) of this AD, within the next 50 hours TIS after March 14, 2014 (the effective date of this AD) or within the next 60 days after March 14, 2014 (the effective date of this AD), whichever occurs first, replace the NLG lower link assembly P/N 26–8–1417–000 with an improved assembly. Follow the instructions in Costruzioni Aeronautiche Tecnam Job Card 442, P2006T NLG upper link replacement, Revision 1, dated February 11, 2013; Costruzioni Aeronautiche Tecnam Job Card 468, New NLG Spring replacement, dated October 12, 2012; or Costruzioni Aeronautiche Tecnam Job Card 528, P2006T NLG retraction spring installation, Revision 1, dated April 2, 2013, as applicable, as specified in the Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013.

(4) After replacement of the NLG lower link assembly as required by paragraph (f)(2) or (f)(3) of this AD, as applicable, do not install an NLG lower link assembly P/N 26–8–1417–000 or an NLG lower link part P/N 26–8–1417–1 (this is in the NLG–000 assembly) on that airplane.

(5) For an airplane with an NLG lower link assembly P/N 26–8–8000–000 already installed, after the effective date of this AD, do not install an NLG lower link assembly P/N 26–8–1417–000 or a NLG lower link P/N 26–8–1417–1 on that airplane.

(g) Credit for Actions Done Following Previous Service Information

This AD provides credit for the inspection required in paragraph (f)(1) of this AD and any necessary replacement required in paragraphs (f)(2) or (f)(3) of this AD if already done before March 14, 2014 (the effective date of this AD) following Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 104–CS, Edition 2, Revision 1, dated March 28, 2013.

(h) 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: *albert.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.

(i) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2013–0134, dated July 2, 2013, for more information. The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0888-0003.* You may also refer to Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 104–CS, Edition 2, Revision 1, dated March 28, 2013, for more information. For service information related to this AD, you may contact the manufacturer using the information found in paragraph (j)(3) of this AD.

(j) 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) Costruzioni Aeronautiche Tecnam Service Bulletin No. SB 128–CS, Revision 0, dated May 15, 2013.

Note 2 to paragraph (j)(2)(i) of this AD: The Occurrence Report is not paginated. The correct pagination is page 3/3.

(ii) Costruzioni Aeronautiche Tecnam Cartone di lavoro (English translation: Job Card) 468, New NLG Spring replacement, dated October 12, 2012.

Note 3 to paragraphs (j)(2)(ii) through (j)(2)(iv) of this AD: This service information contains Italian to English translation. EASA used the English translation in referencing the documents from Costruzioni Aeronautiche Tecnam srl. For enforceability purposes, we will refer to the Costruzioni Aeronautiche Tecnam srl service information as the titles appear on the documents.

(iii) Costruzioni Aeronautiche Tecnam Cartone di lavoro (English translation: Job Card) 528, P2006T NLG retraction spring installation, Revision 1, dated April 2, 2013.

(iv) Costruzioni Aeronautiche Tecnam Cartone di lavoro (English translation: Job Card) 442, P2006T NLG upper link replacement, Revision 1, dated February 11, 2013.

(3) For Costruzioni Aeronautiche Tecnam srl service information identified in this AD, contact Costruzioni Aeronautiche Tecnam Airworthiness Office, Via Maiorise–81043 Capua (CE) Italy; telephone: +39 0823 620134; fax: +39 0823 622899; email: *m.oliva@tecnam.com* or *g.paduano@tecnam.com;* Internet: *www.tecnam.com/it-IT/documenti/service-bulletins.aspx.*

(4) You may view this 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.

(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 Kansas City, Missouri, on January 23, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–01957 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

[Docket Number: 2014–0002]

RIN 2700–AD87

Space Flight Mission Critical Systems Personnel Reliability Program: Removal of Obsolete Regulations

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule makes nonsubstantive changes by removing a regulation that is obsolete and no longer used. The revision to this rule are part of NASA's retrospective plan under Executive Order (EO) 13563 completed in August 2011.

DATES: This direct final rule is effective on April 8, 2014. Comments due on or before March 10, 2014. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RIN 2700–AD87 and may be sent to NASA via the *Federal E-Rulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

NASA's full plan can be accessed on the Agency's open Government Web site at *http://www.nasa.gov/open/*.

FOR FURTHER INFORMATION CONTACT: Nanette Jennings, 202–358–0819.

SUPPLEMENTARY INFORMATION:

Direct Final Rule Adverse Comments

NASA has determined that this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes to remove sections from the Code of Federal Regulations that are obsolete and no longer used. No opposition to the changes and no significant adverse comments are expected. However, if the Agency receives a significant adverse comment, it will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Background

On January 18, 2011, President Obama signed EO 13563, Improving Regulations and Regulatory Review, directing agencies to develop a plan for a retrospective analysis of existing regulations. NASA developed its plan and published it on the Agency's open Government Web site at *http://www.nasa.gov/open/*. The Agency conducted an analysis of its existing regulations to comply with the Order and determined that subpart 1214.5 of part 1214, entitled ''Space Flight Mission Critical Systems Personnel Reliability Program'' is obsolete and no longer used.

Subpart 1214.5 of part 1214, Space Flight Mission Critical Systems Personnel Reliability Program, was promulgated December 28, 1990 [55 FR 53289] to ensure that employees assigned to mission-critical positions meet established screening requirements which was in response to the Carter Administration's determination that the Space Shuttle was a critical national resource and that employees assigned to critical positions that affected the safety of space flight meet the highest standards of integrity and reliability.

In accordance with Title 51—National and Commercial Space Programs, Subtitle II, Chapter 201, Subchapter III—Sec. 20132—Security Requirements, the Administrator established security requirements, restrictions, and safeguards as deemed necessary in the interest of the national security. The Administrator also arranged with the Director of the Office of Personnel Management for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as the Administrator deems appropriate. NASA implemented Homeland Security Policy Directive (HSPD)–12, Policy for a Common Identification Standard for Federal Employees and Contractors, issued August 27, 2004, to meet this requirement.

In addition, as required by 14 CFR 1203a.100 and 1203a.103, to insure the uninterrupted and successful accomplishment of the NASA mission, certain designated security areas have been established and maintained by NASA Centers and Component Facilities in order to provide appropriate and adequate protection for facilities, property, or classified/proprietary information and material in the possession of NASA or NASA contractors located at NASA Centers and Component Facilities. Only those NASA employees, NASA contractor employees, and visitors who have a need for such access and who meet the criteria may enter these areas.

NASA Center Directors, including Component Facilities and Technical and Service Support Centers, and the Executive Director for Headquarters Operations, NASA Headquarters, may rescind previously granted authorizations to enter a security area when an individual's access is no longer required, threatens the security of the property, or is disruptive of Government operations.

NASA believes that these regulations provide adequate governance over the Agency's activities for screening and conducting background checks on employees assigned to critical positions.

The Federal Acquisition Regulation, 48 CFR Part 4, Subpart 4.13—Personal Identity Verification, requires contractors to comply with agency personal identity verification procedures identified in the contract that implement Homeland Security Presidential Directive–12 (HSPD–12) and Office of Management and Budget (OMB) guidance M–05–24.

NASA conducted a survey across all of its Centers, as well as formed a working group with representatives from NASA's Offices of Safety and Mission Assurance, Protective Services, Human Capital Management, Procurement, Chief Health and Medical Officer, and General Counsel who determined that the regulation is obsolete and no longer used.

Statutory Authority

The National Aeronautics and Space Act (the Space Act), 51 U.S.C. 20113 (a), authorizes the Administrator of the National Aeronautics and Space Administration (NASA) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

Regulatory Analysis

Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improving Regulation and Regulation Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits

(including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as ''not significant'' under section 3(f) of Executive Order 12866.

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement does not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities'' (5 U.S.C. 603). This rule removes one section from Title 14 of the CFR and, therefore, does not have a significant economic impact on a substantial number of small entities.

Review Under the Paperwork Reduction Act

This direct final rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Review Under Executive Order of 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) requires regulations be reviewed for Federalism effects on the institutional interest of states and local governments, and, if the effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local governments within the meaning of the Executive Order. Therefore, no Federalism assessment is required.

List of Subjects in 14 CFR Part 1214

Safety, security.

For reasons set forth in the preamble, NASA amends 14 CFR part 1214 as follows:

PART 1214—SPACE FLIGHT

■ 1. The authority citation for part 1214 is revised to read as follows:

Authority: 51 U.S.C. 20113.

Subpart 1214.5 [Removed and Reserved]

■ 2. Subpart 1214.5, consisting of §§ 1214.500 through 1214.505, is removed and reserved.

Charles F. Bolden, Jr.,

Administrator.

[FR Doc. 2014–02591 Filed 2–6–14; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Parts 447 and 479

[Docket No. ATF 26F; AG Order No. 3417–2014]

RIN 1140–AA42

Importation of Arms, Ammunition and Implements of War and Machine Guns, Destructive Devices, and Certain Other Firearms; Extending the Term of Import Permits (2010R–26P)

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to extend the standard term of import permits for firearms, ammunition, and defense articles from 1 year to 2 years. The additional time will allow importers sufficient time to complete the importation of the authorized commodity. In addition, it will eliminate the need for the importer to submit a new import application, ATF Form 6, where the importation was not completed within the 1-year period. Extending the term of import permits will result in a substantial cost and time savings for both the industry and ATF, and will not cause any discernible adverse effects. This rulemaking proceeding is included in the Department of Justice's retrospective review plan developed pursuant to Executive Order 13563, ''Improving Regulation and Regulatory Review.''

DATES: This rule is effective April 8, 2014.

FOR FURTHER INFORMATION CONTACT: Denise Brown, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue NE., Washington, DC 20226, telephone (202) 648–7070.

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the provisions of section 38 of the Arms Export Control Act of 1976 (AECA), 22 U.S.C. 2778, that relate to the permanent importation of defense articles and defense services; and the National Firearms Act (NFA), 26 U.S.C. Chapter 53, and the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, relating to commerce in firearms and ammunition. The Attorney General has delegated all of those responsibilities to the Director of ATF (Director), subject to the direction of the Attorney General and the Deputy Attorney General. 28 CFR 0.130.

A. Importation of Arms, Ammunition, and Implements of War (27 CFR Part 447)

Regulations that implement the provisions of the AECA that are concerned with the importation of arms, ammunition, and implements of war are set forth in 27 CFR Part 447. The regulation at 27 CFR 447.41(a) generally provides that articles on the U.S. Munitions Import List may not be imported into the United States except pursuant to a permit. Section 447.42(a) states that persons required to obtain a permit must file with ATF an ATF Form 6—Part I (5330.3A), ''Application and Permit for Importation of Firearms, Ammunition and Implements of War'' (ATF Form 6). The application must be signed and dated and must contain the information requested on the form.

Section 447.43(a) provides that import permits are valid for 1 year from their issuance date unless a different period of validity is stated thereon. Furthermore, under section 447.43(b), if shipment cannot be completed during the period of validity of the permit, another application must be submitted for a permit to cover the unshipped balance.

B. Importation of Machine Guns, Destructive Devices, and Certain Other Firearms Under the NFA (27 CFR Part 479)

Regulations that implement the provisions of the NFA are set forth in 27 CFR Part 479, which contains the procedural and substantive requirements relative to the importation, manufacture, making, exportation, transfer, taxing, identification and registration of, and the dealing in, machine guns, destructive devices, and certain other firearms. The regulation at 27 CFR 479.111(a) provides that no firearm may be imported or brought into the United States or any territory under its control or jurisdiction unless the

person importing or bringing in the firearm establishes to the satisfaction of the Director that the firearm to be imported or brought in is being imported or brought in for certain specified purposes, e.g., scientific or research purposes. This paragraph further provides that any person desiring to import or bring a firearm into the United States must file with the Director an application on ATF Form 6. For NFA firearms, the approval of an application to import a firearm shall be automatically terminated at the expiration of 1 year from the date of approval unless, upon request, it is further extended by the Director.

Section 479.113 provides that the Director shall permit the conditional importation of any NFA firearm for the purpose of examining and testing to determine whether the importation of such firearm will be authorized. An application under this section shall be filed with the Director on ATF Form 6. The Director may impose conditions upon any importation, and the person importing the firearm must agree to either export or destroy the weapon if a final determination is made that it may not be imported.

C. Importation of Firearms and Ammunition (27 CFR Part 478)

Regulations in Subpart G of part 478 provide the procedural and substantive requirements of the GCA relative to the importation of firearms and ammunition. Section 478.112 states that no firearm, firearm barrel, or ammunition shall be imported or brought into the United States by a licensed importer unless the Director has authorized the importation of the firearm, firearm barrel, or ammunition. This section further provides that the licensed importer must file with the Director an application for a permit, ATF Form 6, to import or bring a firearm, firearm barrel, or ammunition into the United States. If the Director approves the application, such approved application will serve as the permit to import the firearm, firearm barrel, or ammunition described on the permit, and importation of such firearms, firearm barrels, or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified on the permit.

Similar procedures are set forth in section 478.113 with respect to the importation of a firearm, firearm barrel, or ammunition into the United States by a licensee other than a licensed importer.

Requirements for the conditional importation of firearms, firearm barrels, and ammunition for the purpose of examination and testing to determine whether the Director will authorize their importation are set forth in section 478.116. This section provides that an application on ATF Form 6 for such conditional importation must be filed with the Director. If approved, the Director may impose conditions on the importation, and the person importing the firearm, firearm barrel, or ammunition must agree to either export or destroy the imported item if it is determined that the item may not be imported.

II. FAIR Trade Group Petition

ATF received a petition, dated August 10, 2010, filed on behalf of the FireArms Import-Export Roundtable (FAIR) Trade Group. As stated in the petition, FAIR is an organization that represents importers and exporters of firearms, ammunition, firearms parts, and accessories. The petitioner requested an amendment of the regulations to change the ATF Form 6 period of validity from 1 year to 2 years. According to the petitioner, this amendment would be beneficial to both the industry and to ATF, without having any impact on public safety or compliance with the law. As stated in the petition:

> [E]xtending the period a license [permit] is valid could reduce the workload for [ATF] examiners by lowering the number of renewals submitted to ATF and reduce the uncertainty importers face when dealing with long-lead time deals. [Many licensed and/or registered importers import the same defense articles year after year. ATF processes these ''renewal'' permits.] . . . Renewals of existing permits are perfunctory processes that consume the valuable resources of both the industry and the ATF.

Increasing the term of an import permit to 2 years would also result in an economic benefit for ATF. Of the approximately 11,000 ATF Form 6 import applications ATF processes each year, 9,000 are submitted by an ATF licensed or registered importer. Subsequent information provided by the petitioner estimates that the renewal rate on import permits for industry members is approximately 50 percent. If the term of an import permit is changed from 1 year to 2 years, ATF estimates the number of import permit applications submitted by licensed or registered importers would be reduced to 4,500 each year. ATF employs data entry contractors who spend an average of 2 hours completing quality review and data entry functions for each import application. The average salary of a contractor is $14 per hour. ATF examiners typically spend 4 hours processing an ATF Form 6 application. The average hourly rate for an examiner is $24.74. If the number of applications was reduced to 4,500 each year, the annual savings to ATF would be approximately $571,320.

III. Proposed Rule

The Department determined that an amendment of the regulations to extend the term of import permits for firearms, ammunition, and defense articles from 1 year to 2 years is warranted. Accordingly, in order to reduce the paperwork burden on the industry and to increase the efficiency of ATF in processing requests for importation, the Department proposed to amend the regulations in parts 447 and 479 to increase the term of import permits from 1 year to 2 years (Notice No. ATF 43P, Feb. 6, 2012, 77 FR 5735).

Because the regulations in part 478 do not specify the period of validity for import permits as 1 year, the Department did not propose to amend the regulations in part 478. The regulations in part 478 provide that importation may continue to be made by the applicant during the period specified on the approved application (permit). As stated on the ATF Form 6, the permit is valid for 12 months from the Director's approval date on the permit. If the proposed regulations were adopted, the ATF Form 6 would be revised to reflect the amended period of validity for importation as 2 years from the Director's approval date on the permit.

The term of validity for import permits filed by members of the United States military returning to the United States from abroad with firearms, and for nonimmigrant aliens temporarily importing firearms into the United States for lawful hunting and sporting purposes was not affected by the proposed rule and would remain at 1 year. The comment period for Notice No. ATF 43P closed on May 7, 2012.

IV. Analysis of Comments and Department Responses

In response to Notice No. ATF 43P, ATF received four comments. Two commenters supported the proposed rule and two commenters indicated opposition to the proposed rule.

Comments Received in Support

One of the commenters, the National Shooting Sports Foundation, Inc. (NSSF), indicated support for the proposed rule and stated that ''[t]his change would significantly benefit both ATF and U.S. importers without reducing ATF's ability to administer the 27 CFR part 447 regulations and to ensure that importers are in compliance

with the law.'' As stated in its comment, NSSF is a trade association for America's firearms, ammunition, hunting, and shooting sports industry.

Another commenter expressed support for the proposed rule but raised two concerns that he believed needed to be addressed. The commenter's first concern involves the source of some of the information presented in the proposed rule:

> Indeed, the Notice seems to admit that certain information used in calculating the reduction in import permits that would result from the implementation of the new rule was provided by the FAIR Trade Group. At the same time however, ATF claims to have researched and provided certain information. This mix of sources may lead to the belief that ATF has simply accepted the FAIR Trade Group's information, which, due to the fact that FAIR is not an independent body, could further lead to a belief that this rule is rooted in bias. . . . ATF could easily overcome any hints of bias by first conducting its own research regarding the renewal rate on import permits from registered industry members and then making that information available to the public along with the Notice.

The commenter's second concern involves safety, i.e., the proposed rule ''offers no information as to what ramifications this change will have in regard to safety and national security.'' According to the commenter, while there are a number of conditions in the proposed rule that could lead one to conclude that safety and security are not an issue, e.g., there are no proposed changes to the information required on ATF Form 6, ''without any statement from ATF, one is left to draw his or her own conclusions.''

Department Response to Comments in Support

In the proposed rule, the Department stated that information provided by the petitioner indicates the renewal rate on import permits for industry members is approximately 50 percent. One commenter expressed concern regarding the source of this information, i.e., the petitioner, and suggested that ATF conduct its own research regarding the renewal rate on import permits. As stated in the proposed rule, ATF processes approximately 11,000 ATF Form 6 applications annually. Each permit is entered into ATF's database system as a ''new'' application. ''Renewals'' are not entered into the system as such. Accordingly, available data does not permit ATF to conduct the kind of independent research suggested by this commenter. Nevertheless, ATF's experience in processing thousands of ATF Form 6 applications every year supports the conclusion that the petitioner's estimate of a 50 percent annual renewal rate is not unreasonable. Moreover, even if that estimate is high it does not undercut the value of this rule. A renewal rate of even half of the estimate (i.e., 25 percent) would still produce substantial savings to both the industry and ATF.

Regarding the commenter's second concern, ATF does not believe that extending the term of import permits from 1 year to 2 years will compromise safety and national security. Most annual ATF Form 6 applications (roughly 9,000 of the approximately 11,000 applications) are filed by federally licensed or registered importers. Customs and Border Protection (CBP) of the Department of Homeland Security verifies the license/registration and permit are still valid at the time of importation. In addition, Federal firearms licensees are subject to periodic inspections by ATF industry operations investigators who will have access to the firearms in inventory and any associated paperwork concerning acquisition and disposition of these firearms. The majority of these permit applications are for sporting firearms being imported into the United States. These firearms do not require any supporting documentation for import nor are they subject to any additional regulations beyond the license, permit, and AECA registration requirements. Imports of National Firearms Act weapons represent a minority of the import applications filed. NFA weapons are generally not importable except under very limited circumstances (i.e. for the government) and those restrictions would still be applicable. Therefore, the concerns for public safety and national security when extending the term of import permits from 1 to 2 years is minimal.

The remaining 2,000 applications represent imports of defense articles that are not firearms or ammunition (e.g., gas masks, engines for military vehicles, aircraft fuselages). The majority of these articles are not subject to further regulation once in the United States nor are they subject to requirements beyond the ATF Form 6 at the time of importation. For example, in order to import a gas mask for resale, an importer need only file the ATF Form 6 and be registered under the AECA. There is no limit on the amount they may import and they are not usually restricted by State or local governments. However, ATF may deny, suspend, or revoke any import permit due to violations of law. For the reasons discussed above, ATF believes that safety and security will not be compromised by extending the validity period of a permit every 2 years instead of each year. ATF also retains the authority to revoke any approved permit pursuant to any changes in the law, interpretation of the law, or changes to the regulations.

Comments Received in Opposition

One of the commenters questioned the Department's authority to issue regulations without specific congressional authorization. The second commenter indicated opposition to extending the term of import permits from 1 year to 2 years:

> I think the nature of the items being shipped are of such gravity and danger that it is necessary to have strict limits on importation. If an importer would like to ship these weapons or articles of war, they should be subjected to a strict application standard and validity period.

As an alternative, the commenter suggests that the process for renewing an application should be less burdensome. According to the commenter, ''[t]his would provide for the continuance of current rule, while providing a less workload for both parties. This would still decrease the economic burden somewhat and continue the policy of having standard applications only valid for one year.''

Department Response to Comments in Opposition

Regarding ATF's authority to issue regulations, the Attorney General is responsible for enforcing the provisions of section 38 of the Arms Export Control Act of 1976 (AECA), 22 U.S.C. 2778, that relate to the permanent importation of defense articles and defense services; the National Firearms Act (NFA), 26 U.S.C. Chapter 53, and the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, relating to commerce in firearms and ammunition. The Attorney General has delegated responsibility for the enforcement of these statutes to the Director of ATF, subject to the direction of the Attorney General and the Deputy Attorney General. 28 CFR 0.130. This rule is being promulgated by the Attorney General, pursuant to authority vested in him under those statutes.

The second commenter objected to extending the term of import permits to 2 years, arguing that the nature of the articles being imported warrants strict limits on importation. While the Department acknowledges the commenter's concern, it does not believe that extending the term of import permits from 1 year to 2 years will have a negative effect on public safety or national security. As stated in the response above, most annual ATF Form 6 applications are filed by

federally licensed or registered importers. Furthermore, all importers are subject to periodic compliance inspection by ATF. The majority of all permit applications are for sporting firearms being imported into the United States, which do not require any supporting documentation for import. Therefore, ATF believes that a 2-year permit lifespan will not undermine its ability to ensure compliance with the law and regulations, and that public safety and national security will not be compromised by allowing ATF to review this supporting documentation every 2 years instead of each year.

Rather than extending the term of an import permit to 2 years, the same commenter stated that ATF should make the current import process less burdensome. ATF continually evaluates its regulatory processes to determine, *inter alia,* whether they can be streamlined or simplified without undermining ATF's regulatory responsibilities. ATF believes that extending the term of an import permit to 2 years meets those criteria, and it will continue to explore additional opportunities to simplify the import permit process.

V. Final Rule

This final rule adopts without substantive change the proposed amendments that extend the term of import permits for firearms, ammunition, and defense articles from 1 year to 2 years.

How This Document Complies With the Federal Administrative Requirements for Rulemaking

A. Executive Orders 12866 and 13563

This rule has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), The Principles of Regulation, and in accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' section 1, General Principles of Regulation, and section 6, Retrospective Analyses of Existing Rules. The Department of Justice has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f).

Further, both Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department has assessed the costs and benefits of this regulation and believes that the regulatory approach selected maximizes net benefits.

Executive Order 13563 section 6, Retrospective Analyses of Existing Rules, directs agencies to develop a plan to review existing significant rules that may be ''outmoded, ineffective, insufficient, or excessively burdensome,'' and to make appropriate changes where warranted. The Department selected and reviewed this rule under the criteria set forth in its Plan for Retrospective Analysis of Existing Rules. During this review, ATF calculated that it processes approximately 11,000 import applications each year. Approximately 82 percent of those applications (9,000) are submitted by federally licensed or registered importers. ATF estimates that it takes a compliance officer employed by a federally licensed or registered importer approximately 30 minutes to complete an ATF Form 6 permit application. According to the Occupational Employment Statistics (May 2011), published by the Bureau of Labor Statistics, U.S. Department of Labor, the average hourly wage of a compliance officer is $30.66. If the term of an import permit was extended to 2 years, ATF estimates that the number of ATF Form 6 permit applications submitted by licensed or registered importers will decrease, perhaps as much as by half. Reducing the number of permits submitted by the industry by half (4,500) would result in an annual savings of approximately $68,985.

Increasing the term of an import permit to 2 years would also result in an economic benefit for ATF. ATF employs data entry contractors who spend an average of 2 hours completing quality review and data entry functions for each import application. The average salary of a contractor is $14 per hour. ATF examiners typically spend 4 hours processing an ATF Form 6 application. The average hourly rate for an examiner is $24.74. If the number of applications submitted by the industry was reduced to 4,500 each year, the annual savings to ATF would be approximately $571,320.

B. Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, ''Federalism,'' the Attorney General has determined that this regulation will not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

C. Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, ''Civil Justice Reform.''

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. The Attorney General has reviewed this rule and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

The Department believes that this rule will have a positive economic impact on both the industry and ATF. The number of permits and the time required for industry to file those permits and for ATF to process them will be significantly reduced.

An industry compliance officer spends approximately 30 minutes completing an ATF Form 6. According to the Occupational Employment Statistics (May 2011), published by the Bureau of Labor Statistics, United States Department of Labor, the average hourly wage of a compliance officer is $30.66. Reducing the number of permits submitted by the industry by half (4,500) would result in an annual savings of approximately $68,985.

E. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

F. Unfunded Mandates Reform Act of 1995

This rule will not 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, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

G. Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act. ATF Form 6 has been revised under currently approved OMB control number 1140–0005 to reflect the 2 year (24 months) amended period of validity for import permits.

Disclosure

Copies of the notice of proposed rulemaking (NPRM), all comments received in response to the NPRM, and this final rule will be available for public inspection by appointment during normal business hours at: ATF Reading Room, Room 1E–062, 99 New York Avenue NE., Washington, DC 20226, telephone (202) 648–8740.

Drafting Information

The author of this document is Denise Brown, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

List of Subjects

27 CFR Part 447

Administrative practice and procedure, Arms control, Arms and munitions, Authority delegations, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

Authority and Issuance

Accordingly, for the reasons discussed in the preamble, 27 CFR parts 447 and 479 are amended as follows:

PART 447—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

■ 1. The authority citation for 27 CFR part 447 continues to read as follows:

Authority: 22 U.S.C. 2778.

§ 447.43 [Amended]

■ 2. In § 447.43, paragraph (a) is amended by removing the phrase ''one year'' and adding in its place the phrase ''two years''.

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 3. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 479.111 [Amended]

■ 4. In § 479.111, paragraph (a) is amended by removing the phrase ''one year'' in the eighth sentence and adding in its place the phrase ''two years''.

Dated: January 31, 2014.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. 2014–02580 Filed 2–6–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–1025]

Drawbridge Operation Regulation; Three Mile Slough, Rio Vista, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Hwy 160 drawbridge across Three Mile Slough, mile 0.1, at Rio Vista, CA. The deviation is necessary to allow California Department of Transportation to replace the steel deck of the bridge lift span. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective without actual notice from February 7, 2014 until 5 a.m. on April 5, 2014. For the purposes of enforcement, actual notice will be used from 8 p.m. on February 3, 2014, until February 7, 2014.

ADDRESSES: The docket for this deviation, [USCG–2013–1025], is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The California Department of Transportation has requested a temporary change to the operation of the Hwy 160 drawbridge, mile 0.1, over Three Mile Slough at Rio Vista, CA. The drawbridge navigation span provides 12 feet vertical clearance above Mean High Water in the closed-to-navigation position. In accordance with 33 CFR 117.5, the draw opens on signal. Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 8 p.m. to 5 a.m., February 3, 2014 to April 5, 2014, to allow Caltrans to replace the steel deck of the lift span. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies from 8 p.m. to 5 a.m. during this deviation. The confluence of the Sacramento and San Joaquin rivers can be used as an alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation

from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 28, 2014.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2014–02662 Filed 2–6–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0235; FRL–9905–56]

Chlorantraniliprole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide chlorantraniliprole in or on multiple commodities which are identified and discussed later in this document. In addition, this regulation revises existing tolerances in or on papaya, passionfruit, and spice subgroup 19B, and removes several previously established tolerances that will be superseded by tolerances established by this action. The Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 7, 2014. Objections and requests for hearings must be received on or before April 8, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0235, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0235 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 8, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0235, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerances

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL–9386–2), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8158) by DuPont Crop Protection, Stine-Haskell Research Center, P.O. Box 30, Newark, DE 19714. The petition requested that 40 CFR 180.628 be amended by establishing tolerances for residues of the insecticide chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1*H*-pyrozole-5-carboxamide, in or on peanuts at 0.06 parts per million (ppm) and peanut, hay at 90 ppm. That document referenced a summary of the petition prepared by DuPont Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Additionally, in the **Federal Register** of July 19, 2013 (78 FR 43115) (FRL–9392–9), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E8170) by Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.628 be amended by establishing tolerances for residues of the insecticide chlorantraniliprole in or on fruit, stone, group 12–12, except cherry, chickasaw

plum, and damson plum at 4.0 ppm; nut, tree, group 14–12 at 0.04 ppm; papaya at 4.0 ppm; passionfruit at 4.0 ppm; and onion, green, subgroup 3–07B at 3.0 ppm. The petition also requested that tolerances for spice, subgroup 19B be increased to 40 ppm; and papaya and passionfruit be increased to 4.0 ppm. IR–4 is seeking to raise the tolerance on spice, subgroup 19B based on additional residue data on dill seed; IR–4 is seeking to raise the tolerances on papaya and passionfruit as a result of the request to shorten the existing pre-harvest intervals (PHIs) for the accompanying use directions for these commodities. That document referenced a summary of the petition prepared on behalf of IR–4 by DuPont Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

EPA was petitioned for a tolerance in or on fruit, stone, group 12–12, except cherry, chickasaw plum, and damson plum at 4.0 ppm; however, the proposed tolerance was incorrectly transcribed in the **Federal Register** Notice of the filing of the petition to propose a tolerance in or on fruit, stone, group 12, except cherry, chickasaw plum, and damson plum. However, the summary available in the docket lists stone fruit group 12–12, except cherry, chickasaw plum, and damson plum. EPA assessed the correct proposed tolerance on crop group 12–12 rather than crop group 12, for which there is already an established tolerance.

Based upon review of the data supporting the petition, EPA has revised the proposed tolerances for several commodities. The reasons for these changes are explained in Unit IV.C. Additionally, IR–4 later withdrew the request to establish a tolerance for tree nut group 14–12.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

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

Chlorantraniliprole does not exhibit immunotoxicity, neurotoxicity, carcinogenicity, or developmental toxicity. Additionally, no mutagenicity concerns were reported in the genotoxicity studies.

In oral and dermal toxicity studies in rats, minimally increased microvesiculation of adrenal cortex was observed mostly in males; however, supporting data demonstrated no effect on the capacity of the adrenal gland to produce corticosterone following stimulation. Therefore, adrenal cortex effects observed in rat studies were not considered adverse.

Chlorantraniliprole does not exhibit prenatal or postnatal toxicity as there were no maternal or fetal effects in studies conducted in rats and rabbits. The relative absence of mammalian hazard may be due in part to chlorantranilprole's selectivity for insect ryanodine receptor (RyR) over mammalian counterparts. In short-term mammalian studies, the most consistent effects are increased liver weights and mild induction of liver enzymes.

Chlorantraniliprole is classified as not likely to be carcinogenic to humans, based on the weight of evidence of the data. No treatment-related tumors were reported in the submitted chronic and oncogenicity studies in rats and mice (18-month carcinogenicity study) or in the subchronic studies in mice, dogs, and rats.

Specific information on the studies received and the nature of the adverse effects caused by chlorantraniliprole as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Chlorantraniliprole: Human Health Risk Assessment for Proposed Uses on Green Onion Subgroup 3–07b, and Peanut; for the Requests to Update the Crop Groups of Stone Fruit, Tree Nut, and Spices; to Shorten the Pre-Harvest Intervals for Papaya, Passionfruit, and Mayhaw; and Evaluation of Condition of Registration Data on Rice, Coffee, Strawberry, and Tropical Fruits'' at pp. 25–30 in docket ID number EPA–HQ–OPP–2013–0235.

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for chlorantraniliprole used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of July 27, 2011 (76 FR 44815) (FRL–8875–5).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to chlorantraniliprole, EPA considered exposure under the petitioned-for tolerances as well as all existing chlorantraniliprole tolerances in 40 CFR 180.628. EPA assessed dietary exposures from chlorantraniliprole in food as follows:

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

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

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEA). As to residue levels in food, EPA assumed tolerance-level residues for the proposed and registered crops, and assumed 100 percent crop treated (PCT) for all commodities. Where processing data indicated a reduction (or no increase) in residue upon processing, the residue level of the raw agricultural commodity (RAC) was used without reduction for the processed commodity, for example mint oil from spearmint. Where processing data indicated an increase in residue in the processed commodity, tolerance-level residues based on tolerances established for those processed commodities were used, e.g., raisins from grapes. However, if residues do not concentrate or where processing data indicated a reduction in residues upon processing, the tolerance for the RAC is used without reduction and a separate tolerance for the processed commodity is not needed. Where adequate processing data do not exist, Dietary Risk Evaluation System (DEEM) default concentration factors were used.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that chlorantraniliprole does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

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

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

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and PRZM Groundwater (GW) models, the estimated drinking water concentrations (EDWCs) of chlorantraniliprole for chronic exposures for non-cancer assessments are estimated to be 39.87 parts per billion (ppb) for surface water and 207 ppb for groundwater.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. No acute dietary risk assessment was performed because no acute hazard was identified. For chronic dietary risk assessment, the water concentration value of 207 ppb was used to assess the contribution to drinking water.

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

Chlorantraniliprole is currently registered for the following uses that could result in residential exposures: Sod farms/turf, landscape ornamentals and interiorscapes, and as a termiticide. Residential exposure is expected to occur for short-term and intermediate-term durations; however, due to the lack of toxicity identified for short- and intermediate-term durations via relevant routes of exposure, residential exposure was not assessed. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

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

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

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There were no effects on prenatal fetal growth or postnatal development up to the limit dose of 1,000 milligrams/kilogram/day (mg/kg/day) in rats or rabbits in the developmental or 2-generation reproduction studies. Moreover, there were no treatment related effects on the numbers of litters, fetuses (live or dead), resorptions, sex ratio, or post-implantation losses. There were no effects on fetal body weights, skeletal ossification, and external, visceral, or skeletal malformations or variations.

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

i. The toxicity database for chlorantraniliprole is complete.

ii. There is no indication that chlorantraniliprole is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional uncertainty factor (UFs) to account for neurotoxicity.

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

iv. There are no residual uncertainties identified in the exposure databases. The chronic dietary assessment utilized tolerance-level residues for all crops and assumed that 100 PCT of the proposed and registered crops were treated with chlorantraniliprole. Default processing factors were used, as appropriate. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to chlorantraniliprole in drinking water. Moreover, there is a lack of toxicity via the dermal route, as well as a lack of toxicity over the acute-, short- and intermediate-term via the oral route of exposure. These assessments will not underestimate the exposure and risks posed by chlorantraniliprole.

E. Aggregate Risks and Determination of Safety

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

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

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to chlorantraniliprole from food and water will utilize 6.7% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of chlorantraniliprole is not expected.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposures take into account short-term and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no short-term or intermediate-term adverse effects were identified, the aggregate short-term or intermediate-term risk is the same as the dietary risk, which will not be greater than the chronic aggregate risk.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, chlorantraniliprole is not expected to pose a cancer risk to humans.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, liquid chromatography mass spectrometry (LC/MS/MS); Method DuPont-11374, is available to enforce the tolerance expression.

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

B. International Residue Limits

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

Codex has not established chlorantraniliprole MRLs for passionfruit, papaya, peanuts, green onions, or spice commodities. EPA cannot harmonize the requested tolerance for stone fruit group 12–12, except cherry, chickasaw plum, and damson plum with the Codex MRL for stone fruit, because the permitted domestic use on these crops in accordance with the approved pesticide label results in residue levels higher than the Codex MRL; EPA will not set tolerances at levels that could result in legally treated food in the United States bearing residues in excess of the approved tolerance.

C. Revisions to Petitioned-For Tolerances

Based on the data supporting the petition, EPA has revised the following proposed tolerance level: Spice subgroup 19B from 40 ppm to 90. The Agency revised this tolerance level based on analysis of the residue field trial data using the Organization for Economic Cooperation and Development tolerance calculation procedures.

V. Conclusion

Therefore, tolerances are established for residues of chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1*H*-pyrozole-5-carboxamide, including its metabolites and degradates, in or on fruit, stone, group 12–12, except cherry, chickasaw plum, and damson plum at 4.0 ppm; onion, green subgroup 3–07B at 3.0 ppm; peanut, hay at 90 ppm; and peanut at 0.06 ppm. This regulation additionally revises previously established tolerances in or on the following commodities: Papaya from 2.0 ppm to 4.0 ppm; passionfruit from 2.0 ppm to 4.0 ppm; and spice subgroup 19B from 14 ppm to 90 ppm. Finally, this regulation removes established permanent tolerances or time-limited tolerances for the indirect or inadvertent residues of chlorantraniliprole in or on fruit, stone, group 12, except cherry, chickasaw plum, and damson plum at 4.0 ppm; leek at 0.20 ppm; onion, green at 0.20 ppm; onion, welsh at 0.20 ppm; peanut, hay at 0.20 ppm; and shallots, fresh leaves at 0.20 ppm.

Fruit, stone, group 12, except cherry, chickasaw plum, and damson plum is being removed because the group 12–12 tolerance being established, includes all commodities in group 12 at the same tolerance level. Leek; onion, green; onion, welsh; and shallots, fresh leaves are being removed because each of these commodities are included in the subgroup 3–07B, which is being established at 3.0 ppm, a level higher than the time-limited tolerances for the inadvertent residues of chlorantraniliprole in or on these commodities.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: January 31, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.628:

■ a. Remove the entry ''Fruit, stone, group 12, except cherry, chickasaw plum, and damson plum'' in the table in paragraph (a).

■ b. Add the entries: ''Fruit, stone, group 12–12, except cherry, chickasaw plum, and damson plum''; ''Onion, green, subgroup 3–07B''; ''Peanut, hay''; and ''Peanut'' to the table in paragraph (a).

■ c. Revise the entries ''Papaya'', ''Passionfruit'', and ''Spice, subgroup 19B'' in the table in paragraph (a).

■ d. Remove and reserve paragraph (d).

The amendments read as follows:

§ 180.628 Chlorantraniliprole; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Fruit, stone, group 12–12, except cherry, chickasaw plum, and damson plum	4.0
* * * * *	
Onion, green, subgroup 3–07B	3.0
Papaya	4.0
Passionfruit	4.0
Peanut	0.06
Peanut, hay	90
* * * * *	
Spice, subgroup 19B	90
* * * * *	

* * * * *

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2014–02568 Filed 2–6–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2011–0736; FRL–9905–44]

D-mannose; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of D-mannose (CAS Reg. No. 3458–28–4) when used as an inert ingredient (sequestrant, binder, or filler) in pesticide formulations applied pre-harvest to growing crops. ISK Biosciences Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of D-mannose.

DATES: This regulation is effective February 7, 2014. Objections and requests for hearings must be received on or before April 8, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2011–0736, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs

Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*.

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2011–0736 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 8, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2011–0736 by one of the following methods:

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

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

II. Petition for Exemption

In the **Federal Register** of October 5, 2011 (76 FR 61647) (FRL–8890–5), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP 1E7903) by ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of D-mannose (CAS Reg. No. 3458–28–4) when used as an inert ingredient (sequestrant, binder or filler) in pesticide formulations applied preharvest to growing crops. That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the petitioner, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that

occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. EPA's conclusions about the toxicity and effects of D-mannose are presented in this unit.

D-mannose is a naturally occurring simple sugar (molecular formula $C_6H_{12}O_6$) and is a normal constituent of the human diet. It is found as the free sugar in peaches, apples, and oranges. D-mannose occurs in the tissues of the heart, spleen, lung, kidney, brain, muscle, liver, and intestine of humans and other mammalian species as well as being present in circulating blood of humans at concentrations of around 1 mg/dl.

Moreover, D-mannose is an important component of various human metabolic processes. When present in the human body, D-mannose is involved in an extensive series of metabolic transformations being ultimately incorporated into glycoproteins and glycolipids or formed into the sugar fucose which is then incorporated in glycoproteins. The resultant glycoproteins and glycolipids are essential to the maintenance of cellular integrity and to cell generation.

D-mannose is a six carbon simple sugar (hexose) that is an epimer of D-glucose, having the same chemical structure but differing only in the three dimensional orientation of one hydroxyl group. All hexoses, including D-glucose and D-mannose, play significant roles in human metabolism, including cellular respiration and energy production. Based on the essentiality of these substances and the efficient modes of metabolism, there are no concerns for toxicity at normal dietary levels.

B. Toxicological Points of Departure/ Levels of Concern

D-mannose is a naturally occurring simple sugar and is a normal constituent of the human body. No toxicological endpoint of concern has been identified.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to D-mannose, EPA considered likely exposure from the use of D-mannose as an inert ingredient in pesticides applied to growing crops. Since no toxicological endpoint of concern has been identified and since the metabolic processes involving D-mannose are well understood, the Agency has determined that a quantitative dietary exposure assessment is not necessary. While dietary exposure may result from the use of D-mannose as an inert ingredient in pesticide formulations applied to growing crops, the amount of D-mannose contained in pesticide formulations and applied to growing crops would be at levels far below its natural occurance in foods and endogenous production in the human body.

2. *Dietary exposure from drinking water.* Dietary exposure from drinking water to D-mannose can occur by drinking water that has been contaminated by run-off from a pesticide treated area. Since an endpoint for risk assessment was not identified, a quantitative dietary exposure assessment from drinking water for D-mannose was not conducted.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables). There are no pesticide products containing D-mannose registered for any specific use patterns that would result in residential exposure.

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

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

D. Safety Factor for Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children.

Because of the non-toxic nature of D-mannose, there are no threshold effects, which would trigger the application of section 408(b)(2)(C).

E. Aggregate Risks and Determination of Safety

Taking into consideration all available information on D-mannose, EPA has determined that there is a reasonable certainty that no harm to any population subgroup, including infants and children, will result from aggregate exposure to D-mannose under reasonable foreseeable circumstances. Therefore, the establishment of an exemption from tolerance under 40 CFR 180.920 for residues of D-mannose when used as an inert ingredient (sequestrant, binder, or filler) in pesticide formulations applied preharvest to growing crops is safe under FFDCA section 408.

V. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical level limiting the amount of residues that cannot be exceeded.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.920 for D-mannose (CAS Reg. No. 3458–28–4) when used as

an inert ingredient (sequestrant, binder, or filler) in pesticide formulations applied preharvest to growing crops.

VII. Statutory and Executive Order Reviews

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

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

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

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

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: January 27, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.920, alphabetically add the following inert ingredient to the table to read as follows:

§ 180.920 Inert ingredients used preharvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* *	*	* *
D-mannose (CAS Reg. No. 3458–28–4).	.....	Sequestrant, binder, filler.
* *	*	* *

[FR Doc. 2014–02694 Filed 2–6–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563–3148–02]

RIN 0648–XD114

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2014 Pacific cod total allowable catch allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 4, 2014, through 2400 hours, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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 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.

The 2014 Pacific cod total allowable catch (TAC) allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 4,518 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) and inseason adjustment (79 FR 758, January 7, 2014).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2014 Pacific cod

TAC allocated as a directed fishing allowance to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

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 Acting 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 closure of directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 31, 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: February 3, 2014.

Sean F. Corson,

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

[FR Doc. 2014–02590 Filed 2–3–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 26
Friday, February 7, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter 1

[Docket No. PRM–73–17; NRC–2013–0214]

Programmable Logic Computers in Nuclear Power Plant Control Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of acceptance and docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received a petition for rulemaking (PRM), PRM–73–17, filed on March 14, 2013, as supplemented through December 19, 2013, from Mr. Alan Morris (the petitioner). The petitioner requests that the NRC require ''new-design programmable logic computers'' to be installed in the control systems of nuclear power plants to block malware attacks on their industrial control systems of those facilities. In addition, the petitioner requests that nuclear power plant staff be trained ''in the programming and handling of the non-rewriteable memories'' for nuclear power plants. The NRC is not requesting public comment on this petition at this time.

DATES: February 7, 2014.

ADDRESSES: Please refer to Docket ID NRC–2013–0214 when contacting the NRC about the availability of information for this petition. You may access publicly-available information related to this petition by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0214. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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 ''*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.

FOR FURTHER INFORMATION CONTACT: Robert H. Beall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3814, email: *Robert.Beall@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. The Petitioner.

Mr. Alan Morris of Morris and Ward, Consulting Engineers, filed a petition for rulemaking with the Commission on March 14, 2013, as supplemented through December 19, 2013 (ADAMS Accession No. ML14016A458). The petitioner states that he is interested in protecting the critical infrastructure of the United States, and has developed and patented ''hacker-blocking technology'' for non-rewriteable memories to be used with programmable logic computers (PLCs) of industrial control systems.

II. The Petition

The petitioner requests that the NRC require ''new-design programmable logic computers'' to be installed in the control systems of critical infrastructure facilities (nuclear power plants), in order to ''block malware attacks on the industrial control systems of those facilities.'' The petitioner also requests that nuclear power plant staff be trained to maintain and secure records of all memory programming, and recommends maintenance in secure storage of programmed memories that may be again employed, as ''the control systems of critical facilities are essentially steady-state.'' The petitioner states that the proposed action would ''[r]educe impact on quality of the natural and social environments by stopping disastrous events at critical facilities.''

The petition notes that ''[a]n industrial control system (ICS) is used to control equipment in a local area such as a production plant, while a supervisory control and data acquisition (SCADA) system is used to control equipment in a wide geographical area such as an electric power grid.'' The petition goes on to say that ''[t]he basic element of an ICS is an industrial controller known as a programmable logic computer (PLC). Programmed into the memory of the PLC are the operations of the equipment in the ICS.''

The complete text of the petition, as amended (ADAMS Accession No. ML14016A458), is available for review as described in the **ADDRESSES** section of this document.

Because the petitioner has satisfied the acceptance criteria in § 2.802(c) of Title 10 of the *Code of Federal Regulations,* the NRC has accepted, and will review the petition to determine whether it should be considered in the rulemaking process.

The NRC is not requesting public comment on this petition at this time.

Dated at Rockville, Maryland, this 27th day of January 2014.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014–02493 Filed 2–6–14; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No.FAA–2014–0067; Notice No. 25–14–01–SC]

Special Conditions: Learjet Inc., Model LJ–200–1A10 Airplane; Composite Fuselage In-Flight Fire/Flammability Resistance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Learjet Inc. Model LJ–200–1A10 airplane. This airplane will have a novel or unusual design feature

when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The fuselage of the LJ–200–1A10 will be made of composite materials rather than conventional aluminum, which may affect fire propagation during an in-flight fire. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before March 24, 2014.

ADDRESSES: Send comments identified by docket number FAA–2014–0067 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–2195; facsimile 425–227–1232.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On February 9, 2009, Learjet Inc. applied for a type certificate for their new Model LJ–200–1A10 airplane (hereafter referred to as the ''Model LJ–200''). The Model LJ–200 is a business class airplane powered by two high-bypass turbine engines with an estimated maximum takeoff weight of 35,550 pounds and an interior configuration for up to 10 passengers.

The Model LJ–200 is the first composite fuselage airplane design manufactured by Learjet Inc. A fuselage manufactured from composite material is considered a unique and novel design with respect to existing regulations for this type of aircraft. The performance of aircraft consisting of a conventional aluminum fuselage in an inaccessible in-flight fire scenario is understood based on service history and extensive intermediate and large-scale fire testing. The fuselage itself does not contribute to in-flight fire propagation. This may not be the case for an all composite fuselage. The existing regulations do not adequately address protection against an in-flight fire for an all composite fuselage. These proposed special conditions are necessary to ensure a level of safety equivalent to that provided by existing regulations.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Learjet Inc. must show that the Model LJ–200 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–127, and 14 CFR part 26, as amended by Amendment 26–1 through 26–2.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model LJ–200 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model LJ–200 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model LJ–200 airplane will incorporate the following novel or unusual design features: The fuselage will be fabricated using composite materials instead of conventional aluminum.

Discussion

The Model LJ–200 airplane will make extensive use of composite materials in the fabrication of the majority of the wing, fuselage skin, stringers, spars, and most other structural elements of all major sub-assemblies of the airplane. Despite the major change from aluminum to composite material for the fuselage, the Model LJ–200 airplane must have in-flight survivability such that the composite fuselage does not propagate a fire. A methodology for assessing the in-flight fire survivability of an all-composite fuselage is therefore needed.

The FAA believes that one way to assess the survivability within the cabin of the Model LJ–200 airplane is to conduct large-scale tests. These large-scale tests would use a mock-up of a Model LJ–200 airplane fuselage skin/structure section of sufficient size to assess any tendency for fire propagation. The fire threat used to represent the realistic ignition source in the airplane would consist of a 4″ × 4″ × 9″ polyurethane foam block and 10 ml of

Heptane. This ignition source provides approximately three minutes of flame time and would be positioned at various points and orientations within the mocked up installation to impinge on those areas of the fuselage considered to be most crucial.

This fire threat was established based on an assessment of a range of potential ignition sources, coupled with possible contamination of materials. The FAA considers this a severe fire threat, encompassing a variety of scenarios. However, should ignition or fire sources of a greater severity be identified, these special conditions or the method of compliance would need to be modified in order to take the more severe threat into account.

Despite the major change from aluminum to composite material for the fuselage, the Model LJ–200 must have in-flight fire survivability such that the composite fuselage is no worse than that of a similar aluminum structure.

Applicability

As discussed above, these special conditions are applicable to the Model LJ–200 airplane. Should Learjet Inc. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Learjet LJ–200–1A10 airplane.

Composite Fuselage In-Flight Fire/ Flammability Resistance. The Learjet Model LJ–200 composite fuselage structure must be shown to be resistant to flame propagation under the fire threat used to develop § 25.856(a). If products of combustion are observed beyond the test heat source, they must be evaluated and found acceptable.

Issued in Renton, Washington, on January 31, 2014.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02618 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2013–0789]

RIN 1625–AA08

Special Local Regulation; Suncoast Offshore Grand Prix; Gulf of Mexico, Sarasota, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the permanent special local regulations for the Suncoast Offshore Challenge and the Suncoast Offshore Grand Prix in the Gulf of Mexico near Sarasota, Florida. These changes would adjust the timing and affected areas of two existing regulated areas. The changes are necessary to provide for the safety of life on navigable waters during the event.

DATES: Comments and related material must be received by the Coast Guard on or before March 3, 2014. Requests for public meetings must be received by the Coast Guard on or before March 3, 2014.

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

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

(2) *Fax:* (202) 493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Brett Sillman, Sector Saint Petersburg Waterways Management Branch, U.S. Coast Guard; telephone (813) 228–2191, email *brett.s.sillman@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2013–0789 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may

change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2013–0040 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

3. Privacy Act

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

4. Public Meeting

We do not plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Annual Suncoast Offshore Challenge and Annual Suncoast Offshore Grand Prix in the Gulf of Mexico near Sarasota, Florida are governed by permanent regulations at 33 CFR 100.719 and 33 CFR 100.720, respectively.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233, 33 CFR 1.05–1.

The purpose of the regulation is to consolidate the Annual Suncoast Offshore Challenge at 33 CFR 100.719 and Annual Suncoast Offshore Grand Prix 33 CFR 100.720 into a single regulation to provide safety of life on the navigable waters in the Captain of the Port Saint Petersburg Zone. The marine events are normally held on the first Saturday and Sunday of July between 10 a.m. and 4 p.m. Event coordinators have decided to combine the two events to take place annually on the first Sunday of July between 10 a.m. and 4 p.m. Event coordinators are also reducing the length of the racecourse so that Big Sarasota Pass channel may remain open during the event. In recent years, areas north of New Pass have been subjected to shoaling. To ensure the safety of boaters, the Coast Guard also proposes to close New Pass during the race because the north end of the course is close to the channel.

D. Discussion of Proposed Rule

This proposed rule is necessary to accommodate the rescheduling of the Annual Suncoast Offshore Challenge to the same date of the Annual Suncoast Offshore Grand Prix race, to modify the regulated area to account for changes in the length of the racecourse, and to modify the passes for inbound and outbound traffic into Sarasota Bay. The proposed rule would remove 33 CFR 100.719, the existing permanent regulation for the Annual Suncoast Offshore Challenge scheduled for the first Saturday in July. That event would be consolidated with 33 CFR 100.720, the Annual Suncoast Offshore Grand Prix into a one-day race event to be held on the already established Grand Prix race day, annually on the first Sunday of July. Under the existing special local regulations, New Pass is open to maritime traffic and Big Sarasota Pass is closed to traffic. Due to recent shoaling north of New Pass, the proposed rule would close New Pass and open Big Sarasota Pass to inbound and outbound traffic. Additionally, the coordinates of the regulated area would be modified to reflect a reduced length in the racecourse.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

This regulation is not a significant regulatory action because this change constitutes merging and modification of existing regulations. This rule may have some impact on the public, but these potential impacts will be minimized for the following reason: Big Sarasota Pass is within three miles of New Pass and would allow vessels to continue to enter and exit Sarasota Bay.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

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

3. Assistance for Small Entities

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1

§ 100.719 [Removed]

■ 2. Remove § 100.719.

■ 3. Revise § 100.720 to read as follows:

§ 100.720 Annual Suncoast Offshore Grand Prix, Gulf of Mexico, Sarasota, FL.

(a) *Regulated area.* The regulated area is established by a line drawn from the start line position 27°18.40′ N, 82°35.36′ W, thence to turn 1 position 27°16.74′ N, 82°34.92′ W, thence to turn 2 position 27°18.20′ N, 82°34.51′ W, thence to turn 3 position 27°18.67′ N, 82°35.09′ W, thence to turn 4 position 27°18.66′ N, 82°35.45′ W, thence to the finish line position 27°18.64′ N, 82°35.00′ W. All coordinates referenced use datum: NAD 1983.

(b) *Special local regulations.* (1) Spectator craft will be permitted to anchor shoreward of the shoreside boundaries, in the spectator area 500 yards from the regulated area between position 27°18.02′ N, 82°34.42′ W and position 27°16.85′ N, 82°34.67′ W.

(2) Spectator craft will be permitted to anchor seaward of the seaside boundaries, in the spectator area 500 yards from the regulated area between position 27°18.54′ N, 82°35.56′ W and position 27°16.64′ N, 82°35.07′ W.

(3) All vessel traffic not involved with the Suncoast Offshore Grand Prix shall enter and exit Sarasota Bay via Big Sarasota Pass and stay well clear of the racecourse.

(4) New Pass will be closed to all inbound and outbound vessel traffic at the COLREGS Demarcation Line. Vessels are allowed to utilize New Pass to access all areas inland of the Demarcation Line via Sarasota Bay. It may be opened at the discretion of the Patrol Commander.

(5) Entry into the regulated area shall be in accordance with this regulation. Spectator craft will stay clear of the race area at all times.

(c) *Effective date.* This section is effective from 10 a.m. to 4 p.m. EDT, annually during the first Sunday of July.

Dated: January 21, 2014.

G.D. Case,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2014–02664 Filed 2–6–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2009–0805; FRL–9906–32–Region 5]

Approval of Air Quality Implementation Plans; Indiana; Ohio; ''Infrastructure'' SIP State Board Requirements for the 2006 24-Hour $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to approve elements of state implementation plan (SIP) submissions by the Indiana Department of Environmental

Management (IDEM) and the Ohio Environmental Protection Agency (Ohio EPA) to address the section 110 requirements of the CAA for the 2006 24-hour fine particle national ambient air quality standards (2006 $PM_{2.5}$ NAAQS). The SIPs under section 110 of the CAA are often referred to as the ''infrastructure'' SIP, and specifically we are proposing approval of portions of these states' submissions intended to meet the state board requirements of section 110. This section requires states to comply with the applicable state board requirements found in section 128 of the CAA.

DATES: Comments must be received on or before March 10, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2009–0805, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: aburano.douglas@epa.gov.*
3. *Fax:* (312) 408–2279.
4. *Mail:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID. EPA–R05–OAR–2009–0805. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. 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, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Andy Chang, Environmental Engineer, at (312) 886–0258 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andy Chang, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0258, *chang.andy@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for this action?
II. What is the result of EPA's review of the applicable state board requirements for Indiana and Ohio?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is the background for this action?

Under sections 110(a)(1) and (2) of the CAA, and implementing EPA policy, states are required to submit to EPA infrastructure SIPs to ensure that their SIPs provide for implementation, maintenance, and enforcement of the NAAQS, including the 2006 $PM_{2.5}$ NAAQS. These submissions must contain any revisions needed for meeting the applicable SIP requirements of section 110(a)(2), or certifications that their existing SIPs already met those requirements.

EPA highlighted this statutory requirement in an October 2, 2007, guidance document entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' (2007 Memo). On September 25, 2009, EPA issued additional guidance pertaining to the 2006 $PM_{2.5}$ NAAQS entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS)'' (2009 Memo).

On October 29, 2012, EPA finalized its approval of the majority of the infrastructure SIP elements for Indiana and Ohio with respect to the 2006 $PM_{2.5}$ NAAQS (*see* 77 FR 65478). However, we took no action on the state board requirements of section 110(a)(2)(E)(ii); instead, we committed to address compliance with these requirements at a later time (*see* 77 FR 65478 at 75480). Today's proposed rulemaking and future final action are intended to fulfill that commitment.

To assist states with addressing the state board requirements of section 110(a)(2)(E)(ii), EPA issued ''Guidance on infrastructure SIP Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)'' (2011 Memo) and most recently, ''Guidance on Infrastructure SIP Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)'' (2013 Memo). Notably, the 2013 Memo specifies that the state board requirements are not NAAQS specific, i.e., the requirements are identical for each NAAQS. Today's rulemaking describes how Indiana and Ohio have met the applicable state board requirements under section 110(a)(2)(E)(ii) for the 2006 $PM_{2.5}$ NAAQS; this rulemaking does not address any other NAAQS, nor does it extend to any other infrastructure SIP element of the 2006 $PM_{2.5}$ NAAQS.

II. What is the result of EPA's review of the applicable state board requirements for Indiana and Ohio?

Integral to the infrastructure SIP requirements for IDEM and Ohio EPA with respect to the state board requirements for the 2006 $PM_{2.5}$ NAAQS was the need for these two states to show that they had met the applicable

requirements contained in section 128 of the CAA, and for the states to submit such provisions for incorporation into the SIP.

Under section 128 of the CAA, each SIP must contain provisions that address two requirements: (i) That any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter, and (ii) that any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. IDEM's and Ohio EPA's satisfaction of these requirements follow, below.

On August 19, 2013, EPA proposed approval of IDEM's provisions intended to address the applicable requirements of section 128 (*see* 78 FR 50360). No comments were received regarding our proposed approval of Indiana's state board provisions, and EPA's final approval of these provisions was published on December 24, 2013 (*see* 78 FR 77599). IDEM had previously requested in a May 22, 2013, SIP submission that EPA's approval of its state board provisions satisfy any applicable infrastructure SIP requirements for the 2006 $PM_{2.5}$ NAAQS. EPA therefore proposes that Indiana has met the section 110(a)(2)(E)(ii) requirements for the 2006 $PM_{2.5}$ NAAQS.

On June 7, 2013, Ohio submitted a SIP revision clarifying that the state does not have a board that has the authority to approve enforcement orders or permitting actions as outlined in section 128(a)(1) of the CAA; instead, this authority rests with the Director of Ohio EPA. Therefore, section 128(a)(1) of the CAA is not applicable in Ohio.

Under section 128(a)(2), the head of the executive agency with the power to approve enforcement orders or permits must adequately disclose any potential conflicts of interest. In its June 7, 2013, submission, Ohio EPA noted that EPA has previously approved provisions into Ohio's SIP addressing these requirements (*see* 46 FR 57490). Specifically, ORC 102: Public Officers—Ethics contains provisions that require the Director of Ohio EPA (and his/her delegate) to file an annual statement with the ethics committee including potential conflicts of interest; furthermore, this annual filing is subject to public inspection. Ohio EPA requested in its June 7, 2013, submission that these SIP-approved provisions satisfy any applicable infrastructure SIP requirements for the 2006 $PM_{2.5}$ NAAQS. EPA therefore proposes that Ohio has met the applicable requirements for section 110(a)(2)(E)(ii) for the 2006 $PM_{2.5}$ NAAQS.

III. What action is EPA taking?

For the reasons discussed above, EPA is proposing to approve submissions from IDEM and Ohio intended to address the state board requirements under section 110(a)(2)(E)(ii) for the 2006 $PM_{2.5}$ NAAQS. To reiterate, this action does not extend to any other NAAQS, nor does it extend to any other element under section 110(a)(1) and (2) for the 2006 $PM_{2.5}$ NAAQS.

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate Matter, Reporting and recordkeeping requirements.

Dated: January 22, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–02701 Filed 2–6–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2009–0807; FRL–9905–69–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Test Methods; Error Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that an October 26, 2010, action was in error and to make a correction pursuant to section 110(k)(6) of the Clean Air Act (CAA). The correction will bring the codification section of the October 26, 2010, action into accord with the actual substance of the rulemaking action. The October 26, 2010, final rule approved various revisions to Ohio regulations that consolidated air quality standards in a new chapter of rules and adjusted the rule cross references accordingly in various related Ohio rules, including a specific revision to the cross reference in the Ohio Administrative Code (OAC) pertaining to methods for measurements for comparison with the particulate matter air quality standards. The correction will remove the appearance that EPA approved extraneous portions

of this rule in the OAC. EPA is not re-opening the comment period on the October 26, 2010, action.

DATES: Comments must be received on or before March 10, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2009–0807, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: aburano.douglas@epa.gov.*
3. *Fax:* (312) 692–2551.
4. *Mail:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2009–0807. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone John Summerhays, Environmental Scientist, at (312) 886–6067, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6067, *summerhays.john@epa.gov.*

SUPPLEMENTARY INFORMATION: This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

I. What should I consider as I prepare my comments for EPA?
II. Background
III. What was the error?
IV. What action is EPA taking?
V. Statutory and Executive Order Reviews

I. What should I consider as I prepare my comments for EPA?

When submitting comments, remember to:

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions—EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns, and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

II. Background

This proposed action is to correct an error in an earlier EPA rulemaking, using the authority of section 110(k)(6) of the CAA. Section 110(k)(6) provides EPA with explicit authority to correct errors in prior rulemaking actions:

> Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and the public.

EPA notes that this statutory provision provides EPA with authority to correct an error ''whenever'' EPA later determines that an error occurred. In addition, this provision does not define the term ''error,'' and thus does not restrict EPA's authority merely to the correction of typographical mistakes or other such limited circumstances.[1] EPA has used this explicit statutory authority on multiple occasions to correct various types of errors.[2]

The error at issue here occurred in an October 26, 2010, EPA rulemaking action pertaining to revisions to the SIP for the State of Ohio. On that date, EPA

[1] EPA notes that it is not necessary in this rulemaking to determine the precise contours of EPA's authority under section 110(k)(6), because the typographical error at issue in this action is clearly within that authority.

[2] See, e.g., ''Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas's Prevention of Significant Deterioration Program, 76 FR 25178 (May 3, 2011) (the error was full approval of a SIP submission with a legal deficiency); ''Approval and Promulgation of Implementation Plans; Kentucky: Approval of Regions to the State Implementation Plan,'' 75 FR 2440 (Jan. 15, 2010) (the error was inclusion of provisions into the SIP); ''Designation of Areas for Air Quality Planning Purposes; Correction of Designations of Nonclassified Ozone Nonattainment Areas; States of Maine and New Hampshire,'' 62 FR 14641 (March 27, 1997) (designations in error because insufficient information submitted).

published both a proposal and a companion direct final rule, which addressed a SIP submission from the Ohio EPA dated September 10, 2009.[3] The state's September 10, 2009, SIP submission included a number of revisions submitted for EPA approval into the Ohio SIP, including amendments of some existing state rules, rescission and replacement of language in other existing state rules, and promulgation of a new state rule.[4] The state asserted that the overarching purpose for these various revisions was ''to consolidate the state's ambient air quality standards'' and explicitly stated that the intent was ''to consolidate Ohio's [state regulations] into a single rule to provide greater accessibility for the regulated community and the citizens of Ohio.'' [5]

Among the existing state regulations revised in the SIP submission was OAC 3745–17–03. The state gave no indication that it was revising OAC 3745–17–03 substantively or seeking EPA approval of any substantive revisions to that state regulation; the only revision identified by the state in the SIP submission was a revision to a cross reference in OAC 3745–17–03(A).

EPA's October 26, 2010, action reflected EPA's evaluation of the state's SIP submission, and EPA's approval of the various individual revisions requested by the state for the express purpose of consolidating the state's regulations. Unfortunately, in approving the state's SIP submission, EPA erred by publishing a notice which did not properly reflect the precise rule revision submitted by the state in OAC 3745–17–03. Specifically, the state's SIP submission requested that EPA approve a revision to OAC 3745–17–03, which the state itself reflected in ''redline and strikeout'' as merely one isolated change in OAC 3745–17–03(A), *i.e.,* the deletion of an existing cross reference to rule ''3745–17–02'' and the insertion of a replacement cross reference to rule ''3745–25–02.'' The state did not redline any other revisions to OAC 3745–17–03 in the version of the regulation attached to the SIP submission. The state neither identified nor requested any other specific substantive revisions to the version of OAC 3745–17–03 currently approved by EPA as part of the SIP. Likewise, EPA did not identify or discuss any other revisions to OAC 3745–17–03 in the October 26, 2010, action.

However, EPA stated in the October 26, 2010, action that it ''is approving the following Ohio Administrative Code rules: 3745–17–03 'Measurement methods and procedures' . . . .'' This statement was incorrect because it did not clearly describe the precise revision being approved by EPA and the erroneous omission of the citation to subsection ''(A)'' left the misimpression that EPA was approving more than the revised cross reference in OAC 3745–17–03(A). EPA also codified this change with an incorporation by reference described in the October 26, 2010, notice as ''(A) Ohio Administrative Code Rule 3745–17–03 'Measurement methods and procedures', effective April 18, 2009.'' EPA should have explicitly limited that codification to OAC 3745–17–03(A). As evidenced by the lack of any evaluation or discussion of any substantive revisions to OAC 3745–17–03 whatsoever, and in light of the then pending proposed disapproval of certain substantive revisions to OAC 3745–17–03, it is evident that EPA did not intend, and could not have intended, to approve any revisions to OAC 3745–17–03 beyond the revised cross reference in OAC 3745–17–03(A).

EPA subsequently discovered the error in the October 26, 2010, rulemaking when EPA noticed the incorrect codification of OAC 3745–17–03 in the Ohio SIP in early 2013.[6] That incorrect codification wrongly suggested that EPA had approved revisions to OAC 3745–17–03 in toto, when it should have referred only to an approval of the revision to the cross reference in OAC 3745–17–03(A) as requested by Ohio. Accordingly, EPA published a final rule announcing the discovery of the error, explaining the error, and correcting the error, on April 3, 2013.[7] Within that April 3, 2013, action, EPA also explained its basis for concluding that notice and comment rulemaking was not necessary to correct the error in these specific circumstances and invoked the good cause exception to the requirement for notice and comment rulemaking under section 553 of the Administrative Procedure Act, 5 U.S.C. section 553(b)(B).

In response to EPA's April 3, 2013 notice, one party filed a petition for reconsideration requesting that EPA reconsider its procedure in this matter and requesting that EPA instead proceed using the SIP error correction procedure of section 110(k)(6) of the CAA. The same party and other parties also filed petitions for review challenging the April 3, 2013 action, likewise reflecting their views that EPA should use the procedure of section 110(k)(6) to address the error in the October 26, 2010, rulemaking.

Although EPA believes that the Administrative Procedures Act authorizes action without notice and comment in circumstances such as those presented in this particular situation, EPA has nevertheless elected to correct the error in the October 26, 2010, action through a notice and comment procedure using the explicit authority of section 110(k)(6) in this action.[8] Based upon the apparent confusion caused by EPA's error as reflected in the petitions, EPA believes that proceeding pursuant to section 110(k)(6) at this time will provide interested parties an opportunity to provide comment and will better serve the intended purpose of eliminating any potential misunderstandings.

Except for this specific error identified in this proposed action under section 110(k)(6), EPA is not revising its action in the October 26, 2010, action. EPA is not aware of any other errors associated with that action.

III. What was the error?

A. What was the error in description and codification?

EPA's October 26, 2010, action was in error. In acting upon the September 10,

[3] See ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards; Proposed rule,'' 75 FR 65594 (October 26, 2010); ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards, Direct final rule,'' 75 FR 65572 (October 26, 2010).

[4] See Letter from Chris Korleski, Director, Ohio EPA, to Bharat Mathur, Acting Regional Administrator, U.S. EPA Region V, dated September 10, 2009. A copy of this letter and the attachment is located in the rulemaking docket for this proposal.

[5] Id. at page 1.

[6] This error was reflected in 40 CFR 52.1870(c)(151)(i)(A) which erroneously suggested that EPA had approved revisions to a version of OAC 3745–17–03 effective April 18, 2009, in its entirety, when this reference should have been limited to OAC 3745–17–03(A). This was an error as EPA did not and could not have approved the revision in toto in the October 26, 2010, action. EPA could only have approved the specific revision to the cross reference requested by the state and could not have approved other revisions not discussed or identified by the state in the SIP submission. In addition, EPA could not have approved any substantive revisions, regardless of whether the state requested them in the SIP submission, without adequate explanation of how such revisions would have been consistent with the requirements of section 110(l) and section 193. Moreover, this is especially the case as EPA has previously proposed disapproval of certain substantive changes in OAC 3745–17–03(B) for numerous reasons including noncompliance with those statutory provisions.

[7] See ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards; Correction, Final rule; correcting amendment,'' 78 FR 19990 (April 3, 2013).

[8] EPA elected to grant a petition for reconsideration that specifically requested EPA to use section 110(k)(6) to correct the error. See Letter from Robert Kaplan, Regional Counsel, Region 5 to Cheri Budzynski dated August 27, 2013. A copy of this letter is located in the rulemaking docket for this proposal.

2009, SIP submission from the State of Ohio, EPA's notice of direct final rulemaking incorrectly indicated that the Agency was approving revisions to ''OAC 3745–17–03'' when the notice should have explicitly indicated that EPA was only approving the revised cross reference in OAC 3745–17–03(A). For the reasons discussed below, EPA did not approve more than the revision of the cross reference in OAC 3745–17–03(A) in the October 26, 2010, action, but EPA's notice inadvertently did not make that point clearly.

EPA's lack of precision in the preamble and in the codification in the October 26, 2010, action led to an incorrect codification in 40 CFR 52.1870, which erroneously could have suggested that EPA had approved substantive revisions to OAC 3745–17–03 in the Ohio SIP beyond the mere requested revision to the cross reference in OAC 3745–17–03(A).[9] EPA needs to correct this codification error in order to assure that all parties, including regulators, regulated entities, and citizens are not confused by the error in the October 26, 2010, action.

EPA believes that this is precisely the type of scenario in which Congress has given EPA explicit authority to revise prior erroneous actions pursuant to section 110(k)(6). Accordingly, EPA is proposing to determine that its October 26, 2010, action was in error to the extent that it appeared to approve revisions to OAC 3745–17–03, beyond the mere approval of the revised cross reference in OAC 3745–17–03(A).

Even if EPA's mere failure to include the specific reference to subsection ''(A)'' of OAC 3745–17–03 in the October 26, 2010, action could have accidentally and unintentionally resulted in an approval of all of the other substantive changes in the version of OAC 3745–17–03 that the state failed to discuss or identify in the September 10, 2009, SIP submission, and that EPA failed to discuss or identify in its October 26, 2010, action, that would also have been in error as EPA cannot approve such substantive SIP revisions without proposing to do so, explaining the proposal, taking comment on the proposal, responding to comment on the proposal, and explaining the final approval. EPA could not have approved other substantive revisions claimed by some parties *sub silentio.*

B. What precipitated this error?

The error at issue resulted from a combination of causes, related to unintended ambiguities in both the state's SIP submission and EPA's October 26, 2010, action upon that SIP submission. The ambiguities in the September 10, 2009, SIP submission include: (i) The state's cover letter referred to the amendment of ''OAC 3745–17–03'' without highlighting that the actual requested amendment at issue was only in OAC 3745–17–03(A); (ii) the state's cover letter requested that EPA ''accept the new and amended rules as replacements for the rules currently in our SIP'' but without enumerating the specific revised subsections for such replacements; and (iii) although the state did include a redline/strikeout version to reflect the specific amendment in question, the state provided a redline/strikeout version against a version of OAC 3745–17–03 that was not the current version of OAC 3745–17–03 approved by EPA in the SIP.[10] The confusion injected by the state's use of a baseline version of OAC 3745–17–03 significantly different from the version that had been approved by EPA as part of the Ohio SIP, and failing to identify these differences, evidently led some parties to believe that EPA had approved substantive revisions to OAC 3745–17–03 beyond those actually approved by EPA, including certain provisions that EPA had expressly previously proposed to disapprove.

Notwithstanding any ambiguity in the state's SIP submission, however, EPA should have noted the ambiguities and should have been clearer in describing its own actions in the October 26, 2010, action. In acting upon the specific revision to OAC 3745–17–03 at issue in the September 10, 2009, SIP submission, EPA should have: (i) Explicitly articulated that it was evaluating and approving only the revision to the replaced cross reference in OAC 3745–17–03(A) identified in the SIP submission by the state; (ii) correctly referred to and cited 3745–17–03(A) specifically in the notice and the codification, rather than OAC 3745–17–03 in general; (iii) should have noticed and addressed the fact that the version of OAC 3745–17–03 that the state used as the baseline from which it identified revisions was not the current approved version in the Ohio SIP; and (iv) should have noted the pending proposed disapproval of certain substantive revisions to OAC 3745–17–03 from another prior SIP submission. The confusion injected in part by EPA's failure to notice and address the significant unnoted substantive differences between the SIP version and the submitted version of OAC 3745–17–03 led some parties to take the position that EPA had approved substantive revisions to OAC 3745–17–03 beyond those actually approved by EPA.

C. Why was it evident that this was an error?

EPA believes that it should have been apparent that the October 26, 2010, action contained an error. First, although the state's September 10, 2009, SIP submission appeared to request that EPA approve ''OAC 3745–17–03'' in its entirety instead of being clear that only the cross reference in OAC 3745–17–03(A) was at issue, the attached redline/strikeout version of the rule included in the SIP submission highlighted only the replaced cross reference OAC 3745–17–03(A). The state identified no other revisions to OAC 3745–17–03, either in its description of the revision or in the redline/strikeout version of the regulation. Moreover, the ''Rule Summary and Fiscal Analysis'' submitted as part of the state's September 10, 2009, submission explicitly stated that the purpose of the state's own regulatory revision to OAC 3745–17–03 was ''to update a citation to OAC rule 3745–17–02 in paragraph (A).''[11] The single minor redlined change highlighted in the SIP submission, in the context of the state's explicitly stated intent merely to consolidate OAC 3745–17–03 along with other rules, should have been a clear indication that the state did not consciously intend to make more substantive revisions to OAC 3745–17–03, nor that EPA consciously intended to approve any such substantive revisions, in the October 26, 2010, action.

Second, the version of OAC 3745–17–03 submitted by the state as part of the SIP submission did not reflect or identify revisions relative to the version of that rule that had actually been approved by EPA into the SIP. The version of OAC 3745–17–03 that had been approved by EPA into the Ohio SIP was the version effective in the state as of January 31, 1998, approved by EPA

[9] EPA notes that 40 CFR 52.1870(151)(i)(A) currently refers to an incorporation by reference of ''Ohio Administrative Code Rule 3745–17–03(A) 'Measurement methods and procedures.', effective April 18,2009.'' This incorporation by reference is thus now correct in the Code of Federal Regulations.

[10] A copy of the September 10, 2009, SIP submission is located in the docket for this proposal.

[11] See ''Rule Summary and Fiscal Analysis (Part A),'' dated April 8, 2009, 8:07 a.m., submitted by the state in Article III, Attachment B, RSFAs, as an attachment to the September 10, 2009, SIP submission. A copy of the entire SIP submission is in the docket for this proposal.

on October 16, 2007.[12] EPA has not approved a substantive revision to OAC 3745–17–03 (or any other revision beyond the referencing revision in paragraph A) since that time. The later version of OAC 3745–17–03 mistakenly used in the state's September 10, 2009, SIP submission as a baseline for identifying revisions has substantial differences from the version previously approved by EPA into the SIP. EPA's October 26, 2010, action did not include any discussion whatsoever of these differences between the version of OAC 3745–17–03 that had been approved by EPA in the Ohio SIP and the later version that the state used as a baseline in its September 10, 2009, SIP submission. Those differences are significant and substantive, *e.g.,* the provisions that address compliance methods for opacity standards applicable to certain stationary sources, for which the unapproved revisions would allow significantly more opacity during certain periods. Such significant and substantive revisions to the existing approved version of OAC 3745–17–03, even if valid, would have required an analysis under section 110(l) and section 193, as appropriate, to support approval. The state's September 10, 2009, SIP submission contained no such analysis. EPA would have needed to provide an explanation of this analysis in the October 26, 2010, action or in the administrative record supporting that action. EPA provided no such analysis because it did not intend to approve those substantive changes to OAC 3745–17–03, merely the revision to the cross reference in OAC 3745–17–03(A). The absence of any such analysis should have been a clear indication that EPA was not approving any revisions to OAC 3745–17–03 beyond the cross reference.

Third, there is a pending rulemaking in which EPA proposed to disapprove certain substantive revisions to OAC 3745–17–03 contained in a June 4, 2003, SIP submission, during which EPA received comments both supporting and opposing the proposed disapproval.[13] The fact that EPA neither referred to that prior proposed disapproval action, nor responded to any of the comments that pertain to that prior proposed action in the October 26, 2010, notice, is further evidence that EPA did not and could not have approved any substantive revisions to OAC 3745–17–03 and could only have intended to approve the revisions to the cross reference in OAC 3745–17–03(A). Basic principles of administrative law, under both the CAA and the Administrative Procedures Act, require an agency to respond to significant adverse comments on a proposed action as part of notice and comment rulemaking, and it would have been improper for EPA to ignore the comments on the prior proposed disapproval of substantive revisions to OAC 3745–17–03. This absence of responses to comments on such significant substantive changes should have been a clear indication that EPA was in fact not intending to approve those revisions, and could only be approving the limited revision to the cross reference in OAC 3745–17–03(A), in the October 26, 2013, action.[14]

Given the foregoing facts, EPA believes that its October 26, 2010, action with respect to OAC 3745–17–03 was clearly in error. EPA could not have approved any revision, except with respect to the revision to the cross reference in OAC 3745–17–03(A) specifically requested by the state in the SIP submission. Moreover, given the context, EPA believes that the error should have been evident at the time of the action. The foregoing facts form the basis for EPA's proposed determination that the October 26, 2010, action was in error.

IV. What action is EPA taking?

Pursuant to section 110(k)(6), EPA is proposing to determine that its October 26, 2010, rulemaking was in error to the extent that it appeared to approve revisions to OAC 3745–17–03 beyond the revision to the cross reference in OAC 3745–17–03(A). Through today's action, EPA is proposing to clarify that in the October 26, 2010, action, EPA did not approve any revisions to OAC 3745–17–03 except for the specific revision to the cross reference in OAC 3745–17–03(A) requested by the state. But for that change, the currently applicable version of OAC 3745–17–03 in the Ohio SIP is the version effective in the state on January 31, 1998, approved by EPA on October 16, 2007. The currently applicable version of OAC 3745–17–03 in the Ohio SIP does not contain any revisions addressed in EPA's proposed approval and disapproval on June 27, 2005.

On April 3, 2013, EPA used its authority under section 553 of the Administrative Procedures Act to amend the erroneous codification in its October 26, 2010, rulemaking without notice and comment rulemaking to reflect more clearly that EPA had only approved the one isolated revision requested by the state in OAC 3745–17–03, i.e, the revision of the cross reference in OAC 3745–17–03(A). That corrected codification is already reflected in the CFR, i.e., the *status quo* is that the codification is correct. In response to a petition for reconsideration, EPA is proposing today to correct the misleading codification as an error pursuant to section 110(k)(6) rather than rely on the corrected codification identified in the April 3, 2013, final action.

EPA is soliciting comment on this proposed action under section 110(k)(6). By this means, EPA is taking proposed action to correct the erroneous codification of its October 26, 2010, rulemaking by clarifying that the only portion of Ohio's submittal on September 10, 2009, of OAC 3745–17–03 that should be codified as approved by EPA is OAC 3745–17–03(A). To reiterate, the only revision that EPA approved to OAC 3745–17–03 in the October 26, 2010, action is the revised cross reference in OAC 3745–17–03(A).

EPA believes that the facts set forth in this proposal demonstrate clearly that the October 26, 2010, action was in error to the extent that it appeared to approve revisions to OAC 3745–17–03 beyond the revision to the cross reference in OAC 3745–17–03(A). If EPA takes final action as proposed in this notice, EPA will also reaffirm the codification of OAC 3745–17–03(A) in 40 CFR 52.1870 (c)(151)(i)(A). EPA is not reconsidering its October 26, 2010, action with respect to any other issues. EPA is also not in this rulemaking addressing the substance of provisions of OAC 3745–17–03 other than paragraph (A), which are outside the scope of the revision requested in the state's September 10, 2009, SIP submission and EPA's October 26, 2010, rulemaking. In

[12] See ''Approval and Promulgation of Implementation Plans; Ohio Particulate Matter,'' 72 FR 58523 (Oct. 16, 2007). This 2007 action pertained to a SIP revision that the state submitted on July 18, 2000. This specific SIP submission preceded the revisions that the state submitted to EPA on June 4, 2003, that EPA has proposed to disapprove. The only revision to OAC 3745–17–03 that EPA has approved since 2007 is the revision to amend the cross reference in OAC 3745–17–03(A).

[13] See ''Approval and Disapproval of Ohio Implementation Plan for Particulate Matter; Proposed Rule,'' 70 FR 36901 (June 27, 2005). The June 4, 2003, SIP submission was not at issue in EPA's October 26, 2010, action, and is not at issue here.

[14] EPA notes that commenters on the Agency's June 27, 2005, proposed disapproval of certain substantive revisions to OAC 3745–17–03 included the Ohio Chamber of Commerce, the Ohio EPA, and representatives of various industry groups. Accordingly, EPA presumes that some parties are familiar with that proposed disapproval and would have noted that none of the comments concerning the prior disapproval were addressed in the October 26, 2010, action, including their own. The substance of those comments is not germane to this action, but EPA includes those comment letters in the docket for this action solely for the purpose of illustrating that some parties would have been aware of the significance of the substantive revisions in OAC 3745–17–03 that EPA did not intend to approve on October 26, 2010.

particular, any substantive revisions to OAC 3745–17–03, including any revisions to OAC 3745–17–03(B)(1), are not at issue in this rulemaking. Only comments regarding EPA's correction of the error in the October 26, 2010, action are germane to this rulemaking under section 110(k)(6).

EPA notes that it is neither staying nor revoking the correction action in the April 3, 2013, notice, because that could be misleading to regulated entities, regulators, and members of the public alike. Because the error in the October 26, 2010, action was in essence a typographical error, and because there was no actual approval of any revisions to OAC 3745–17–03 other than the revised cross reference in OAC 3745–17–03(A), the previously approved version of the remainder of OAC 3745–17–03 remains in effect in the Ohio SIP. Based upon the still pending proposed disapproval of certain substantive revisions to OAC 3745–17–03, EPA believes that parties such as regulated entities affected by those substantive revisions would be well aware of this fact, but not all other parties should be expected or presumed to have this degree of understanding or responsibility to be informed. While EPA is pursuing correcting action under authority of CAA section 110(k)(6), to supersede the correcting action under the Administrative Procedures Act, that EPA published on April 3, 2013, EPA anticipates that the codification as corrected pursuant to section 110(k)(6) will replicate the codification as corrected on April 3, 2013. Accordingly, EPA is not staying or revoking the correction in the April 3, 2013, action, in the interim during this rulemaking under section 110(k)(6). The April 3, 2013, action will become moot once EPA takes final action on today's proposal.

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 13, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–01319 Filed 2–6–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 82

[FRL–9906–16–OAR]

Request for Public Engagement in the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States

AGENCY: U.S. Environmental Protection Agency (EPA) on behalf of the United States Global Change Research Program (USGCRP).

ACTION: Request for Public Submissions of Comments on a Draft Report Prospectus, Information, and Contributing Author Nominations, and Notice of a Public Forum.

SUMMARY: As part of the President's Climate Action Plan and ongoing efforts within the US Global Change Research Program (USGCRP), the Interagency Crosscutting Group on Climate Change and Human Health (CCHHG) and a subset of the Interagency National Climate Assessment Working Group (INCA) have initiated an interagency Special Report on the impacts of observed and projected climate change on human health in the United States. This data-driven technical synthesis and assessment will be an interagency product of the USGCRP organized by the CCHHG. This request for public engagement presents opportunities to submit comments on the Draft Report Prospectus, scientific information to inform the assessment, and nominations for contributing authors, and announces a Public Forum to Inform the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States.

DATES: *Comments:* Comments on the draft prospectus, information to inform the Special Report, and contributing author nominations may be submitted during a 30-day period beginning March 1, 2014. All submissions should be received by USGCRP on or before 11:59 p.m. Eastern Time. March 31, 2014. The Public Forum will be held March 13, 2013 from 10 a.m.–5 p.m. Eastern Time.

Public Forum: The Public Forum, organized by the CCHHG, will be held on March 13, 2014.

ADDRESSES: The March 13, 2014 Public Forum will be held at the EPA William Jefferson Clinton East building, Room 1153, 1301 Constitution Avenue NW., Washington, DC 20460. To register, please follow the detailed instructions as provided below.

Information in response to the Request for Comments on the Draft

Prospectus, Call for Information, and Call for Contributing Author Nominations must be submitted electronically at: *http://globalchange.gov/component/content/article/990*.

FOR FURTHER INFORMATION CONTACT: For details on the period for submission of scientific information, comments on the Draft Prospectus, and call for contributing author nominations from the public, please contact Allison Crimmins; telephone: 202–343–9170; or email: *healthreport@usgcrp.gov*.

[Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this request may be used by the government. Please do not include any information that might be considered proprietary or confidential.]

SUPPLEMENTARY INFORMATION:

I. Request for Comment on Draft Report Prospectus

A. How to Submit Comments on the Draft Prospectus

The Draft Prospectus presented in Section I.B of this Notice describes proposed plans for scoping, drafting, reviewing, producing, and disseminating the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States. EPA invites interested parties to review the Draft Prospectus and provide comments within the 30-day public comment period, beginning March 1, 2014 and ending 11:59 p.m. Eastern Time March 31, 2014. The EPA and the CCHHG are seeking comments on the Special Report objectives, proposed topics, and process as outlined in the Draft Prospectus. Public comments received on the Draft Prospectus will be evaluated and used to inform the Special Report Final Prospectus.

Comments on the Draft Prospectus can be made at: *http://globalchange.gov/component/content/article/990*.

B. Draft Prospectus for the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States: An Assessment of Observed and Projected Climate Change Impacts on Human Health in the U.S.

(1) Overview

As part of the President's Climate Action Plan and ongoing efforts within the US Global Change Research Program (USGCRP), the Interagency Crosscutting Group on Climate Change and Human Health (CCHHG) and a subset of the Interagency National Climate Assessment Working Group (INCA) have initiated an Interagency Special Report on the Impacts of Climate Change on Human Health in the United States. This data-driven technical synthesis and assessment will be an interagency product of the USGCRP, organized by the CCHHG.

The Special Report will be an evidence-based, quantitative assessment of observed and projected climate change impacts on human health in the United States. Development of the report will leverage existing activities of the CCHHG and INCA members, aggregate and assess current quantitative research on human health impacts of climate change, and summarize the current state of the science. As a technical scientific assessment, the Special Report will extend the work begun under the 2008 Synthesis and Assessment Product 4.6 (SAP 4.6) Analyses of the Effects of Global Change on Human Health and Welfare and Human Systems and the forthcoming third National Climate Assessment (NCA) by using modeling and analysis tools to quantify, where possible, projected national-scale impacts of climate change to human health. Such analyses will attempt to identify and bound impact uncertainties, as well as better define changes in attributable epidemiological risks, particularly for vulnerable populations, with the goal of informing public health authorities and other public planning and resource management entities.

The lead and coordinating Federal agencies for the Special Report are the Centers for Disease Control and Prevention (CDC), National Institute of Health (NIH), National Oceanic and Atmospheric Administration (NOAA), and Environmental Protection Agency (EPA).

(2) Proposed Focus Areas

The proposed scope of the Special Report will cover the following eight focus areas, which will each comprise a section of the Special Report:

(a) Thermal Extremes: Heat and Cold Waves
(b) Air Quality Impacts
(c) Vectorborne and Zoonotic Disease
(d) Waterborne and Foodborne Diseases
(e) Food Safety
(f) Extreme Weather and Climate Events
(g) Mental Health and Stress-Related Disorders
(h) Vulnerable Regions and Subpopulations to Health Impacts of Climate Change

The authors will review and assess the literature in each focus area in order to summarize the state of the science regarding observed and projected health-related climate change impacts and associated changes in risk. Four sections of the Special Report propose to go beyond the assessment of literature to present additional modeling and/or quantitative analyses of the projected health impacts from climate change. Additional quantitative analyses conducted for the Special Report are proposed in the areas of:

(1) Extreme Heat Mortality
(2) Air Quality Impacts (Ozone or PM 2.5)
(3) Lyme Disease
(4) Vibrio-related Illness.

The sections below provide more detail on the scope of observations and projections that will be included in each section.

(a) Observed Climate Change Impacts on Human Health

Where possible, the Special Report will identify relationships between global, national, and regional climate changes and associated impacts on human health in the United States over the last century. Each section will include a ''state of the science'' overview aimed at understanding observed impacts and developing/maintaining climate-health indicators. Because the impacts of climate change on health are complex and often dependent on multiple confounding socioeconomic and environmental factors, the methodology for developing appropriate climate and health indicators is challenging and still emerging. The authors of each section will leverage current efforts across multiple agencies to begin to address methodological challenges and further develop climate and health indicators, including the NCA indicator work and ongoing efforts at the EPA, CDC (through the Environmental Public Health Tracking Network), NIH (in collaboration with World Health Organization), and others.

Though it is often difficult to attribute the exact impact of climate on many health indicators due to confounding factors (e.g., the ability of communities to prepare for and respond to the risks posed by climate change; the vulnerability of different populations and communities), such indicators will be instrumental not only in tracking and measuring health impacts of climate change, but also in identifying areas where public health intervention is most needed or likely to be most effective. A more comprehensive set of indicators will collectively demonstrate and communicate observed changes in climate change risk to Americans.

Where quantitative national indicators are not available, or where

health impacts are too secondary or indirect in nature to attribute to climate change, a qualitative examination of the state of the science will provide context for these additional health threats and may serve to identify areas for future research. Further investigation of the impacts of climate change on Americans' overall well-being and welfare, though important, is beyond the scope of this report.

(b) Projected Changes in Health Risks

While certain advances in the state of the science over the last five years are evident, research on projected changes in future health risk under different climate scenarios is in varying stages of development. As such, each section of the Special Report will seek to summarize the literature on modeling and quantification efforts regarding climate impacts on human health. The authors will pay special attention to research that frames risks in terms of probability-based changes in exposure, vulnerability, and adaptive capacity.

As stated previously, four sections will include additional quantitative analyses to evaluate a range of possible changes in future health-related climate impacts and risks: (1) Extreme Heat Mortality; (2) Air Quality Impacts (Ozone or $PM_{2.5}$); (3) Lyme Disease; and (4) Vibrio-related Illness. The authors will leverage existing or ongoing research or analytical efforts to derive additional quantitative analyses developed specifically for this report. This work will identify areas where probabilistic changes in attributable risks can be characterized, and where scientific uncertainty has been better defined since the publication of SAP 4.6. Each section will utilize established processes for determining and reporting confidence levels and likelihood of specific impacts across a range of scenarios and possible outcomes, and will articulate all standards or modeling assumptions. Existing products from other agency workgroups, such as the USGCRP's Metadata Access Tool for Climate and Health (MATCH) online database, will be incorporated as appropriate.

For certain health outcomes, research that characterizes human health risks in terms of probability-based changes in exposure or vulnerability may provide a way to contextualize health risks in terms relevant for public health officials and planners. For example, the relationship between projected temperature increases and certain waterborne pathogens (e.g., Vibrio bacteria) is well known, but the link between projected changes in exposure to these pathogens and the projected increase in disease incidence remain uncertain. Thus, a probability-based metric of changes in vulnerability may be used to simply and clearly communicate changes in risk into the future and under alternative climate scenarios where a robust national projection in the annual number of cases of such diseases is not possible to derive at this time. Where appropriate, such risk-based framing will be highly valuable to informing efforts aimed at preventing or responding to climate impacts. In addition, this section may provide a framework for conveying complex changes in risk under uncertainty by mapping especially vulnerable populations or sites specifically related to environmental justice concerns.

(c) Other Report Scope Considerations

Geographical Scope: The focus of the Special Report is on impacts within the United States. The report may consider global linkages and implications where appropriate. For instance, global studies may be considered for certain impact areas where there is a lack of long-term, consistent historical monitoring, such as the health impacts of extreme weather events. In some instances, regional studies may be more appropriate in geographic areas where risk is not homogenous across the nation, such as the spread of Lyme Disease.

Timescales: While climate change is observed and measured on long-term (30+ years) time scales, decision frameworks for public health officials and regional planners are often based on much shorter time scales, determined by epidemiological, political, and/or budgeting factors. This Special Report will quantify the implications of overlaying impact trends that occur on typical climatological time frames (e.g., from changes in extreme weather events to end-of-century projections of impacts such as sea level rise) on data from epidemiological time frames (e.g., from immediate or episodic health threats to cumulative exposure or the appearance of developmental effects).

Uncertainty: Uncertainty will be characterized as qualitative confidence levels and, where possible, quantitative probabilistic likelihoods of specific impacts across a range of scenarios and possible outcomes. Measures of uncertainty expressed in the Special Report will be based on scientific evidence, statistical analysis of observations or model results, and expert judgment. The Special Report will follow NCA guidelines for transparent reporting of likelihood, confidence, and uncertainty findings.

Complex Linkages and Potentially Confounding Factors: Many factors will affect the impact of climate change on human health; not all of these factors will be addressed in the Special Report. For example, a population's vulnerability (1) may be affected by direct climate changes or by non-climate factors (e.g., changes in population dynamics, economic development, education, infrastructure, behavior, technology, and ecosystems); (2) may differ across regions and in urban, rural, and coastal communities; and (3) may be influenced by individual vulnerability factors such as age, socioeconomic status, and existing physical and/or mental illness or disability. In addition, climate change or other non-climate factors will cause changes in adaptive capacity, ranging from an individual's ability to acclimatize to different meteorological conditions to a community's ability to prepare for and recover from damage, injuries, and lives lost due to extreme weather events. Attribution and detection considerations will be discussed in the introductory section(s) of the Special Report. However, projections of many of the factors listed above, and many other compounding, secondary, or indirect climate effects, though important to consider as part of a comprehensive assessment of changes in risks, may be beyond the scope of this report.

Research Needs: While the goal of the Special Report is to highlight the current state of the science regarding climate impacts on health, research needs identified through the development of this assessment will be briefly summarized in the concluding section(s), as they may serve to inform ongoing gap analyses being conducted outside the scope of this Special Report.

(3) Process

(a) Audience, and Communicating Health Risks Associated With Climate Change

The Special Report will be designed to inform public health officials, urban planners, decision makers, and other stakeholders at multiple levels of government who are interested in better understanding the risks climate change presents to human health. The goal of this Special Report is to provide these groups with updated information on the observed and projected impacts of climate change on human health and changes in risk to health. Though the report will not include policy recommendations, this information may help inform adaptation decisions and other strategies in the public health

arena. Better definitions of health risk and uncertainty will improve hazard identification and allow for better-coordinated responses to the impacts of climate change on human health. To that end, the Special Report will also highlight ongoing research focused on quantifying the risks to health associated with climate change.

(b) Lead Authors, Contributing Authors, and Required Expertise

Authors will be selected based on their demonstrated subject matter expertise, their relevant publications and knowledge of specific topics designated in the draft outline, their demonstrated writing abilities and accomplishments, and their availability, such that they can aid in the development of a robust scientific, technical assessment. As a federal interagency report, the selection of lead authors will be limited to Federal employees and their contractors. Lead Authors may include a selection of CCHHG members, attendees of an initial scoping workshop, and other federal colleagues and contractors with relevant expertise. There is potential for additional cooperation with existing efforts, including the NCA indicators team, NIH literature review workgroup, and other agency collaborations.

Contributing Authors with relevant subject matter expertise may be nominated by lead authors, CCHHG or other interagency members, and the general public (through this public **Federal Register** notice calling for contributing author nominations). Contributing Authors may be federal employees or non-federal subject experts. If needed to fill gaps in expertise, Contributing Authors will be selected through an independent process led by an EPA contractor based on expertise (e.g., scholarly publications, etc.) and other criteria.

Collectively, the Lead and Contributing Authors will be responsible for preparing the initial draft of the report, including the text and any analysis required to synthesize the underlying studies on which the Special Report is based. Authors will rely on existing peer-reviewed literature as a basis for the report. Lead Authors will decide how best to organize their respective teams, including division of responsibility and time requirements among the Contributing and Lead Authors. In addition, Lead Authors and Contributing Authors will be responsible for reviewing relevant literature submissions made through this **Federal Register** Notice call for information to inform the Special Report, and for responding to public comments on the Draft Special Report. All authors should be accomplished writers and have demonstrated technical backgrounds in at least one field relevant to the implications of climate change on human health in the United States.

(c) Agency Roles

The CCHHG will be responsible for compiling and synthesizing contributions from all authors. From within the CCHHG, a steering committee for the Special Report has been established to provide guidance and coordination to staff/authors. Lead agencies (EPA, NOAA, CDC, NIH) will provide staff support including, where appropriate, contractor support. EPA will serve a coordinating function to include providing support and facilitation of two planning workshops to bring together CCHHG members, federal agency experts, and supporting contractors, as appropriate. The workshops will serve to facilitate the scoping and development of report outlines and drafts, and to identify any model analyses or data retrieval needed for the assessment. EPA will work closely with the CCHHG Steering Committee to provide others (e.g., USGCRP) with regular progress updates.

(d) Information Quality and Peer Review

The Special Report will be a federal interagency USGCRP product. As such, the process for preparation will be consistent with the guidelines for preparing USGCRP products, with referenced materials derived primarily from the existing peer-reviewed scientific literature and consistent with USGCRP guidance regarding use of grey literature. The report will follow federal information quality, transparency, and accessibility guidelines, and will undergo peer review, public review, and final interagency review.

(e) Process for Public Engagement and Publication

The CCHHG Steering Committee plans to provide a number of opportunities for public engagement in scoping, informing, and reviewing the Special Report. During the initial scoping phase, the following opportunities will be available as described in this **Federal Register** Notice:

(i) Notice of Request for Comments on Draft Report Prospectus: A 30-day call for comments on the Special Report objectives, proposed topics, and process as outlined in the Draft Prospectus.

(ii) Call for Information: A 30-day call for submissions of recent, relevant, scientific and/or technical research studies on observed and/or projected climate change impacts on human health in the United States that have been peer-reviewed and published or accepted for publication.

(iii) Nominations for Contributing Authors: A 30-day call for nominations of Contributing Authors to assist chapter author teams in the development of the Special Report chapters or sections. Interested parties are invited to submit nominations of subject matter experts, with descriptions of relevant expertise and publications

(iv) Notice of Public Forum to Inform the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States: A free and open public forum to be convened March 13, 2014 at a federal facility in Washington, DC to facilitate engagement with stakeholders, non-federal subject matter experts, and interested public.

After completion of a Public Review Draft of the Special Report, EPA on behalf of the USGCRP will issue a second **Federal Register** Notice to announce a 45-day public comment period for the draft report. The public will be able to view the Draft Special Report and submit comments to an online docket available on the USGCRP's Web site. The CCHHG Steering Committee will also work to schedule side events, presentations at relevant conferences, and webinars to further engage the community of experts and the general public. Public comments received on the Draft Special Report will be evaluated and used to inform the final report.

The CCHHG and USGCRP will publish the final Special Report electronically and consider options for hard copy publication. They will also explore options for online integration with future phases of the USGCRP's Global Change Information System. A full communications plan will be developed by the lead and supporting agencies along with designated authors, with input and assistance from the USGCRP communications team.

(f) Proposed Timing

The Special Report is an interim report, designed to be released after the third and before the fourth National Climate Assessments. A draft of the Special Report is expected to be made available for public comment early in 2015, with final publication expected in late 2015.

II. Call for Relevant Scientific Information To Inform the Special Report

Interested parties are invited to assist the EPA and USGCRP in collecting and

refining the scientific information base for the assessment. To do so, parties are asked to submit recent, relevant, scientific and/or technical research studies on observed and/or projected climate change impacts on human health in the United States that have been peer-reviewed and/or published or accepted for publication in the peer reviewed literature.

All scientific literature submitted in response to this call for information must be received within the 30-day call for information period, beginning March 1, 2014 and ending 11:59 p.m. Eastern Time on March 31, 2014. Submissions must be uploaded electronically at: *http://globalchange.gov/component/content/article/990.*

III. Call for Contributing Authors Nominations

EPA and the CCHHG are also calling for nominations for Contributing Authors to assist specific chapter author teams in the development of the Special Report chapters or sections. Interested parties are invited to submit nominations of subject matter experts, with descriptions of relevant expertise and publications. Contributing authors will assist in the preparation of specific sections of the report, working closely with chapter author leads and teams. Submissions must demonstrate that nominees are accomplished English-speaking writers with demonstrated technical backgrounds, such that they can aid in the development of a robust scientific, technical assessment as subject matter experts in one or more of the following areas of climate-related health impacts:

(a) Thermal Extremes: Heat and Cold Waves
(b) Air Quality Impacts
(c) Vectorborne and Zoonotic Disease
(d) Waterborne and Foodborne Diseases
(e) Food Safety
(f) Extreme Weather and Climate Events
(g) Mental Health and Stress-Related Disorders related to Climate Change
(h) Vulnerable Regions and Subpopulations to Health Impacts of Climate Change

Responses to this request must be made within the 30-day call for Contributing Author nominations period, beginning March 1, 2014 and ending 11:59 p.m. Eastern Time on March 31, 2014. A completed nomination form, including a curriculum vitae or resume for each nominee that demonstrates the nominee's relevant area of expertise, must be submitted electronically at: *http://globalchange.gov/component/content/article/990.* The curriculum vitae or resume must be in English and preferably no more than 5 pages, identifying topical expertise and relevant publications. The nomination form will also ask for a brief statement of primary expertise (e.g., projected climate impacts on air quality, climate-related vectorborne diseases, waterborne diseases in the U.S.). Please also ensure that curriculum vitae or resume include address, phone number, email address, education, and the following information, if applicable: professional association membership, committee involvement, involvement in the development of other scientific assessments, scientific publications in this field, and relevant leadership activities.

IV. How To Register for the Public Forum To Inform the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States

The Public Forum will be held on March 13, 2014, at the EPA William Jefferson Clinton East building, Room 1153, 1301 Constitution Avenue NW., Washington, DC 20460. It is open and free to the public, but with limited space available. The first 120 people to register may attend. Registration will be available beginning February 13, 2014. Please register by going to *http://globalchange.gov/component/content/article/990.* Because this Public Forum is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. The forum is an opportunity for public engagement, but since the event will not be formally recorded, it does not replace the Call for Information request in Section II or the Call for Contributing Author Nominations in Section III of this Notice; all submissions of relevant scientific information and Contributing Author nominees must be made to the USGCRP Web site as described above.

Dated: January 28, 2014.

Sarah Dunham,

Director, Office of Atmospheric Programs.

[FR Doc. 2014–02304 Filed 2–6–14; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 79, No. 26

Friday, February 7, 2014

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 3, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 10, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Certificate for Poultry and Hatching Eggs for Export.

OMB Control Number: 0579–0048.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pest or diseases of livestock or poultry. The export of agricultural commodities, including poultry and hatching eggs is a major business in the United States and contributes to a favorable balance of trade. As part of its mission to facilitate the export of U.S. poultry and poultry products, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services, maintains information regarding the import health requirements of other countries for poultry and hatching eggs exported from the U.S. Most countries require a certification that U.S. poultry and hatching eggs are disease free. VS Form 17–6, Certificate for Poultry & Hatching Eggs for Export, is used to meet these requirements.

Need and Use of the Information: APHIS requires owners and exporters of poultry and hatching eggs to provide health and identification information using VS Form 17–6, to meet these requirements. The certification is crucial to the United States exporter's ability to successfully export poultry and hatching eggs. If the information was collected less frequently or not collected, APHIS would be unable to certify the health status of poultry and hatching eggs exported from the United States.

Description of Respondents: Business or other for-profit.

Number of Respondents: 300.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 5,100.

Animal Plant and Health Inspection Service

Title: Importation of Emerald Ash Borer Host Material from Canada.

OMB Control Number: 0579–0319.

Summary of Collection: The United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. Under the Plant Protection Act (7 U.S.C. 7701—*et. seq*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations in 7 CFR Part 319, ''Foreign Quarantine Notices,'' prohibit or restrict the importation of certain plants and plant products to prevent the introduction or dissemination of plant pests and noxious weeds into the United States. The Foreign Quarantine Notices regulations prohibit or restrict the importation of certain articles from Canada that present the risk of being infested with Emerald Ash Borer (EAB). EAB is a destructive wood-boring insect that attacks ash trees (Fraxinus spp., including green ash, white ash, and several horticultural varieties of ash).

Need and Use of the Information: APHIS will collect information using phytosanitary certificate, permit application, and certificates of inspection. If APHIS did not collect this information, EAB could damage ash trees and cause economic losses to nursery stock and the nursery industry.

Description of Respondents: Business or other-for-profit; Federal Government.

Number of Respondents: 6.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 4.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–02643 Filed 2–6–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Extension of Comment Period

February 3, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB .EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: Fire and Rescue Loans—7 CFR 1942, Subpart C.

Action: Notice; Extension of Comment Period.

OMB Control Number: 0575–0120.

Summary: The Department of Agriculture published a document in the **Federal Register** on January 31, 2014, concerning a request for comments on the Information collection ''Fire and Rescue Loans—7 CFR 1942, Subpart C,'' OMB number 0575–0120.

DATES: The comment period on the information collection has been extended from March 3, 2014 to March 13, 2014. To be assured of consideration, comments must be postmarked on or before March 13, 2014.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–02644 Filed 2–6–14; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 3, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB .EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: The Loving Support Award of Excellence.

OMB Control Number: 0584—NEW.

Summary of Collection: The Healthy, Hunger-Free Kid Act of 2010 (HHFKA) (Pub. L. 111–296, Sec 231) which requires the U.S. Department of Agriculture (USDA) to implement a program to recognize exemplary breastfeeding support practices at Women, Infants, and Children (WIC) local agencies and clinics. The WIC program provides breastfeeding promotion and support for pregnant and postpartum mothers as a part of its mission to improve the health of the approximately 9 million Americans it serves each month. The WIC program has achieved many accomplishments in promoting, encouraging and supporting breastfeeding as the preferred feeding method for all infants. The HHFKA requires the USDA to annually compile and publish breastfeeding performance measurements. The collection and publication of breastfeeding performance measurements is one of several provisions in the HHFKA that strengthens the WIC Program's emphasis on breastfeeding promotion and support and underscores the importance of exclusive, continued breastfeeding to the health of WIC participants. This reporting requirement provides an exciting opportunity to help further the efforts of WIC State and local agencies by highlighting agencies that demonstrate success in breastfeeding through high breastfeeding rates and by motivating other agencies to strengthen their breastfeeding promotion and support services with the goal of increasing their breastfeeding rates. The breastfeeding performance measurements will be used in the process to determine awardees for the top two level awards.

Need and Use of the Information: The award application period is open one time, annually, and has been designed to allow local WIC agencies at different stages of progress in breastfeeding promotion and support program development to apply for an award. Agencies may apply for a recognition award for their level of efforts and success one year, continue to develop their local programs, and then apply for a higher level award in a following year when further success is achieved. The information collection will strengthen the breastfeeding promotion and support efforts of local WIC agencies by recognizing exemplary activities as well as provide models to assist and motivate other local WIC agencies and clinics to

strength their breastfeeding promotion and support activities.

Description of Respondents: State, Local or Tribal Government; Federal Government.

Number of Respondents: 697.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,942.

Food and Nutrition Service

Title: Issuance Reconciliation Report, FNS–46.

OMB Control Number: 0584–0080.

Summary of Collection: Section 7(d) of the Food and Nutrition Act of 2008, as amended, (the Act) (7 U.S.C. 2016(d)) and Regulations at 7 CFR 274.4(a) and 274.4(b)(2), requires State agencies to report on their Supplemental Nutrition Assistance Program (SNAP) benefit issuance operations not less than monthly. Section 11(a) of the Act (7 U.S.C. 2020(a)) requires State agencies to assume responsibility for the issuance, control, and accountability of SNAP benefits. The Food and Nutrition Service (FNS), administers the SNAP in cooperation with State and local governments. FNS regulations require State agencies to account for all issuance through a reconciliation process and to submit a report on this process using Form FNS–46, Issuance Reconciliation Report.

Need and Use of the Information: The FNS–46 report is a program management report which is used on an ongoing basis to document the reconciliation process by which State agencies compare all issuances, including Disaster SNAP (D–SNAP) benefits made during the month to the record for issuance. The record-for-issuance is then compared with the master issuance file. Findings from this comparison are reported on the Form FNS–46. The data from the FNS–46 report is also used for reports to Congress, to establish State issuance liabilities, and to determine national performance measures for Quality Control.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 54.

Frequency of Responses: Reporting: Monthly.

Total Burden Hours: 2,592.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–02642 Filed 2–6–14; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Delaware Advisory Committee

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 Delaware Advisory Committee to the Commission will convene at 9:00 a.m. (EST) on Monday, February 24, 2014, at the offices of Young Conaway Stargatt & Taylor, LLP, located at 1000 N. King Street, Wilmington, DE 19801. The purpose of the meeting is: To conduct an orientation for the Committee members on the rules of operation for federal advisory committees, select additional officers as determined by the Committee, and discuss possible topics for the advisory committee's civil rights project.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by Monday, March 24, 2014. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Persons needing accessibility services should contact the Eastern Regional Office at least 10 working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern 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 Eastern 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 February 4, 2014.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–02665 Filed 2–6–14; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[01/14/2014 through 02/03/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
W. T. & M. Inc., (dba Walker Tool & Mfg. Co.).	12635 Arnold, Redford, MI 48239.	1/31/2014	The firm manufactures machined metal and plastic parts for industrial machines.
Standard Industries, Inc	4230 14th Avenue N., Fargo, ND 58102.	1/31/2014	The firm produces sugar beet harvesting agricultural equipment.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: February 3, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–02677 Filed 2–6–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–88–2013]

Foreign-Trade Zone 183—Austin, Texas, Authorization of Production Activity, Flextronics America, LLC (Automatic Data Processing Machines), Austin, Texas

On September 20, 2013, Flextronics America, LLC submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within Subzone 183C, in Austin, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 60248, 10–1–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: February 3, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–02690 Filed 2–6–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–820, A–560–812, A–570–865, A–583–835, A–549–817, A–823–811, C–533–821, C–560–813, C–549–818]

Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, the People's Republic of China, Taiwan, Thailand, and Ukraine: Continuation of Antidumping and Countervailing Duty Orders

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

SUMMARY: The Department of Commerce (the Department) has determined that revocation of the antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the People's Republic of China (PRC), Taiwan, Thailand, and Ukraine would likely lead to continuation or recurrence of dumping, and that revocation of the countervailing duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, and Thailand would likely lead to continuation or recurrence of a countervailable subsidy. The U.S. International Trade Commission (USITC) has also determined that revocation of these AD and CVD orders would likely lead to a continuation or recurrence of material injury to an industry in the United States. Therefore, the Department is publishing a notice of continuation of these antidumping and countervailing duty orders.

DATES: *Effective Date:* February 7, 2014.

FOR FURTHER INFORMATION CONTACT: Deborah Scott or Robert James (AD), or Eric Greynolds or Hilary Sadler (CVD), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2657, (202) 482–0649, (202) 482–6071, or (202) 482–4340, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 5, 2012, the Department initiated the second five-year (''sunset'') reviews of the antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine and the second sunset reviews of the countervailing duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, and Thailand, pursuant to section 751(c) and 752 of the Tariff Act of 1930, as amended (the Act).[1] As a result of its reviews, the Department found that revocation of these antidumping duty orders would likely lead to continuation or recurrence of dumping and that revocation of these countervailing duty orders would likely lead to continuation or recurrence of countervailable subsidies, and notified the USITC of the magnitude of the margins of dumping and the subsidy rates likely to prevail should the orders be revoked.[2]

On January 22, 2014, the USITC published its determination, pursuant to section 751(c)(1) and section 752(a) of the Act, that revocation of the antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine and the countervailing duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, and Thailand would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Orders

The products covered by the antidumping and countervailing duty orders are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. For the full scope language, see the antidumping and countervailing duty orders.[4] The merchandise is currently

[1] *See Initiation of Five-Year (''Sunset'') Review,* 77 FR 66439 (November 5, 2012).

[2] *See Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, the People's Republic of China, Taiwan, Thailand, and Ukraine; Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders,* 78 FR 15703 (March 12, 2013) and *Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, and Thailand: Final Results of Expedited Sunset Reviews,* 78 FR 16252 (March 14, 2013).

[3] *See Hot-Rolled Steel Products From China, India, Indonesia, Taiwan, Thailand, and Ukraine; Determination,* 79 FR 3622 (January 22, 2014); *see also* USITC Publication 4445 (January 2014), entitled *Hot-Rolled Steel Products from China, India, Indonesia, Taiwan, Thailand, and Ukraine* (*Inv. Nos. 701–TA–405, 406, & 408 and 731–TA–899–901 & 906–908 (Second Review)).*

[4] *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From India,* 66 FR 60194 (December 3, 2001); *Antidumping Duty Order:*

Continued

classified under the item numbers of the Harmonized Tariff Schedule of the United States (HTSUS) listed in the scope of each order. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the antidumping and countervailing duty orders remains dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the USITC that revocation of these antidumping and countervailing duty orders would likely lead to continuation or recurrence of dumping and a countervailable subsidy, and material injury to an industry in the United States, pursuant to section 751(c) and section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, the PRC, Taiwan, Thailand, and Ukraine and the continuation of the countervailing duty orders on certain hot-rolled carbon steel flat products from India, Indonesia, and Thailand.

U.S. Customs and Border Protection will continue to collect cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of these orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year reviews of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year (sunset) reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Certain Hot-Rolled Carbon Steel Flat Products From Indonesia, 66 FR 60192 (December 3, 2001); *Notice of the Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China,* 66 FR 59561 (November 29, 2001); *Notice of Antidumping Duty Order; Certain Hot-Rolled Carbon Steel Flat Products From Taiwan,* 66 FR 59563 (November 29, 2001); *Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Thailand,* 66 FR 59562 (November 29, 2001); *Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Ukraine,* 66 FR 59559 (November 29, 2001); *Notice of Amended Final Determination and Notice of Countervailing Duty Orders: Certain Hot-Rolled Carbon Steel Flat Products From India and Indonesia,* 66 FR 60198 (December 3, 2001); and *Notice of Countervailing Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Thailand,* 66 FR 60197 (December 3, 2001).

Dated: January 29, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–02696 Filed 2–6–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–818]

Low Enriched Uranium From France: Initiation of Changed Circumstances Review

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

SUMMARY: Pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 and 351.221(c)(3), the Department of Commerce (Department) is initiating a changed circumstances review (CCR) of the antidumping duty (AD) order on low-enriched uranium (LEU) from France with respect to Global Nuclear Fuel-Americas, LLC (GNF–A).

DATES: Effective February 7, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On February 13, 2002, the Department published an order on LEU from France.[1] The order contains a provision to exclude from the scope LEU owned by a:

> foreign utility end-user and imported into the United States by or for such end-user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO_2) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported LEU (i) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designed transporter(s) while in U.S. customs territory, and (ii) are re-exported within eighteen (18) months of entry of the LEU for consumption by the end-user in a nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end user.[2]

[1] *See Notice of Amended Final Determination and Notice of Antidumping Duty Order: Low Enriched Uranium From France,* 67 FR 6680 (February 13, 2002).

[2] *See id.*

On December 23, 2013, GNF–A requested that the Department initiate a CCR due to earthquakes and other external events which have presented changed circumstances not present at the time of the AD order. GNF–A contends that these changed circumstances have affected GNF–A's management of imports to maintain compliance with the AD order, and delayed the re-export of subject merchandise. GNF–A requested that the CCR be conducted on an expedited basis, combining the initiation and preliminary results of the review in a single notice under 19 CFR 351.216(e) and 351.221(c)(3)(ii).

Scope of the Order

The product covered by the order is all low-enriched uranium. Low-enriched uranium is enriched uranium hexafluoride (UF_6) with a U^{235} product assay of less than 20 percent that has not been converted into another chemical form, such as UO_2, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including low-enriched uranium produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of the order. Specifically, the order does not cover enriched uranium hexafluoride with a U^{235} assay of 20 percent or greater, also known as highly-enriched uranium. In addition, fabricated low-enriched uranium is not covered by the scope of the order. For purposes of the order, fabricated uranium is defined as enriched uranium dioxide (UO_2), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U_3O_8) with a U^{235} concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U^{235} concentration of no greater than 0.711 percent are not covered by the scope of the order.

Also excluded from the order is low-enriched uranium owned by a foreign utility end-user and imported into the United States by or for such end-user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO_2) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported low-enriched uranium (i) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designed transporter(s) while in U.S. customs territory, and (ii) are re-exported within eighteen (18) months of entry of the low-enriched uranium for consumption by the end-user in a

nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end user.

The merchandise subject to this order is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this proceeding is dispositive.

Initiation of Changed Circumstances Review

Pursuant to section 751(b) of the Act and 19 CFR 351.216 and 351.221(c)(3), the Department is initiating a CCR of the AD order on LEU from France with respect to GNF–A. Based on the information and documentation GNF–A submitted in its December 23, 2013 letter, we find that we have received information which shows changed circumstances sufficient to warrant initiation of a review. However, the Department finds it necessary to issue a questionnaire for this CCR, as provided for by 19 CFR 351.221(b)(2), and, therefore, the Department will not conduct this CCR on an expedited basis. The Department will publish in the **Federal Register** a notice of the preliminary results of this CCR, in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i).

Public Comment

Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of this CCR. In accordance with 19 CFR 351.216(e), the Department will issue the final results of this CCR not later than 270 days after the date on which this CCR is initiated, or not later than 45 days if all parties agree to the outcome of this CCR. The final results will include the Department's analysis of issues raised in any written comments.

We are issuing and publishing this initiation in accordance with section 751(b)(1) of the Act and 19 CFR 351.216 and 351.221(b)(1).

Dated: January 30, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–02447 Filed 2–6–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD115

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a two-day meeting to consider actions affecting New England and Mid-Atlantic fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday and Wednesday, February 25–26, 2014 and will begin at 9:30 a.m. on Tuesday, February 25, and at 8:30 a.m. on Wednesday, February 26.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton Hotel, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500 or online at *www.doubletree.hilton.com/Danvers.*

Council Address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday and Wednesday, February 25–26, 2014

The meeting will begin with brief introductions by the Chairman, followed by a discussion of recreational groundfish fishery issues. After the Council considers recommendations from its Recreational Advisory Panel, it will develop recommendations for proactive accountability measures that will apply to Gulf of Maine haddock and Gulf of Maine cod for fishing year 2014. Once this agenda item is completed, the Council will hold an open public comment period during which any interested party may provide brief remarks on issues relevant to Council business, but not listed on the meeting agenda.

A report from the Habitat Committee will follow prior to a lunch break and address the development of Omnibus Essential Fish Habitat 2. The Council intent is to review and approve the Draft Environmental Impact Statement associated with this action and identify preferred alternatives. Discussion and decision-making on Omnibus Essential Fish Habitat 2 will continue for the remainder the day on Tuesday and through Wednesday February 26. The Council may address any other outstanding business before meeting adjournment on Wednesday.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: February 4, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–02676 Filed 2–6–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD112

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The North Pacific Fishery Management Council's Scallop Plan Team (SPT) will meet by conference call in Homer, AK.

DATES: The meeting will be held February 25–26, 2014. The meeting will be held from 9 a.m. to 5 p.m. on the 25th and 9 a.m. to 1 p.m. on the 26th.

ADDRESSES: The meeting will be held at the Land's End Resort, 4786 Homer Spit Road, Harbor Room, Homer, AK 99603.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

The SPT will review the status of the statewide scallop stocks, discuss research priorities, receive updates on current research activities and compile the annual Stock Assessment and Fishery Evaluation (SAFE) report.

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 the 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: February 4, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–02675 Filed 2–6–14; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Commission of Fine Arts; Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 20 February 2014, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks, and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov*. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *CFAStaff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: February 3, 2014, in Washington DC.

Thomas Luebke,

Secretary.

[FR Doc. 2014–02631 Filed 2–6–14; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the procurement list.

SUMMARY: The Committee is proposing to add services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services previously provided by such agencies.

Comments Must Be Received on or Before: 3/10/2014.

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

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

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

Additions

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

The following services are proposed for addition to Procurement List for provision by the nonprofit agencies listed:

Services

Service Type/Location: Janitorial Service, Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Executive Office for Immigration Review, Oakdale Service Processing Center, 1010 East Whatley Road, Oakdale, LA

NPA: Calcasieu Association for Retarded Citizens, Inc., Lake Charles, LA

Contracting Activity: DEPT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, COMPLIANCE & REMOVALS, WASHINGTON, DC

Service Type/Location: Furniture Design and Configuration Services, Pennsylvania National Guard, Fort Indiantown Gap, PA

NPA: Industries for the Blind, Inc., West Allis, WI

Contracting Activity: DEPT OF THE ARMY, W7NX USPFO ACTIVITY PA ARNG, ANNVILLE, PA

Service Type/Location: Supply Room Services, Social Security Administration (SSA) Regional Office, 1301 Young St., Dallas TX

NPA: Dallas Lighthouse for the Blind, Inc., Dallas, TX

Contracting Activity: SOCIAL SECURITY ADMINISTRATION (SSA) OFFICE OF ACQUISITION AND GRANTS, BALTIMORE, MD

Deletions

The following services are proposed for deletion from the Procurement List:

Services

Service Type/Location: Janitorial/Custodial, U.S. Army Reserve Center, 6482 Aurelia Street Col Harold Steele, Pittsburgh, PA

NPA: Life'sWork of Western PA, Pittsburgh, PA

Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC), FORT DIX, NJ

Service Type/Location: Janitorial/Custodial, U.S. Army Reserve Center, 215 Center Street Major Charles D. Stoops, Punxsutawney, PA

NPA: UNKNOWN

Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC), FORT DIX, NJ

Patricia Briscoe,

Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2014–02652 Filed 2–6–14; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement for the Missouri River Bed Degradation Feasibility Study, Kansas and Missouri, United States

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, the U.S. Army

Corps of Engineers (USACE), Kansas City District intends to prepare the Missouri River Bed Degradation Feasibility Study and Environmental Impact Statement (EIS). The Feasibility Study will develop and evaluate a range of alternatives, including potential impacts to the human environment, to address bed degradation, or down cutting, of the Missouri River which is negatively impacting critical federal, other public and private infrastructure. The study is being conducted under Section 216 of the Flood Control Act of 1970 (Pub. L. 91–611). This notice announces the scoping process to solicit public comments to identify issues related to the proposed project.

ADDRESSES: Written comments can be submitted through March 31, 2014 to U.S. Army Corps of Engineers, Kansas City District, c/o CENWK–PM–PR (Degradation Study), 601 E. 12th Street, Kansas City, MO 64106, or electronically at: *http://www.marc.org/Environment/Water-Resources/Missouri-Riverbed-Degradation/Get-Involved.aspx.*

FOR FURTHER INFORMATION CONTACT: For further information or questions about the study, please contact Ms. Christina Ostrander, Project Manager, by telephone: (816) 389–3143, by mail: 601 E. 12th Street, Kansas City, MO, or by electronic mail: *Christina.Ostrander@usace.army.mil.* For inquiries from the media, please contact the Corps' Kansas City District Public Affairs Officer, Mr. David Kolarik by telephone: (816) 389–3486, by mail: 601 E. 12th Street, Kansas City, MO 64106, or by electronic mail: *David.S.Kolarik@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The Missouri River Bed Degradation Feasibility Study is being conducted under Section 216 of the Flood Control Act of 1970 (Pub. L. 91–611). This act allows the Corps of Engineers to review completed navigation, flood control, and water supply projects in which there have been significant changes in the physical or economic conditions from the time they were constructed. A report is prepared for Congress recommending any modifications to improve the project in the overall public interest. The Missouri River Bank Stabilization and Navigation Project (BSNP) is currently being evaluated as the completed federal project for the Missouri River Bed Degradation Feasibility Study under this authority. The BSNP was originally authorized by the Rivers and Harbors (RHA) of 1912, and modified by subsequent authorizations in 1925, 1927, and 1945. Combined, these acts provided a 9-foot deep channel 300-foot wide from Sioux City, Iowa to the river mouth near St Louis, Missouri for the purpose of navigation. These channel dimensions are maintained by a series of dikes, revetments, and sills to create a self scouring channel. Water releases from large upstream reservoirs also contribute to providing for the authorized channel dimensions.

In some locations, the bed of the Missouri has been degrading, or down cutting, at an accelerated rate beginning in the early 1990s. This is negatively impacting critical federal and non-federal infrastructure by lowering both the bed and surface water elevations. This is particularly evident in the Kansas City reach of the Missouri River, extending from river mile 357 to 410. Specifically, bed degradation has resulted in an increased cost to maintain and operate the BSNP. Additionally, bridges, utility crossings, flood risk management structures, and water intake structures have been modified because of a lower river bed and water surface. Ground water elevations adjacent to the river have also been reduced, impacting water wells. Degradation of the river is also creating similar impacts to Missouri River tributaries as they degrade to maintain a common bed elevation with the Missouri River. Expenses to maintain infrastructure in locations of bed degradation are expected to continue into the future if the problem is not corrected.

Scoping: To provide the public with an opportunity to provide input on the scope of issues to be addressed and to identify issues related to the proposed action, public scoping is being conducted through March 31, 2014. As part of public scoping, a meeting will be held on March 11, 2014 from 4:30 p.m. to 7:00 p.m. Daylight Savings Time. The meeting will be held at the Mid-America Regional Council (MARC) located at 600 Broadway, Kansas City, MO 64105. Driving directions are available at: *http://www.marc.org/What-is-MARC/Find-Us/Map-and-Parking.*

In addition to complying with NEPA and Corps of Engineers planning guidance, scoping will be utilized to partially fulfill National Historic Preservation Act (NHPA) Section 106 requirements. Except where subject of the confidentiality provision of Section 304 of the NHPA, all comments received during scoping will become part of a public record and may be included as an appendix to the Final Missouri River Bed Degradation Feasibility Study and Environmental Impact Statement. A Draft EIS is expected to be circulated for public comment in Spring/Summer 2015.

Christina Ostrander,

Project Manager, U.S. Army Corps of Engineers, Kansas City District.

[FR Doc. 2014–02649 Filed 2–6–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Personnel Development To Improve Services and Results for Children With Disabilities—Personnel Preparation in Special Education, Early Intervention, and Related Services

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information:

Personnel Development to Improve Services and Results for Children with Disabilities—Personnel Preparation in Special Education, Early Intervention, and Related Services Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.325K.

Dates:

Applications Available: February 7, 2014.

Deadline for Transmittal of Applications: April 8, 2014.

Deadline for Intergovernmental Review: June 9, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for personnel preparation in special education, early intervention, related services, and regular education to work with children, including infants and toddlers, with disabilities; and (2) ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined through scientifically based research and experience, to be successful in serving those children.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from allowable activities specified in the statute (see sections 662 and 681 of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34

CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Personnel Preparation in Special Education, Early Intervention, and Related Services.

Background:

The purpose of the Personnel Preparation in Special Education, Early Intervention, and Related Services priority is to improve the quality and increase the number of personnel who are fully credentialed to serve children, including infants and toddlers, with disabilities—especially in areas of chronic personnel shortage—by supporting projects that prepare special education, early intervention, and related services personnel at the baccalaureate, master's, and specialist levels. State demand for fully credentialed special education, early intervention, and related services personnel to serve infants, toddlers, and children with disabilities exceeds the available supply (Bruder, 2004a; Bruder, 2004b; McLeskey & Billingsley, 2008; McLeskey, Tyler, & Flippin, 2004). These shortages of fully credentialed personnel can negatively affect the quality of services provided to infants, toddlers, and children with disabilities and their families (McLeskey et al., 2004).

Personnel preparation programs that prepare personnel to enter the fields of special education, early intervention, and related services as fully credentialed personnel who are well qualified, have the necessary competencies, and effectively use evidence-based practices to improve outcomes for children with disabilities are critical to overcome the personnel shortages in these fields. Federal support of these personnel preparation programs is needed to increase the supply of personnel with the necessary competencies to effectively serve infants, toddlers, and children with disabilities and their families, and to make sure students with disabilities have access to and meet college- and career-ready standards.

Priority:

Except as provided for Focus Area D projects, to be eligible under this priority, an applicant must propose a project associated with a pre-existing baccalaureate, master's, or specialist degree personnel preparation program that will prepare and support scholars [1] to complete, within the project period of the grant, a degree, State certification, professional license, or State endorsement in special education, early intervention, or a related services field. Projects also can be associated with personnel preparation programs that (a) prepare individuals to be assistants in related services professions (e.g., physical therapist assistants, occupational therapist assistants) or educational interpreters; or (b) provide an alternate route to certification or that support dual certification (special education and regular education) for teachers. For purposes of this priority, the term ''personnel preparation program'' refers to the program with which the applicant's proposed project is associated.

To be considered for funding under the Personnel Preparation in Special Education, Early Intervention, and Related Services absolute priority, applicants must meet the application requirements contained in the priority. All projects funded under this absolute priority also must meet the programmatic and administrative requirements specified in the priority.

The requirements of this priority are as follows:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address national, State, or regional shortages of personnel who are fully credentialed to serve children with disabilities, ages birth through 21, including high-need children with disabilities,[2] by preparing special education, early intervention, or related services personnel at the baccalaureate, master's, and specialist levels. To address this requirement, the applicant must present—

(i) Appropriate and applicable data that demonstrate a national, State, or regional need for the personnel the applicant proposes to prepare; and

(ii) Data that demonstrate the effectiveness of the applicant's personnel preparation program to date in areas such as: the average amount of time it takes program participants to complete the program; the percentage of program graduates finding employment related to their preparation within one year of graduation; the effectiveness of program graduates in providing special education, early intervention, or related services, which could include data on the learning and developmental outcomes of children with disabilities they serve; or the percentage of program graduates who maintain employment for three or more years in the area for which they were prepared and who are fully qualified under IDEA.

Note: Data provided in response to this requirement should be no older than five years from the start date of the project proposed in the application. When reporting percentages, the denominator (e.g., total number of students or program graduates) must be provided.

(2) Increase the number of personnel who demonstrate the competencies needed to provide high-quality instruction, evidence-based interventions, and services for children with disabilities, ages birth through 21, including high-need children with disabilities, that result in improvements in learning and developmental outcomes (e.g., academic, social, emotional, behavioral), and successful transition to postsecondary education and the workforce. To address this requirement, the applicant must—

(i) Identify the competencies [3] that special education, early intervention, or related services personnel need in order to provide high-quality services using evidence-based instruction and interventions that will lead to improved learning and developmental outcomes; ensure access to college- and career-ready standards; lead to successful transition to college and career for children with disabilities, including high-need children with disabilities; and maximize the use of effective technology to deliver instruction, interventions, and services; and

(ii) Provide the conceptual framework of the personnel preparation program, including any empirical support, that will promote the acquisition of the identified competencies (see paragraph (a)(2)(i) of this priority) needed by

[1] For the purposes of this priority, the term ''scholar'' means an individual who is pursuing a degree, license, endorsement, or certification related to special education, related services, or early intervention services and who receives scholarship assistance under section 662 of IDEA (see 34 CFR 304.3(g)).

[2] For the purposes of this priority, ''high-need children with disabilities'' refers to children (ages birth through 21, depending on the State) who are eligible for services under IDEA, and who may be further disadvantaged and at risk of educational failure because they: (1) Are living in poverty, (2) are far below grade level, (3) are at risk of not graduating with a regular high school diploma on time, (4) are homeless, (5) are in foster care, (6) have been incarcerated, (7) are English learners, (8) are pregnant or parenting teenagers, (9) are new immigrants, (10) are migrant, or (11) are not on track to being college- or career-ready by graduation.

[3] For the purposes of this priority, the term ''competencies'' means what a person knows and can do: The knowledge, skills and dispositions necessary to effectively function in a role (National Professional Development Center on Inclusion, 2011). These competencies should ensure that personnel are able to use challenging national and State content standards, child achievement and functional standards, and State assessments, to improve instructional practices, services, and learning and developmental outcomes (e.g., academic, social, emotional, behavioral); and college- and career-readiness of children with disabilities.

special education, early intervention, or related services personnel, and how these competencies relate to the proposed project.

(b) Demonstrate, in the narrative section of the application under ''Quality of Project Services,'' how the proposed project—

(1) Will recruit and retain high-quality scholars and ensure equal access and treatment for eligible project participants who are members of groups who have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe—

(i) The selection criteria that it will use to identify high-quality applicants for admission in the proposed project;

(ii) The recruitment strategies that it will use to attract high-quality applicants and any specific recruitment strategies targeting high-quality applicants from traditionally underrepresented groups, including individuals with disabilities; and

(iii) The approach, including mentoring, monitoring, and accommodations, that will be used to support scholars to complete the personnel preparation program.

(2) Reflects current research and evidence-based practices, and is designed to prepare scholars in the identified competencies. To address this requirement, the applicant must describe how the proposed project will—

(i) Incorporate current research and evidence-based practices that improve outcomes (e.g., meeting college- and career-ready standards) for children with disabilities (including relevant research citations) into the project's required coursework and clinical experiences; and

(ii) Use current research and evidence-based professional development practices for adult learners to instruct scholars.

(3) Is of sufficient quality, intensity, and duration to prepare scholars in the identified competencies. To address this requirement, the applicant must describe how—

(i) The components of the proposed project (e.g., coursework, clinical experiences, or internships) will support scholars' acquisition and enhancement of the identified competencies;

(ii) The components of the proposed project (e.g., coursework, clinical experiences, or internships) will be integrated to allow scholars to use their content knowledge in clinical practice, and how scholars will be provided with ongoing guidance and feedback; and

(iii) The proposed project will provide ongoing induction opportunities and support to program graduates.

(4) Will collaborate with appropriate partners, including—

(i) High-need LEAs;[4] high-poverty schools;[5] low-performing schools including persistently lowest-achieving schools;[6] priority schools (in the case of States that have received the U.S. Department of Education's (Department) approval of a request for Elementary and Secondary Education Act of 1965, as amended (ESEA) flexibility),[7] or publicly funded preschool programs, including Head Start programs and programs serving children eligible for services under IDEA Part C and Part B Section 619, that are located within the geographic boundaries of a high-need LEA. The purpose of these partnerships is to provide clinical practice for scholars aimed at developing the identified competencies; and

(ii) Other programs on campus or at partnering universities for the purpose of sharing resources, supporting program development and delivery, and addressing personnel shortages.

(5) Will use technology, as appropriate, to promote scholar learning, enhance the efficiency of the project, collaborate with partners, and facilitate ongoing mentoring and support for scholars.

(6) Will align with and use resources, as appropriate, available through technical assistance centers, which may include centers funded by the Department.

(c) Include, in the narrative section of the application under ''Quality of Project Evaluation,'' how—

(1) The proposed project will use comprehensive and appropriate methodologies to evaluate the effectiveness of the project, including the effectiveness of project processes and outcomes;

(2) The proposed project will collect and analyze data related to specific and measurable goals, objectives, and outcomes of the project. To address this requirement, the applicant must describe—

(i) How scholar competencies and other project processes and outcomes will be measured for formative evaluation purposes, including proposed instruments, data collection methods, and possible analyses; and

(ii) How data on the quality of services provided by proposed project graduates, including data on the learning and developmental outcomes (e.g., academic, social, emotional, behavioral, meeting college- and career-ready standards) and on growth toward these outcomes of the children with disabilities that the project graduates serve, will be collected and analyzed;

Note: Following the completion of the project period, grantees are encouraged—but not required—to engage in ongoing data collection activities.

(3) The methods of evaluation will produce quantitative and qualitative

[4] For the purposes of this priority, the term ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

[5] For the purposes of this priority, the term ''high-poverty school'' means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data (*www2.ed.gov/legislation/FedRegister/other/2010-4/121510b.html*).

[6] For the purposes of this priority, the term ''persistently lowest-achieving schools'' means, as determined by the State—

(a)(1) Any Title I school in improvement, corrective action, or restructuring that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that—

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both—

(i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(ii) The school's lack of progress on those assessments over a number of years in the ''all students'' group.

For the purposes of this priority, the Department considers schools that are identified as Tier I or Tier II schools under the School Improvement Grants Program (see 75 FR 66363) as part of a State's approved FY 2009, FY 2010, FY 2011, or FY 2012 application to be persistently lowest-achieving schools. A list of these Tier I and Tier II schools can be found on the Department's Web site at *www2.ed.gov/programs/sif/index.html.*

[7] For the purposes of this priority, the term ''priority school'' means a school that has been identified by the State as a priority school pursuant to the State's approved request for ESEA flexibility.

data for objective performance measures that are related to the outcomes of the proposed project; and

(4) The methods of evaluation will provide performance feedback and allow for periodic assessment of progress towards meeting the project outcomes. To address this requirement, the applicant must describe how—

(i) Findings from the evaluation will be used as a basis for improving the proposed project to prepare special education, early intervention, or related services personnel to provide high-quality interventions and services to improve outcomes of children with disabilities; and

(ii) The proposed project will report evaluation results to the Office of Special Education Programs (OSEP) in the annual and final performance reports.

(d) Demonstrate, in the narrative under ''Project Assurances,'' or appendices, as applicable, that the following program requirements are met. The applicant must—

(1) Include, in the application as Appendix B, syllabi for all required coursework of the proposed project, including syllabi for new or proposed courses.

(2) Ensure that the proposed number of scholars to be recruited into the program can graduate from the program by the end of the grant's project period. The strategies for recruiting scholars (including individuals with disabilities), the program components and their sequence, and proposed budget must be consistent with this project requirement.

(3) Ensure that prior approval from the OSEP project officer will be obtained before admitting additional scholars beyond the number of scholars proposed in the application and before transferring a scholar to another OSEP-funded grant;

(4) Ensure that the project will meet the service obligation requirements in 34 CFR part 304, particularly those related to informing all scholarship recipients of their service obligation commitment. Failure by a grantee to properly meet these requirements would be a violation of the grant award that could result in sanctions, including the grantee being liable for returning any misused funds to the Department. Specifically, the grantee must prepare and ensure that each scholarship recipient signs the following two documents:

(i) A Pre-Scholarship Agreement prior to the scholar receiving a scholarship for an eligible program (OMB# 1820–0686); and

(ii) An Exit Certification immediately upon the scholar leaving, completing, or otherwise exiting that program (OMB# 1820–0686).

(5) Ensure that the project will meet the statutory requirements in section 662(e) through 662(h) of IDEA.

(6) Ensure that at least 65 percent of the total requested budget over the five years will be used for scholar support.

(7) Ensure that the institution of higher education (IHE) will not require scholars to work (e.g., as graduate assistants) as a condition of receiving support (e.g., tuition, stipends, books) from the proposed project unless the work is specifically required to advance scholars' competencies or complete other requirements in their personnel preparation program. Please note that this prohibition on work as a condition of receiving support does not apply to the service obligation requirements in section 662(h) of IDEA.

(8) Ensure that the budget includes attendance of the project director at a three-day project directors' meeting in Washington, DC, during each year of the project.

(9) Ensure that if the proposed project maintains a Web site, relevant information and documents are in a format that meets government or industry-recognized standards for accessibility.

(10) Ensure that the project director will submit annual data on each scholar who receives grant support. Applicants are encouraged to visit the Personnel Development Program Scholar Data Report Web site at: *http://oseppdp.ed.gov* for further information about this data collection requirement. Typically, data collection begins in January of each year, and grantees are notified by email about the data collection period for their grant. This data collection must be submitted electronically by the grantee and does not supplant the annual grant performance report required of each grantee for continuation funding (see 34 CFR 75.590).

Focus Areas:

Within this absolute priority, the Secretary intends to support projects under the following four focus areas: (A) Preparing Personnel To Serve Infants, Toddlers, and Preschool-Age Children With Disabilities; (B) Preparing Personnel To Serve School-Age Children With Low Incidence Disabilities; (C) Preparing Personnel To Provide Related Services to Children, Including Infants and Toddlers, With Disabilities; and (D) Preparing Personnel in Minority Institutions of Higher Education To Serve Children, Including Infants and Toddlers, With Disabilities. Interdisciplinary projects are encouraged to apply under Focus Area A, B, C, or D. Interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines.

Note: Applicants must identify the specific focus area (i.e., A, B, C, or D) under which they are applying as part of the competition title on the application cover sheet (SF form 424, line 4). Applicants may not submit the same proposal under more than one focus area.

Focus Area A: Preparing Personnel To Serve Infants, Toddlers, and Preschool-Age Children With Disabilities. OSEP intends to fund nine awards under this focus area. For the purpose of Focus Area A, early intervention personnel are those who are prepared to provide services to infants and toddlers with disabilities ages birth to three, and early childhood personnel are those who are prepared to provide services to children with disabilities ages three through five (and in States where the age range is other than ages three through five, we will defer to the State's certification for early childhood). In States where certification in early intervention is combined with certification in early childhood, applicants may propose a combined early intervention and early childhood personnel preparation project under this focus area. We encourage interdisciplinary projects under this focus area. For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for early intervention providers or early childhood special educators, and related services personnel to serve infants, toddlers, and preschool-age children with disabilities. Projects preparing only related services personnel to serve infants, toddlers, and preschool-age children with disabilities are *not* eligible under this focus area (see Focus Area C). Scholars in the program should be able to demonstrate the competencies outlined in a State's Workforce Knowledge and Competency Framework,[8] as appropriate.

[8] For the purposes of this priority, ''Workforce Knowledge and Competency Framework'' is defined by the definitions published in the Notice Inviting Applications for New Awards for Fiscal Year 2013 Race to the Top-Early Learning Challenge (RTT–ELC) (78 FR 53992): A set of expectations that describes what Early Childhood Educators (including those working with children with disabilities and English learners) should know and be able to do. The Workforce Knowledge and Competency Framework, at a minimum, (a) is evidence-based; (b) incorporates knowledge and application of the State's Early Learning and Development Standards, the Comprehensive Assessment Systems, child development, health, and culturally and linguistically appropriate strategies for working with families; (c) includes knowledge of early mathematics and literacy

Focus Area B: Preparing Personnel To Serve School-Age Children With Low Incidence Disabilities. OSEP intends to fund 13 awards under this focus area. For the purpose of Focus Area B, personnel who serve children with low incidence disabilities are special education personnel prepared to serve school-age children with low incidence disabilities, including visual impairments, hearing impairments, simultaneous visual and hearing impairments, significant intellectual disabilities, orthopedic impairments, traumatic brain injury, and persistent and severe learning and behavioral problems that need the most intensive individualized supports. Programs preparing special education personnel to provide services to children with visual impairments or blindness that can be appropriately provided in braille must prepare those individuals to provide those services in braille, including the Unified English Braille Code (UEB). Projects preparing educational interpreters are eligible under this focus area. We encourage interdisciplinary projects under this focus area. For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for low incidence and related services personnel to serve school-aged children with low incidence disabilities. Projects preparing early intervention or preschool personnel are *not* eligible under this focus area (see Focus Area A).

Focus Area C: Preparing Personnel To Provide Related Services to Children, Including Infants and Toddlers, With Disabilities. OSEP intends to fund nine awards under this focus area. Programs preparing related services personnel to serve children, including infants and toddlers, with disabilities are eligible within Focus Area C. For the purpose of this focus area, related services include, but are not limited to, psychological services, physical therapy (including therapy provided by personnel prepared at the Doctor of Physical Therapy (DPT) level), adapted physical education, occupational therapy, therapeutic recreation, social work services, counseling services, audiology services (including services provided by personnel prepared at the Doctor of Audiology (AudD) level), speech and language services, and applied behavior analysis services provided by personnel at the Board Certified Behavior Specialists level. Preparation programs in States where personnel prepared to serve children with speech and language impairments are considered to be special educators are eligible under this focus area. We encourage interdisciplinary projects under this focus area.

For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for related services personnel who serve children, including infants and toddlers, with disabilities. Projects preparing educational interpreters are *not* eligible under this focus area (see Focus Area B).

Focus Area D: Preparing Personnel in Minority Institutions of Higher Education To Serve Children, Including Infants and Toddlers, With Disabilities. OSEP intends to fund 19 awards under this focus area. Programs in minority IHEs are eligible under Focus Area D if they prepare one of the following: (a) Personnel to serve infants, toddlers, and preschool-age children with disabilities; (b) personnel to serve school-age children with low incidence disabilities, including those with persistent and severe learning or behavioral problems that need the most intensive individualized supports; or (c) personnel to provide related services to children, including infants and toddlers, with disabilities. Minority IHEs include IHEs with a minority enrollment of 50 percent or more, which may include Historically Black Colleges and Universities, Tribal Colleges, and Predominantly Hispanic Serving Colleges and Universities. We encourage interdisciplinary projects under this focus area. For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for: (a) Early intervention providers or early childhood special educators and related services personnel who serve infants, toddlers, and preschool-age children with disabilities; (b) low incidence and related services personnel who serve school-age children with low incidence disabilities; or (c) related services personnel who serve children, including infants and toddlers, with disabilities. Programs in minority IHEs preparing personnel in Focus Area A, B, or C are eligible within Focus Area D. Programs preparing high incidence special education personnel are *not* eligible under this priority.

Note: In Focus Area D, OSEP intends to fund in FY 2014 at least six high-quality applications from Historically Black Colleges and Universities and, as a result, may fund applications out of rank order.

Note: A project funded under Focus Area D may budget for less than the 65 percent required for scholar support if the applicant can provide sufficient justification for a designation less than this required percentage. Sufficient justification for proposing less than 65 percent of the budget for scholar support would include support for activities such as program development, program expansion, or the addition of a new area of emphasis. Some examples of projects that may be eligible to designate less than 65 percent of their budget for scholar support include the following:

(1) A project that is proposing to develop and deliver a newly established baccalaureate, master's, and specialist level personnel preparation program or add a new area of emphasis may request up to a year of funding for program development (e.g., hiring of a new faculty member or consultant to assist in course development, providing professional development and training for faculty). In the initial project year, scholar support would not be required. The project must demonstrate that the newly established program or area of emphasis is approved and ready for implementation in order to receive continuation funds in year two.

(2) A project that is proposing to expand or enhance an existing program may request funding for capacity building (e.g., hiring of a clinical practice supervisor, providing professional development and training for faculty), or purchasing needed resources (e.g., additional teaching supplies or specialized equipment to enhance instruction).

Note: Applicants proposing projects to develop, expand, or add a new area of emphasis to special education or related services programs must provide, in their applications, information on how these new areas will be sustained once Federal funding ends.

References:

Bruder, M.B. (December, 2004a). *The National Landscape of Early Intervention in Personnel Preparation Standards under Part C of the Individuals with Disabilities Education Act (IDEA)* (Study I Data Report). Farmington, CT: A.J. Pappanikou Center for Excellence in Developmental Disabilities. Retrieved from: *www.uconnucedd.org/pdfs/projects/per_prep/pp_data_report_study1_partc_11_14_08.pdf.*

Bruder, M.B. (December, 2004b). *The National Landscape of Early Childhood Special Education in Personnel Preparation Standards under 619 of the Individuals with Disabilities Education Act (IDEA)* (Study I Data Report). Farmington, CT: A.J. Pappanikou Center for Excellence in Developmental Disabilities. Retrieved from:

development and effective instructional practices to support mathematics and literacy development in young children; (d) incorporates effective use of data to guide instruction and program improvement; (e) includes effective behavior management strategies that promote positive social emotional development and reduce challenging behaviors; and (f) incorporates feedback from experts at the State's postsecondary institutions and other early learning and development experts and Early Childhood Educators.

www.uconnucedd.org/pdfs/projects/per_prep/pp_data_report_study1_619_11_19_08%20ccs.pdf.

McLeskey, J., & Billingsley, B. (2008). How does the quality and stability of the teaching force influence the research-to-practice gap? *Remedial and Special Education, 29*(5), 293–305.

McLeskey, J., Tyler, N., & Flippin, S.S. (2004). The supply and demand for special education teachers: A review of research regarding the chronic shortage of special education teachers. *Journal of Special Education, 38*(1), 5–21.

National Professional Development Center on Inclusion. (August, 2011). *Competencies for early childhood educators in the context of inclusion: Issues and guidance for States.* Chapel Hill, NC: The University of North Carolina, FPG Child Development Institute, Author.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 304.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $85,799,000 for the Personnel Development to Improve Services and Results for Children with Disabilities program for FY 2014, of which we intend to use an estimated $12,500,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Estimated Range of Awards: See chart.

Estimated Average Size of Awards: See chart.

Maximum Award: See chart.

Estimated Number of Awards: See chart.

Project Period: See chart.

PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES (84.325K) APPLICATION NOTICE FOR FISCAL YEAR 2014

CFDA No. and name	Applications available	Deadline for transmittal of applications	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Maximum award (budget period of 12 months)	Estimated number of awards	Project period	Contact person
84.325K Personnel Preparation in Special Education, Early Intervention, and Related Services.	2–7–14	4–8–14	6–9–14						
Focus Area A: Preparing Personnel to Serve Infants, Toddlers, and Pre-school Age Children with Disabilities.	.....	.....	.....	$225,000–$250,000	$237,500	$250,000	9	Up to 60 mos.	Maryann McDermott, 202–245–7439, *maryan.mcdermott@ed.gov*, PCP, Room 4062.
Focus Area B: Preparing Personnel to Serve School-Age Children with Low Incidence Disabilities.	.....	.....	.....	$225,000–$250,000	237,500	250,000	13	Up to 60 mos.	Maryann McDermott, 202–245–7439, *maryan.mcdermott@ed.gov*, PCP, Room 4062.
Focus Area C: Preparing Personnel to Provide Related Services to Children, Including Infants and Toddlers, with Disabilities.	.....	.....	.....	$225,000–$250,000	237,500	250,000	9	Up to 60 mos.	Maryann McDermott, 202–245–7439, *maryan.mcdermott@ed.gov*, PCP, Room 4062.
Focus Area D: Preparing Personnel in Minority Institutions of Higher Education to Serve Children, Including Infants and Toddlers, with Disabilities.	.....	.....	.....	$225,000–$250,000	237,500	250,000	19	Up to 60 mos.	Dawn Ellis, 202–245–6417, *dawn.elis@ed.gov*, PCP, Room 4092.

*We will reject any application that proposes a budget exceeding the maximum award for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

III. Eligibility Information

1. *Eligible Applicants:* IHEs and private nonprofit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other General Requirements:*

(a) Recipients of funding under this program must make positive efforts to

employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this program must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.325K.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirement does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the two-page abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirement does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit in the application narrative section; or if you apply standards other than those specified in the application package.

3. *Submission Dates and Times:*

Applications Available: February 7, 2014.

Deadline for Transmittal of Applications: April 8, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: June 9, 2014.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you

with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov tip sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Personnel Preparation in Special Education, Early Intervention, and Related Services competition, CFDA number 84.325K, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Personnel Preparation in Special Education, Early Intervention, and Related Services competition at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.325, not 84.325K).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Mary Ann McDermott, U.S. Department of Education, 400 Maryland Avenue SW., Room 4062, Potomac Center Plaza (PCP), Washington, DC 20202–2600. FAX: (202) 245–7617.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325K), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325K), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competitionare from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) The Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Personnel Development to Improve Services and Results for Children with Disabilities Program. These measures include: (1) The percentage of Special Education Personnel Development projects that incorporate evidence-based practices into their curriculum; (2) the percentage of scholars completing Special Education Personnel Development-funded programs who are knowledgeable and skilled in evidence-based practices for infants, toddlers, children, and youth with disabilities; (3) the percentage of Special Education Personnel Development-funded scholars who exit preparation programs prior to completion due to poor academic performance; (4) the percentage of Special Education Personnel Development-funded degree/certification recipients who are working in the area(s) for which they were prepared upon program completion; (5) the percentage of Special Education Personnel Development-funded degree/certification recipients who are working in the area(s) for which they were prepared upon program completion and who are fully qualified under IDEA; (6) the percentage of Special Education Personnel Development degree/certification recipients who maintain employment in the area(s) for which they were prepared for three or more years and who are fully qualified under IDEA; and (7) the Federal cost per fully qualified degree/certification recipient.

In addition, the Department will be gathering information on the following outcome measures: (1) The number and percentage of degree/certification recipients who are employed in high-need schools; (2) the number and percentage of degree/certification recipients who are employed in a school for at least three years; and (3) the number and percentage of degree/certification recipients whose employers are satisfied with the performance of the individuals.

Grantees may be asked to participate in assessing and providing information on these aspects of program quality.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: See chart in the *Award Information* section in this notice for the name, room number, telephone number, and email address of the contact person for each Focus Area of this competition. You can write to the Focus Area contact person at the following address: U.S. Department of Education, 400 Maryland Avenue SW., Potomac Center Plaza (PCP), Washington, DC 20202–2600. If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 4, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–02710 Filed 2–6–14; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Publication of EAC Decision Regarding State Requests To Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: The U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** this notice in reference to the *Memorandum Of Decision Concerning State Requests To Include Additional Proof-Of-Citizenship Instructions On The National Mail Voter Registration Form (Docket No. Eac 2013 0004).* The decision, issued January 17, 2014, is posted on the EAC Web site at www.eac.gov (shortened link: *http://1.usa.gov/1mdWASw*), and also on the Federal eRulemaking portal, *www.regulations.gov,* at the following link: *http://www.regulations.gov/#!documentDetail;D=EAC-2013-0004-0429.* Arizona, Georgia, and Kansas had sought to modify the state-specific instructions on the National Mail Voter Registration Form (''Federal Form'') to require that, as a precondition to registering to vote in Federal elections in those states, applicants must provide additional proof of their United States citizenship beyond that currently required by the Federal Form. For the reasons set forth in the decision, the Commission denied the states' requests.

DATES: This notice is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone 301–563–3919 or 1–866–747–1471 (toll-free).

SUPPLEMENTARY INFORMATION:

Background: The EAC's decision followed a Federal court order in a lawsuit brought by Kansas and Arizona challenging the EAC's earlier deferral of a decision on those states' requests to modify the Federal Form's state-specific instructions. *See Kobach* v. *EAC,* No. 5:13–cv–4095 (D. Kan. Dec. 13, 2013). The district court directed the Commission to take final action on Kansas's and Arizona's requests by January 17, 2014. Because Georgia's request presented similar issues, the EAC also decided to take final action on that request. Before issuing its decision, the EAC solicited public comment on all three states' requests, *see* 78 Fed. Reg. 77666–67 (Dec. 24, 2013), and reviewed and considered all comments received.

Dated: February 4, 2014.

Alice Miller,

Chief Operating Officer and Acting Executive Director, U.S. Election Assistance Commission.

[FR Doc. 2014–02691 Filed 2–6–14; 8:45 am]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

Amended Notice of Intent To Prepare an Environmental Impact Statement for Remediation of Area IV and the Northern Buffer Zone of the Santa Susana Field Laboratory and Conduct Public Scoping Meetings

AGENCY: Department of Energy.

ACTION: Amended notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) is amending its 2008 notice of intent (NOI) to prepare an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) for cleanup of Area IV, including the Energy Technology Engineering Center (ETEC), as well as the Northern Buffer Zone of the Santa Susana Field Laboratory (SSFL) (DOE/EIS–0402) in eastern Ventura County, California, approximately 29 miles north of downtown Los Angeles. (DOE's operations bordered the Northern Buffer Zone. DOE is responsible for soil cleanup in Area IV and the Northern Buffer Zone.) Since DOE's 2008 NOI, extensive studies of the site for radiological and chemical contamination have been ongoing and are nearing completion. DOE is proposing a revised scope for the EIS due to the 2010 Administrative Order on Consent (2010 AOC) that DOE and the California Department of Toxic Substances Control (DTSC) signed for soil cleanup, and due to information now available from site characterization. The scope of the EIS would continue to include groundwater remediation consistent with requirements in the 2007 Consent Order for Corrective Action (2007 Consent Order) issued by DTSC. This Amended NOI describes DOE's proposed action and includes cleanup concepts developed by the local community for remediation of SSFL Area IV and the Northern Buffer Zone. In the EIS, DOE will evaluate reasonable alternatives for disposition of radiological facilities and support buildings, remediation of contaminated soil and groundwater, and disposal of all resulting waste at permitted facilities.

DOE is initiating a 30-day public scoping period, during which public scoping meetings are planned for Calabasas and Simi Valley, California. DOE invites comments from federal and state agencies, state and local governments, Tribal Nations, natural resource trustees, the general public, and other interested parties on the scope of the EIS.

DATES: The public scoping period will extend from the date of publication of this notice in the **Federal Register** through March 10, 2014. DOE plans to hold public scoping meetings at the following dates, times, and locations.

- *Simi Valley, California:* Simi Valley City Council Chambers in City Hall, 2929 Tapo Canyon Road, Simi Valley, on February 27, from 6:30 p.m. to 9:30 p.m.; and
- *Agoura Hills/Calabasas, California:* Community Center, 27040 Malibu Hills Road, Calabasas, on March 1, from 9:30 a.m. to 12:30 p.m.

DOE will consider all comments received or postmarked by the end of the scoping period. Comments submitted after that date will be considered to the extent practicable. DOE will give equal consideration to written comments and oral comments.

ADDRESSES: Written comments on the scope of the EIS should be sent to: Ms. Stephanie Jennings, NEPA Document Manager, U.S. Department of Energy, 4100 Guardian Street, Suite 160, Simi Valley, CA 93063 or by fax: (855) 658–8695. Comments may also be submitted by email to *SSFL_DOE_EIS@emcbc.doe.gov* (use ''Scoping comments'' for the subject), or on the ETEC Web site at *http://www.etec.energy.gov*.

FOR FURTHER INFORMATION CONTACT: To request further information about the EIS or about the public scoping activities, or to be placed on the EIS distribution list, use any of the methods listed under **ADDRESSES**.

For general information concerning the DOE NEPA process, contact Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0119, email to: *AskNEPA@hq.doe.gov,* telephone: (202) 586–4600, leave a message at (800) 472–2756, or fax: (202) 586–7031.

This Amended NOI will be available on the internet at: *http://energy.gov/nepa*. This Amended NOI and related information will also be available on the internet at: *http://www.etec.energy.gov,* select the ''Characterization & Cleanup'' link on the toolbar, and then the ''Environmental Impact Statement'' link.

Additional information about the SSFL Area IV is available in the following public reading rooms:

- *Simi Valley, California:* Simi Valley Library, 2969 Tapo Canyon Road, (805) 526–1735;
- *Woodland Hills, California:* Platt Branch Library, 23600 Victory Blvd., (818) 340–9386;
- *Northridge, California:* California State University Northridge Oviatt Library, 2nd Floor, Room 265, (818) 677–2832; and
- *Chatsworth, California:* State of California Department of Toxic Substances Control, Regional Records Center, 9211 Oakdale Avenue, (818) 717–6521 or –6522

SUPPLEMENTARY INFORMATION:

Background

Site History. Located on 2,859 acres in the hills between the San Fernando Valley and Simi Valley, CA, SSFL was established in 1947 by North American Aviation (NAA) for the development and testing of liquid propellant rocket engines, first for the U.S. Air Force and subsequently for the National Aeronautics and Space Administration (NASA). In 1955, NAA established the subdivision Atomics International for the purpose of conducting energy research and testing small nuclear reactors for the Atomic Energy Commission (AEC), a predecessor agency to DOE, and commercial clients in the western portion of SSFL, also known as Area IV. Atomics International merged into Rocketdyne in 1984. In 1996, the Boeing Company (Boeing) acquired part of Rocketdyne, and with it SSFL.

SSFL is divided into four administrative areas and two contiguous buffer zones north and south of the administrative areas. Area I consists of about 714 acres, including 672 acres that are owned and operated by Boeing and 42 acres that are owned by the Federal Government and administered by NASA. Area II consists of about 410 acres that are owned by the Federal Government and administered by NASA. Area III consists of about 120 acres that are owned and operated by Boeing. Area IV consists of about 290 acres that are owned by Boeing in which 90 acres have been leased by DOE and its predecessors for work described below. Boeing also owns contiguous buffer zone areas of 1,143 acres to the south (Southern Buffer Zone) and 182 acres to the north (Northern Buffer Zone). DOE has no responsibilities for the Southern Buffer Zone as it adjoins SSFL Areas I, II, and III. DOE does have responsibility for the cleanup of soils in the 290 acres of Area IV and in the 182-acre Northern Buffer Zone. DOE shares responsibilities for groundwater remediation as defined in the 2007 Consent Order. Not all of the energy research conducted in Area IV was performed for DOE. Boeing has responsibility for the decontamination and demolition of the buildings it owns.

Starting in the mid-1950s, the AEC funded nuclear energy research on a 90-acre parcel of SSFL Area IV leased from Atomics International. ETEC was established by the AEC on this parcel in the early 1960s as a ''center of excellence'' for liquid metals technology. Boeing and its predecessors operated ETEC on behalf of DOE. At ETEC, DOE also operated 10 small nuclear reactors built for various research activities. All SSFL reactor operations ended in 1980, and nuclear research work was completed in 1988. Cleanup of ETEC began in the 1960s and was undertaken as unnecessary facilities were decommissioned.

Operation of the research facilities and reactors resulted in localized radiological contamination of soil and groundwater, and the concrete containment that surrounded the reactors became radioactive. Leaks from liquid radioactive waste hold-up tanks contaminated surrounding soil. Releases of hazardous and radioactive wastes into leachfields contaminated groundwater. DOE has removed all nuclear material from Area IV, and all but two of its reactor buildings, and has performed cleanup of radioactive building materials and soil to DOE standards established in the 1980s and 1990s.[1]

Prior NEPA Review: In March 2003, DOE issued an *Environmental Assessment for Cleanup and Closure of the Energy Technology Engineering Center* (DOE/EA–1345). The purpose and need for agency action was based on a DOE determination in 1996 that ETEC was surplus to DOE's needs and that the site should be closed. Based on the results of the environmental assessment (EA), DOE determined that an EIS was not required and issued a finding of no significant impact (FONSI). DOE's FONSI was challenged, and the U.S. District Court for the Northern District of California's May 2, 2007, ruling in the case *Natural Resources Defense Council* v. *Department of Energy* (Slip Op. 2007 WL 2349288 (N.D. Cal. Aug. 15, 2007)) held that DOE's decision to issue a FONSI and conduct cleanup and closure on the basis of the EA was in violation of NEPA. The court enjoined DOE from transferring control of any portion of SSFL Area IV until DOE completes an EIS and issues a Record of Decision pursuant to NEPA.

In accordance with Council on Environmental Quality and DOE NEPA implementing regulations (40 CFR Parts 1500–1508 and 10 CFR Part 1021, respectively), DOE initiated this EIS in October 2007 by issuing an Advance NOI (72 FR 58834; October 17, 2007). Public comments received as a result of the publication of the Advance NOI aided in the preparation of the 2008 NOI announcing DOE's intent to prepare an EIS (73 FR 28437; May 16, 2008). DOE held scoping meetings in July 2008. A summary of comments received during the 2008 scoping period is on the ETEC Web site at *http://www.etec.energy.gov*. DOE did not issue a draft EIS following issuance of the 2008 NOI.

The alternatives identified in the 2008 NOI were:

- Alternative 1: No Action—Cessation of all DOE management activities and oversight of SSFL Area IV
- Alternative 2: No further cleanup or disposition of buildings and no remediation of contaminated media at SSFL Area IV but DOE would continue environmental monitoring and maintain security of SSFL Area IV
- Alternative 3: On-site containment of buildings, wastes, and radiological and chemical contaminants at SSFL Area IV
- Alternative 4: Off-site disposal of SSFL Area IV materials
- Alternative 5: Combination of on-site disposal/off-site disposal for SSFL Area IV

The 2008 Alternatives 1 and 2 were no action baseline scenarios. DOE has determined that analysis of No Action Alternative 1 would not benefit decisionmaking and, thus, proposes not to analyze it in the EIS. DOE proposes that the No Action Alternative in the EIS be based on the 2008 No Action Alternative 2. For the Action Alternatives (Alternatives 3, 4, 5), DOE will continue to evaluate components of the alternatives, insofar as they are consistent with applicable requirements, and after consideration of scoping comments, will determine how they best fit among the range of reasonable alternatives to be analyzed in the EIS.

Recent History: DTSC issued the 2007 Consent Order to DOE, NASA, and Boeing (as respondents) pursuant to its authority over hazardous waste under the California Health and Safety Code section 25187. This 2007 Consent Order required the respondents to clean up all chemically-contaminated soils and groundwater at SSFL to risk-based levels.

[1] Cleanup standards used during that time were based on an estimated exposure dose per DOE guidelines.

Also in 2007, DOE received requests from DTSC and some members of the California congressional delegation to suspend the physical demolition and removal of the facilities still remaining at ETEC, except for those activities necessary to maintain the site in a safe and stable configuration until completion of the EIS. DOE has honored these requests and continued surveillance, maintenance, environmental monitoring, and soil and groundwater characterization activities.

In the Consolidated Appropriations Act, 2008 (Pub. L. 110–161), Congress, among other things, mandated that DOE use a portion of the funding for ETEC to enter into an interagency agreement with the U.S. Environmental Protection Agency (EPA) to conduct a joint comprehensive radioactive site characterization of Area IV and the Northern Buffer Zone. Additionally, in 2009, EPA received $38 million in American Recovery and Reinvestment Act funds from DOE to expand site characterization work. DOE slowed preparation of the EIS until the site characterization could be completed, nevertheless gathering information to support the EIS such as baseline data on traffic and noise. EPA conducted its background and on-site radionuclide investigation of Area IV and the Northern Buffer Zone from the summer of 2009 until the fall of 2012. EPA's final data report for the Area IV and Northern Buffer Zone radiological study was issued in December 2012. EPA's final data report for the radiological study is available on the ETEC Web site at *http://www.etec.energy.gov*.

In December 2010, DOE and DTSC signed the 2010 AOC for soil cleanup. (*http://www.etec.energy.gov/Char_Cleanup/AOC.html*). The 2010 AOC supersedes the 2007 Consent Order relative to soil cleanup and provides the process for DOE to complete soil characterization within Area IV and the Northern Buffer Zone. The 2010 AOC also describes the process for establishing soil cleanup standards for Area IV. The 2010 AOC stipulates that the soils contamination cleanup standard will be local background concentrations or analytical detection limits.[2] The AOC provides a preference for on-site treatment to minimize transportation of soils. The AOC specifies that soil cleanup be completed in 2017. DOE recently completed the AOC-required soil sampling, and its final data report for the Area IV/Northern Buffer Zone chemical study will be issued in 2014. The results of the EPA soil radiological characterization reports and the DOE chemical characterization results will be incorporated into the EIS environmental analyses.

In December 2012, EPA provided to DTSC its cleanup value recommendations to be included in the Look-Up Table for radionuclides, and DTSC released provisional radionuclide Look-Up Table values in January 2013. DOE expects that the radionuclide values will be finalized after a laboratory to test soil samples has been identified. In June 2013, DTSC provided Look-Up Table values for 125 of the most frequently observed chemicals at the site, out of over 400 chemicals; values for those remaining chemicals are expected to be forthcoming.

Preliminary results of DOE's soil chemical investigation conducted under the 2010 AOC and the radionuclide investigation conducted by EPA indicate that soil volumes potentially to be remediated could range from approximately 1 million to 1.7 million cubic yards of chemically contaminated soil, including approximately 82,000 cubic yards of radiologically contaminated soil. These estimates are based on established engineering estimating procedures using available Area IV soil sampling data and the site Geographic Information System (GIS) to estimate rough-order-of-magnitude soil volumes based on the Look-up Table values. These volume estimates assume expansion following excavation. The estimates do not include any reductions due to limiting the areas of cleanup for protection of biological species or archaeological resources that are described in the 2010 AOC, or any on-site soil treatment (e.g., phytoremediation and bioremediation). DOE's ongoing groundwater characterization of Area IV and the Northern Buffer Zone has identified two areas with solvent contamination, one area with tritium contamination, and one location with strontium-90 contamination.

Groundwater investigation and cleanup are still governed by the 2007 Consent Order (the 2010 AOC identifies the provisions of the 2007 Order that are still applicable and incorporates them by reference). The 2007 Consent Order and the 2010 AOC provide the option for DTSC to require additional work to be conducted outside of SSFL Area IV to assess air, soil, and water contamination, and to require remediation should an area of off-site contamination be demonstrated to be emanating from Area IV.

At this time, DTSC is preparing a program Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act (CEQA), that will include cleanup actions for the entirety of SSFL, including those to be conducted by Boeing, NASA, and DOE. DTSC initiated scoping for the CEQA EIR in December 2013 and extended the public comment period through February 10, 2014. Because DOE will be preparing its EIS concurrently, DTSC and DOE plan to share information in the development of both environmental documents.

Purpose and Need for Agency Action

DOE needs to complete remediation of SSFL Area IV and the Northern Buffer Zone to comply with applicable requirements for radiological and hazardous contaminants. These requirements include regulations, orders, and agreements, including the 2007 Consent Order, as applicable, and the 2010 AOC. To this end, DOE needs to remove the remaining DOE structures in Area IV of SSFL and clean up the affected environment in Area IV and the Northern Buffer Zone in a manner that is protective of the environment and the health and safety of the public and workers.

DOE Proposed Action

DOE proposes to demolish remaining DOE-owned buildings and debris and dispose of this waste off site. DOE also proposes to clean up Area IV and the Northern Buffer Zone. Soil cleanup would be performed based on soil concentrations listed in Look-Up Tables for chemicals and radionuclides. Where possible, DOE proposes to use on-site treatment of contaminated soils and natural attenuation[3] to reduce volumes of contaminated soil prior to transport and disposal off site of any soils that cannot be otherwise treated and remain on site. In all remedial actions, steps to protect biological and archaeological (cultural) resources would be taken. Soil that cannot be treated on site would be transported off site to permitted disposal facilities based on the type of waste. Locations where soil excavation is performed would be backfilled, recontoured, and stabilized with new vegetation. In the EIS, DOE will analyze alternatives that can mitigate transportation impacts to the adjacent communities to the extent practicable (e.g., new roadway). DOE proposes to address groundwater contamination through a variety of mechanisms,

[2] The soil cleanup standards (action levels) are to be listed in a ''Look-up Table'' as not-to-exceed concentrations in the soil.

[3] Natural attenuation takes advantage of organisms and physical properties in the soil to degrade contaminants.

including pump and treat technology, chemically enhanced degradation, and natural attenuation.

Alternatives

DOE is in the early stages of identifying the range of reasonable alternatives for analysis in the EIS. These alternatives will be developed based on current requirements, including the 2010 AOC, results from site characterization, public input received during alternative development workshops held by DOE in 2012 and public scoping comments.

Community-Developed Cleanup Concepts

Community members developed the cleanup concepts summarized below during the 2012 public workshops held by DOE. The concepts are similar in their focus on cleaning up and restoring Area IV and the Northern Buffer Zone to a level that allows use of the site as open space for wildlife or human enjoyment. Each concept calls for minimizing transportation impacts. Preferred use of native plants and measures to prevent spread of invasive, non-native plants are also common components. The approaches to meeting these objectives are different among the concepts. DOE invites comments during this scoping period on these community-developed concepts, as well as other suggestions for how to proceed with cleanup of Area IV and the Northern Buffer Zone. Because the community-based concepts have common elements, they may be formulated into one or more action alternatives for analysis in the EIS.

Concept 1: Minimize Environmental Disturbance—The focus of this concept is cleaning up the environment in such a way as to minimize damage to the existing ecosystem. Cleanup would be approached in a holistic manner, looking to an end state such that Area IV could be integrated with the entirety of SSFL and the surrounding environs as potential national or state park and habitat linkage. Cleanup actions would be intended to minimize the removal of soil and disturbance of the local environment. Structures, except uncontaminated structures that could be repurposed, and roads, would be removed. Preference would be given to in situ and onsite treatment of contaminated soils, materials and groundwater, and to recycling. Building materials would need to be managed off site and would be disposed of or recycled as close to the site as possible to minimize transportation impacts and costs. Treated groundwater would be discharged on-site.

Concept 2: Risk-Based Prioritization—Under this concept, cleanup would be prioritized based on the toxicity of the contaminants to humans and biota, and the efficacy of cleanup methods. Schedule would not be a driver. A cost-benefit analysis may be conducted under this concept. Excavation would be minimized for both soil and groundwater, on-site treatment methods would be preferred, and cleanup levels would correlate to established EPA or California toxicity levels. Tritium would be monitored and reduced through natural attenuation. The existing Groundwater Extraction and Treatment System would be expanded and groundwater would be removed and treated to prevent further contaminant migration. Transportation impacts would be minimized by managing truck routes and schedules, and using more efficient technologies such as hybrid engines and alternative fuels. Protection of endangered species and cultural resources would be emphasized. Backfilling, recontouring, and cleanup impacts for the Northern Buffer Zone, in particular, would be minimized. At transfer, the property would be open space.

Concept 3: Schedule- and Background-Driven Cleanup—The focus of this cleanup concept is meeting the AOC requirements, including the schedule. Cleanup would be to background levels, with the vision for final state as near natural as possible, for use as a wildlife corridor. All contaminated structures would be removed for disposal; uncontaminated foundations and pads would be removed if necessary to facilitate soil sampling after the buildings have been removed. On-site storage of demolition debris would be limited to 30 days. The preferential order of treatment to meet the AOC background standard by 2017 would be in-situ treatment, on-site treatment, and excavation. Tritium would be monitored and reduced through natural attenuation. Metals recycling would be prohibited. Innovative methods for moving materials off the site to minimize truck traffic on existing roadways and associated impacts, such as using a modular conveyor system, or improving an existing fire road are emphasized. Intermodal transportation using ships, rail, and trucks is proposed for transportation to off-site disposal facilities.

Concept 4: Green Cleanup—Under this concept, which emphasizes the use of green cleanup technologies, a point-based system would be developed to prioritize cleanup actions resulting in an open space land use end state. Various methods, activities, and components of each cleanup action would be given a point value based on factors such as cost, efficacy, degree of disturbance, and vendor location (specifically, preference for use of California-based companies). Preference (and therefore more favorable point values) would be given to eco-friendly technologies and locally based capabilities. Off-site disposal would be minimized by on-site sorting, reuse, and recycling, and special attention would be made to avoid contamination or recontamination of waste. Activities, such as truck movement scheduling, would be undertaken to maximize public safety during transportation. Road infrastructure would be evaluated and improved as needed. There are two variations under this concept for management of existing structures. Under the building preservation variation, structures with the potential for reuse would be retained. Under the building demolition variation, all manmade structures would be removed and disposed of without consideration for reuse.

No Action Alternative

Under the No Action Alternative, DOE would undertake no further soil or groundwater cleanup or disposition of its buildings and structures at SSFL Area IV and the Northern Buffer Zone. Removal of buildings and structures not owned by DOE, environmental monitoring, stormwater controls, and security would continue at SSFL Area IV and the Northern Buffer Zone. As required under NEPA, this alternative is to establish the baseline against which the environmental impacts from other analyzed alternatives can be compared.

Preliminary Identification of Environmental Issues

DOE has tentatively identified the following preliminary list of impact areas for evaluation in the EIS:

- Health and safety of the general population and workers from radiological and non-radiological releases, and cleanup operations;
- Transportation of radiological and non-radiological wastes to disposal sites and clean replacement soil to SSFL;
- Waste management;
- Potential accidents;
- Intentional destructive acts;
- Air resources, including air quality, climate change, and greenhouse gases;
- Noise;
- Surface water and groundwater;
- Geology and soils;
- Land use and visual resources;
- Socioeconomics;

• Biological resources (endangered and protected species, floodplain, and wetlands);
• Cultural, historic, and paleontological resources;
• Native American resources;
• Irretrievable and irreversible commitment of resources;
• Potential disproportionately high and adverse effects on low-income and minority populations (environmental justice); and
• Cumulative impacts.

This list is not intended to be all inclusive or to imply any predetermination of impacts. DOE invites interested parties to suggest specific issues, including possible mitigation measures, within these general categories, or other categories not included above, to be considered in the EIS.

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties. DOE is coordinating compliance with Section 106 with the preparation of this EIS. Also, DOE is initiating formal consultations with the U.S. Fish and Wildlife Service as required under Section 7 of the Endangered Species Act.

Public Participation and Scoping Process

DOE is issuing this Amended NOI to inform and solicit comments from federal and state agencies, state and local governments, Tribes, natural resource trustees, the general public, and other interested parties on the scope of the EIS (e.g., environmental issues, alternatives to be analyzed, and the potential environmental impacts related to DOE's potential activities within Area IV and the Northern Buffer Zone). DOE invites those agencies with jurisdiction by law or special expertise to be cooperating agencies. Invitations to be a cooperating agency have been sent to the U.S. Army Corps of Engineers, EPA—Region 9, NASA, California DTSC, and the Santa Ynez Band of Chumash Indians.

This Amended NOI also announces scoping meetings to be held as described under ''DATES''. The scoping meetings will offer an opportunity for stakeholders to learn more about the proposed action from DOE officials and to provide comments on the proposed scope of the EIS. The first half hour of each meeting will consist of an open house, allowing members of the public to interact with DOE representatives and view materials on the scope of the EIS and known issues. After the open house, a presiding officer, designated by DOE, will announce procedures necessary for the conduct of the meeting. DOE officials will provide a brief presentation explaining DOE's process for identifying reasonable alternatives and potential environmental impacts to be analyzed in the EIS. Following the presentation, the public will be given the opportunity to provide comments orally. A court reporter will be present to transcribe comments. The presiding officer will establish the order of the speakers, and will ensure that everyone who wishes to speak has a chance to do so. DOE may need to limit speakers to three to five minutes initially, but will provide additional opportunities if time allows. DOE is especially interested in learning from the public any issues or alternatives that should be considered. Comment cards will also be available for those who would prefer to submit written comments. Persons who wish to speak may sign up to speak before each meeting at the reception desk.

Next Steps

DOE expects to issue the Draft EIS in late 2014. DOE will hold a 45-day public comment period beginning with the publication of the EPA's Notice of Availability (NOA) of the Draft EIS in the **Federal Register** and will hold at least one public hearing. DOE will separately announce, in the **Federal Register** and local media, information on the public hearing(s) schedule and location(s). Comments on the Draft EIS will be considered and addressed in the Final EIS, which DOE anticipates issuing in fall of 2015. DOE will issue a Record of Decision no sooner than 30 days after EPA's NOA of the Final EIS in the **Federal Register**.

Issued in Washington, DC on February 3, 2014.

David Huizenga,

Senior Advisor for Environmental Management.

[FR Doc. 2014–02703 Filed 2–6–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–399–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: FL&U Effective March 1, 2014 to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5078.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–400–000.
Applicants: Rockies Express Pipeline LLC.
Description: Neg Rate NC A&R 2014–01–29 Encana to be effective 2/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5084.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–401–000.
Applicants: ANR Pipeline Company.
Description: Working Gas Storage to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5107.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–402–000.
Applicants: Texas Eastern Transmission, LP.
Description: ConocoPhillips Releases 2–01–2014 to be effective 2/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5147.
Comments Due: 5 p.m. ET 2/10/14

Docket Numbers: RP14–403–000.
Applicants: Texas Eastern Transmission, LP.
Description: ConocoPhillips Releases 4–01–2014 to be effective 4/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5149.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–404–000.
Applicants: Texas Eastern Transmission, LP.
Description: ConocoPhillips Releases 4–01–2016 to be effective 4/1/2016.
Filed Date: 1/29/14.
Accession Number: 20140129–5154.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–405–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/29/14 Negotiated Rates—JP Morgan Ventures (RTS) 6025–26 to be effective 2/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5157.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–406–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/29/14 Negotiated Rates—Tenaska Gas Storage, LLC (HUB) 1175–89 to be effective 1/28/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5168.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–407–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Big Sandy Fuel Filing effective 3–1–2014.
Filed Date: 1/29/14.

Accession Number: 20140129–5169.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–408–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: Neg Rate 2014–01–29 Whiting Oil to be effective 2/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5175.
Comments Due: 5 p.m. ET 2/10/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–993–004.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Stipulation and Agreement Tariff Record Filing to be effective 3/1/2013.
Filed Date: 1/29/14.
Accession Number: 20140129–5121.
Comments Due: 5 p.m. ET 2/18/14.
Reply *Comments Due:* 5 p.m. ET 2/28/14.

Docket Numbers: RP14–395–001.
Applicants: Millennium Pipeline Company, LLC.
Description: Retainage Percentage Provisions Revisions—Amendment to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5113.
Comments Due: 5 p.m. ET 2/10/14.

Docket Numbers: RP14–369–001.
Applicants: PGPipeline LLC.
Description: Tariff filing per 154.203; Missing Data in Name Change Filing to be effective 2/14/2014.
Filed Date: 1/15/14.
Accession Number: 20140115–5078.
Comments Due: 5 p.m. ET 2/4/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified date(s).

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 30, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–02656 Filed 2–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–409–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/30/14 Negotiated Rates' Sequent Energy Management (HUB) 3075–89 to be effective 1/29/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5085.
Comments Due: 5 p.m. ET 2/11/14.

Docket Numbers: RP14–410–000.
Applicants: Alliance Pipeline L.P.
Description: Alliance Pipeline L.P. submits tariff filing per 154.204: Invoicing Correction to be effective 4/1/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5195.
Comments Due: 5 p.m. ET 2/11/14.

Docket Numbers: RP14–411–000.
Applicants: Southern LNG Company, L.L.C.
Description: Southern LNG Company, L.L.C. submits tariff filing per 154.204: Dredging Surcharge Cost Adjustment—2014 to be effective 3/1/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5304.
Comments Due: 5 p.m. ET 2/11/14.

Docket Numbers: RP14–412–000.
Applicants: Midwestern Gas Transmission Company.
Description: Midwestern Gas Transmission Company submits tariff filing per 154.204: Negotiated Rate PAL Agreements—Exelon Generation Company, et al. to be effective 1/28/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5340.
Comments Due: 5 p.m. ET 2/11/14.

Docket Numbers: RP14–413–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 01/30/14 Negotiated Rates—JP Morgan Ventures Energy Corp (HUB) 6025–89 to be effective 1/29/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5343.
Comments Due: 5 p.m. ET 2/11/14.

Docket Numbers: RP14–414–000.
Applicants: Guardian Pipeline, L.L.C.
Description: Guardian Pipeline, L.L.C. submits tariff filing per 154.204: Negotiated Rate PAL Agreements—Tenaska, et al. to be effective 1/25/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5344.
Comments Due: 5 p.m. ET 2/11/14.

Docket Numbers: RP14–415–000.
Applicants: Portland Natural Gas Transmission System.
Description: Portland Natural Gas Transmission System submits tariff filing per 154.204: Correcting Credit Language to be effective 6/1/2013.
Filed Date: 1/31/14.
Accession Number: 20140131–5031.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–416–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC's Penalty Revenue Crediting Report for 2013.
Filed Date: 1/30/14.
Accession Number: 20140130–5374.
Comments Due: 5 p.m. ET 2/11/14.

Docket Numbers: RP14–417–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.203: AGT FRQ Settlement Filing to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5041.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–418–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Limited Partnership Semi-Annual Transporter's Use Report under New Docket.
Filed Date: 1/31/14.
Accession Number: 20140131–5044.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–419–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403: S–2 Tracker Filing Effective 2014–02–01 to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5056.
Comments Due: 5 p.m. ET 2/12/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–02657 Filed 2–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–024; ER10–2326–023; ER10–2330–023.
Applicants: J.P. Morgan Ventures Energy Corporation, Cedar Brakes I, L.L.C., Utility Contract Funding, L.L.C.
Description: JPMorgan Sellers Notice of Non-Material Change in Status re: Buffalo Dunes Wind Project, LLC.
Filed Date: 1/30/14.
Accession Number: 20140130–5160.
Comments Due: 5 p.m. ET 2/20/14.

Docket Numbers: ER10–2437–001.
Applicants: Arizona Public Service Company.
Description: Notice of Change in Status of Arizona Public Service Company.
Filed Date: 1/29/14.
Accession Number: 20140129–5250.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER10–2984–016.
Applicants: Merrill Lynch Commodities, Inc.
Description: Notice of Non-Material Change in Status of Merrill Lynch Commodities, Inc.
Filed Date: 1/29/14.
Accession Number: 20140129–5253.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER13–1487–001.
Applicants: Quantum Auburndale Power, LP.
Description: Notice of Non-Material Change in Status by Quantum Auburndale Power, LP.
Filed Date: 1/30/14.
Accession Number: 20140130–5147.
Comments Due: 5 p.m. ET 2/20/14.

Docket Numbers: ER13–2409–002.
Applicants: Buffalo Dunes Wind Project, LLC.
Description: Notice of Non-Material Change in Status of Buffalo Dunes Wind Project, LLC.
Filed Date: 1/30/14.
Accession Number: 20140130–5140.
Comments Due: 5 p.m. ET 2/20/14.

Docket Numbers: ER14–671–001.
Applicants: Entergy Arkansas, Inc.
Description: EES PTCA Agmt Refile—Ameren 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5226.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–672–001.
Applicants: Entergy Arkansas, Inc.
Description: EAI LBA Agmt Refile—SMEPA 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5222.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–673–001.
Applicants: Entergy Arkansas, Inc.
Description: EES LBA Agmt Refile—LaGen 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/30/14.
Accession Number: 20140130–5003.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–674–001.
Applicants: Entergy Arkansas, Inc.
Description: EES LBA Agmt Refile—Cleco 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5211.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–675–001.
Applicants: Entergy Arkansas, Inc.
Description: EES LBA Agmt Refile—LEPA 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5218.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–676–001.
Applicants: Entergy Arkansas, Inc.
Description: EES LBA Agmt Refile—SMEPA 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/30/14.
Accession Number: 20140130–5002.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–693–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—EM BM 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5235.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–694–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—EM BR 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5236.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–695–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Axiall 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5227.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–696–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Dow Plaq 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5228.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–697–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Dow UC 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5229.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–699–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—ETEC 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5230.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–700–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—Oxy 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5231.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–701–001.
Applicants: Entergy Services, Inc.
Description: EES LBA Agreement Refile—SRW 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5232.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–702–001.
Applicants: Entergy Arkansas, Inc.
Description: EAI LBA Agmt Refile—Calpine 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5210.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–704–001.
Applicants: Entergy Services, Inc.

Description: EES LBA Agreement Refile—Sabine 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5233.
Comments Due: 5 p.m. ET 2/28/14.

Docket Numbers: ER14–1106–002.
Applicants: Duke Energy Carolinas, LLC.
Description: OATT 3rd Revised Attachment F–2 NITSA to be effective 1/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5160.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1188–000.
Applicants: Pacific Gas and Electric Company.
Description: CCSF IA—44th Quarterly Filing of Facilities Agreements to be effective 12/31/2013.
Filed Date: 1/29/14.
Accession Number: 20140129–5127.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1189–000.
Applicants: The Connecticut Light and Power Company.
Description: Cricket Valley Engineering, Procurement, Const. Operations Maintenance Agreement to be effective 1/28/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5143.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1190–000.
Applicants: Southwest Power Pool, Inc.
Description: KPP Formula Rate Removal and Revision to Attachment H/T to Reflect Stated Rate to be effective 12/20/2011.
Filed Date: 1/29/14.
Accession Number: 20140129–5146.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1191–000.
Applicants: NSTAR Electric Company.
Description: Agreement for LCC Services—Norwood to be effective 4/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5164.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1192–000.
Applicants: Midcontinent Independent System Operator.
Description: 2014–01–29_COSS Allocation Filing to be effective 4/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5171.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1193–000.
Applicants: West Deptford Energy, LLC.
Description: Proposed Rate Schedule FERC No. 1 to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5180.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1194–000.
Applicants: Southwestern Public Service Company.
Description: 1–29–14_RS114 FCA–IMP to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5181.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1195–000.
Applicants: Provider Power CT, LLC.
Description: Application for Market-Based Rate Authority to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5184.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1196–000.
Applicants: Southwestern Public Service Company.
Description: 1–29–14_RS115 FCA–IMP to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5188.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1197–000.
Applicants: Southwestern Public Service Company.
Description: 1–29–14_RS116 FCA–IMP to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5189.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1198–000.
Applicants: Southwestern Public Service Company.
Description: 1–29–14_RS117 FCA–IMP to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5194.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1199–000.
Applicants: Southwestern Public Service Company.
Description: 1–29–14_RS135 FCA–IMP to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5196.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1200–000.
Applicants: Southwestern Public Service Company.
Description: 1–29–14_RS136 FCA–IMP to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5198.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1201–000.
Applicants: Southwestern Public Service Company.
Description: 1–29–14_RS137 FCA–IMP to be effective 3/1/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5203.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1202–000.
Applicants: Entergy Arkansas, Inc.
Description: EES LBA Agmt Refile—LaGen 1–29–2014 to be effective 12/31/9998.
Filed Date: 1/29/14.
Accession Number: 20140129–5214.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1203–000.
Applicants: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, PJM Interconnection, L.L.C.
Description: ComEd submits revisions to PJM OATT Attach H–13A re stated depreciation rates to be effective 3/31/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5234.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1204–000.
Applicants: Southwest Power Pool, Inc.
Description: Market Participation by a Federal Power Marketing Agency to be effective 3/30/2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5237.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1205–000.
Applicants: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, PJM Interconnection, L.L.C.
Description: ComEd submits a Letter Agmt re Depreciation Rates—Original Service Agmt No. 3747 to be effective 3/31/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5000.
Comments Due: 5 p.m. ET 2/20/14.

Docket Numbers: ER14–1206–000.
Applicants: California Independent System Operator Corporation.
Description: 2014–01–30_CompetitiveTransmission Improvmts to be effective 4/1/2014.
Filed Date: 1/30/14.
Accession Number: 20140130–5091.
Comments Due: 5 p.m. ET 2/20/14.

Docket Numbers: ER14–1207–000.
Applicants: Keys Energy Center, LLC.
Description: Petition of Keys Energy Center, LLC for Limited Waiver of the PJM Interconnection, L.L.C. Open Access Transmission Tariff Competitive Entry Exemption Deadline and Request for Action by March 3, 2014.
Filed Date: 1/29/14.
Accession Number: 20140129–5262.
Comments Due: 5 p.m. ET 2/19/14.

Docket Numbers: ER14–1208–000.
Applicants: Imperial Valley Solar 1, LLC.
Description: Order No. 784 Compliance Filing to be effective 1/31/2014.

Filed Date: 1/30/14.
Accession Number: 20140130–5100.
Comments Due: 5 p.m. ET 2/20/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–25–000.
Applicants: Trans-Allegheny Interstate Line Company.
Description: *Application of Trans-Allegheny Interstate Line Company for Authorization Under Section 204(a) of the Federal Power Act to Issue or Borrow up to $850 Million in Long-Term Debt.*
Filed Date: 1/30/14.
Accession Number: 20140130–5149.
Comments Due: 5 p.m. ET 2/20/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 30, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–02655 Filed 2–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–420–000.
Applicants: Transcontinental Gas Pipe Line Company,
Description: Negotiated Rates—Cherokee AGL—Replacement Shippers—Feb 2014 to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5062.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–421–000.
Applicants: Texas Gas Transmission, LLC.
Description: Neg Rate Agmt Filing (AEP 33577) to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5070.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–422–000.
Applicants: Texas Gas Transmission, LLC.
Description: Neg Rate Agmts Filing (AEP 33595) to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5071.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–423–000.
Applicants: Rockies Express Pipeline LLC.
Description: Neg Rate 2014–01–31 Conoco Phillips to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5124.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–424–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Amendment Filing—EDF Negotiate Rate FTS to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5140.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–425–000.
Applicants: Gas Transmission Northwest LLC.
Description: Gas Transmission Northwest LLC Medford Lateral Annual Report.
Filed Date: 1/31/14.
Accession Number: 20140131–5163.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–426–000.
Applicants: Northern Natural Gas Company.
Description: 20140131 Annual PRA Fuel Rates to be effective 4/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5181.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–427–000.
Applicants: Northern Natural Gas Company.
Description: 20140131 Negotiated Rate to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5182.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–428–000.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Neg Rate 2014–01–31 Cross Timbers to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5191.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–429–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Volume No. 2—Baseline to be effective 2/10/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5231.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–430–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC's Annual Report of Operational Purchases and Sales for 2013.
Filed Date: 1/31/14.
Accession Number: 20140131–5305.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–431–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Cap Rel Neg Rate Agmt (JW 34690 to Q-West 41909) to be effective 1/31/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5372.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–432–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/31/14 Negotiated Rates—United Energy Trading, LLC (RTS) 5095–22 to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5395.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–433–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Reservation Charge Credits to be effective 3/3/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5413.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–434–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Negotiated Rate Filing—Tenaska LPS–RO 142972 to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5443.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–435–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.
Description: Firm Transportation Service Agreements Update to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5494.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–436–000.
Applicants: Trunkline Gas Company, LLC.
Description: Negotiated Rates Filing—4 to be effective 2/1/2014.

Filed Date: 1/31/14.
Accession Number: 20140131–5500.
Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: RP14–437–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Transportation Agreements Filing (Bill Barrett) to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5505.
Comments Due: 5 p.m. ET 2/12/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–1111–003.
Applicants: Total Peaking Services, L. L. C.
Description: Total Peaking—Further Compliance Filing in RP12–1111 to be effective 12/1/2012.
Filed Date: 1/31/14.
Accession Number: 20140131–5072.
Comments Due: 5 p.m. ET 2/12/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 03, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–02658 Filed 2–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–49–000.
Applicants: Twin Eagle Resource Management, LLC, Enserco Energy LLC, GSO Capital Partners LP, Five Point Capital Partners LLC.
Description: Application under FPA Section 203 of Twin Eagle Resource Management, LLC, et. al. under EC14–49.
Filed Date: 1/29/14.
Accession Number: 20140129–5144.
Comments Due: 5 p.m. ET 2/19/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1819–006; ER10–1820–008; ER10–1817–006; ER10–1818–005.
Applicants: Northern States Power Company, a Minnesota corporaton, Northern States Power Company, a Wisconsin corporation, Southwestern Public Service Company, Public Service Company of Colorado.
Description: Change in Status Report Compliance Filing of the Xcel Energy Inc. subsidiaries.
Filed Date: 1/31/14.
Accession Number: 20140131–5468.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER10–3246–002.
Applicants: PacifiCorp.
Description: Additional workpapers in support of the Simultaneous Import Limit analyses submitted with the Triennial Market Power Update.
Filed Date: 1/24/14.
Accession Number: 20140128–0008.
Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER12–953–004.
Applicants: ISO New England Inc.
Description: Compliance Filing ER12–953–002 (Capacity Zones) to be effective 4/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5250.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–446–001.
Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.
Description: ComEd submits compliance filing per 1/2/2014 Order in ER14–446 re SA 3672 to be effective 11/21/2013.
Filed Date: 1/31/14.
Accession Number: 20140131–5091.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–963–001.
Applicants: TransAlta Wyoming Wind LLC.
Description: Supplement to Notice of Seccussion to MBR Tariff to be effective 1/9/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5378.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1228–000.
Applicants: Southwest Power Pool, Inc.
Description: 2796 KMEA and Sunflower Electric Meter Agent Agreement to be effective 1/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5075.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1229–000.
Applicants: NorthWestern Corporation.
Description: SA 28–SD—LGIA with B and H Wind, LLC to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5096.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1230–000.
Applicants: Southern California Edison Company.
Description: GIA & Distribution Service Agreement with NRG Solar Oasis, LLC to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5209.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1231–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–01–31_SA 2328 California Ridge-Ameren Amended GIA (H100) to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5227.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1232–000.
Applicants: NV Energy, Inc.
Description: Service Agmt No. 11–00141 NPC–CCWD Network Integration TSA Cancellation to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5252.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1233–000.
Applicants: Southwest Power Pool, Inc.
Description: Notice of Cancellation of Letter Agreement between Southwest Power Pool, Inc. and Entergy Services, Inc. of Southwest Power Pool, Inc.
Filed Date: 1/31/14.
Accession Number: 20140131–5303.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1234–000.
Applicants: Southwest Power Pool, Inc.
Description: 607R21 Westar Energy, Inc. NITSA NOA to be effective 1/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5412.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1235–000.
Applicants: Dairyland Power Cooperative.
Description: Blackstart Service Costs to be effective 4/1/2014.

Filed Date: 1/31/14.
Accession Number: 20140131–5435.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1236–000.
Applicants: Elgin Energy Center, LLC.
Description: Notice of Succession to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5453.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1237–000.
Applicants: Gibson City Energy Center, LLC.
Description: Notice of Succession to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5459.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ER14–1238–000.
Applicants: Grand Tower Energy Center, LLC.
Description: Notice of Succession to be effective 2/1/2014.
Filed Date: 1/31/14.
Accession Number: 20140131–5465.
Comments Due: 5 p.m. ET 2/21/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–26–000.
Applicants: ITC Great Plains, LLC.
Description: Application pursuant to Section 204 of the Federal Power Act of ITC Great Plains, LLC for authorization to issue debt securities.
Filed Date: 1/31/14.
Accession Number: 20140131–5432.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: ES14–27–000.
Applicants: International Transmission Company.
Description: Application pursuant to Section 204 of the Federal Power Act of International Transmission Company for authorization to issue debt securities.
Filed Date: 1/31/14.
Accession Number: 20140131–5439.
Comments Due: 5 p.m. ET 2/21/14.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA13–4–000.
Applicants: Lower Mount Bethel Energy, LLC, PPL Brunner Island, LLC, PPL Colstrip I, LLC, PPL Colstrip II, LLC, PPL Electric Utilities Corporation, PPL EnergyPlus, LLC, PPL Ironwood, LLC, PPL Holtwood, LLC, PPL Maine, LLC, PPL Montana, LLC, PPL Montour, LLC, PPL Martins Creek, LLC, PPL New Jersey Biogas, LLC, PPL Renewable Energy, LLC, PPL New Jersey Solar, LLC, PPL Susquehanna, LLC, Louisville Gas and Electric Company, Kentucky Utilities Company, LG&E Energy Marketing Inc., Electric Energy, Inc.
Description: Quarterly Land Acquisition Report of the PPL Companies.
Filed Date: 1/31/14.
Accession Number: 20140131–5198.
Comments Due: 5 p.m. ET 2/21/14.

Docket Numbers: LA13–4–000.
Applicants: NextEra Energy Companies.
Description: Quarterly Land Acquisition Report of the NextEra Energy Companies.
Filed Date: 1/31/14.
Accession Number: 20140131–5440.
Comments Due: 5 p.m. ET 2/21/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 31, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–02680 Filed 2–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–1154–000]

Verso Bucksport Power LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Verso Bucksport Power LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is February 20, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 31, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–02614 Filed 2–6–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–1223–000]

Pure Energy USA LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Pure Energy USA LLC's application for market-based rate authority, with an

accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is February 20, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 31, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–02615 Filed 2–6–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9013–4]

Environmental Impact Statements; Notice of Availability

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

Weekly receipt of Environmental Impact Statements

Filed 01/27/2014 Through 01/31/2014

Pursuant to 40 CFR 1506.9.

Notice

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

EIS No. 20140025, Final EIS, USACE, FL, Lake Worth Inlet, Palm Beach Harbor Project, Review Period Ends: 03/10/2014, Contact: Angela Dunn 904–232–2108.

EIS No. 20140026, Draft EIS, USAF, NH, Second Main Operating Base KC–46A Beddown Alternative Air National Guard Installations, Comment Period Ends: 03/24/2014, Contact: Kevin Marek 240–612–8855.

EIS No. 20140027, Draft EIS, USFS, MT, Buckhorn Project, Comment Period Ends: 03/24/2014, Contact: Sarah Canepa 406–295–4693.

EIS No. 20140028, Draft EIS, DOS, DC, Foreign Missions Center at the Former Walter Reed Army Medical Center, Comment Period Ends: 03/31/2014, Contact: Geoffrey Hunt 202–351–9077.

EIS No. 20140029, Draft EIS, BLM, CA, Modified Blythe Solar Power Project, Comment Period Ends: 03/24/2014, Contact: Frank McMenimen 760–833–7150.

EIS No. 20140030, Final EIS, FHWA, CA, Ferguson Slide Permanent Restoration Project, Review Period Ends: 03/10/2014, Contact: Scott Smith 559–445–6172.

EIS No. 20140031, Final Supplement, USFS, ID, Salmon-Challis National Forest Travel Planning and OHV Route Designation Project, Review Period Ends: 03/31/2014, Contact: Karen Gallogly 208–756–5103.

EIS No. 20140032, Final Supplement, DOS, 00, Keystone XL Project, Review Period Ends: 03/10/2014, Contact: Mary D. Hassell 202–736–7428.

EIS No. 20140033, Second Draft Supplement, USACE, WA, Grays Harbor Navigation Improvement Project, Comment Period Ends: 03/24/2014, Contact: Josh Jackson 206–764–6583.

EIS No. 20140034, Final EIS, NRC, SD, Dewey-Burdock Project, Supplement to the In-Situ Leach Uranium Milling Facilities, Review Period Ends: 03/10/2014, Contact: Haimanot Yilma 301–415–8029.

Dated: February 4, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–02692 Filed 2–6–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R07–SFUND–2014–0700; FRL–9906–36-Region-7]

Notice of Proposed Prospective Purchaser Agreement Modification, Kansas City Structural Steel Superfund Site, Kansas City, Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given that a proposed prospective purchaser agreement modification (''PPA Modification'') associated with the Kansas City Structural Steel Superfund Site in Kansas City, Kansas was executed by the Environmental Protection Agency (''EPA'') and the Department of Justice and is now subject to public comment, after which the United States may modify or withdraw its consent if comments received disclose facts or considerations which indicate that the PPA Modification is inappropriate, improper, or inadequate. The PPA Modification would replace the form of institutional controls (''ICs'') on the Site from a 1995 deed declaration to enrollment in the Kansas Environmental Use Controls (''EUC'') Program. The modification is associated with a proposed transfer of the property to a redeveloper to build a grocery and retail center on the Site. EPA will consider all comments and may modify or withdraw its consent to the PPA Modification if comments received disclose facts or considerations which indicate that the PPA Modification is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at the EPA Region 7 office located at 11201 Renner Boulevard, Lenexa, Kansas 66219.

DATES: Comments must be submitted on or before February 21, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–SFUND–2014–0700, by one of the following methods:

1. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email:* Robert W. Richards, Senior Assistant Regional Counsel at *richards.robert@epa.gov.*
3. *Mail:* EPA–R07–SFUND–2014–0700, Robert W. Richards, Senior Assistant Regional Counsel, U.S. EPA, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.
4. *Hand Delivery:* Robert W. Richards, Senior Assistant Regional Counsel, U.S. EPA, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, Phone: 913–551–7502. Business Hours: Monday through Friday 9 a.m. to 4 p.m. Such deliveries are accepted only during business hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–R07–SFUND–2014–0700. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index for docket ID no. EPA–R07–SFUND–2014–0700. The PPA Modification itself displays a separate EPA internal docket number (''CERCLA–PPA–2014–0007'') used for other purposes. Although listed in the index, some information may not be 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 available only in hard copy form. Additionally, the PPA Amendment and additional background information are available for public inspection at the U.S. EPA Region 7 Office, 11201 Renner Boulevard, Lenexa, Kansas 66219. A copy of the PPA Amendment may be obtained from Kathy Robinson, Regional Hearing Clerk, U.S. EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, or *robinson.kathy@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Robert W. Richards, Senior Assistant Regional Counsel, U.S. EPA, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, Phone: 913–551–7502.

SUPPLEMENTARY INFORMATION: This notice is given in accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as Amended by the Superfund Amendments and Reauthorization Act of 1986, (''CERCLA''), 42 U.S.C. 9601–9675.

Dated: January 29, 2014.

Cecilia Tapia,

Division Director, Superfund Division, EPA Region 7.

[FR Doc. 2014–02697 Filed 2–6–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: February 3, 2014.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10494	Syringa Bank	Boise	ID	1/31/2014

[FR Doc. 2014–02632 Filed 2–6–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

February 4, 2014.

TIME AND DATE: 1 p.m., Thursday, February 13, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Twentymile Coal Co.,* Docket Nos. WEST 2009–241, et al., and *Secretary of Labor* v. *Twentymile Coal Co., Docket Nos. WEST 2009–1323, et al.* (Issues include whether the Administrative Law Judge erred in affirming citations for failing to provide additional insulation for a communications circuit.) A public meeting in these matters was originally scheduled for January 30, 2014, but was postponed due to travel problems.

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2014–02772 Filed 2–5–14; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

February 4, 2014.

TIME AND DATE: 10 a.m., Thursday, February 13, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the following matters: *Secretary of Labor* v. *Twentymile Coal Co.,* Docket Nos. WEST 2009–241, et al., and *Secretary of Labor* v. *Twentymile Coal Co., Docket Nos. WEST 2009–1323, et al.* (Issues include whether the Administrative Law Judge erred in affirming citations for failing to provide additional insulation for a communications circuit.) Oral argument in these matters was originally scheduled for January 30, 2014, but was postponed due to travel problems.

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2014–02771 Filed 2–5–14; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 24, 2014.

A. Federal Reserve Bank of Minneapolis (Jacqueline K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *The Lantz Bank Stock Trust,* and Matthew W. Lantz, as trustee, and individually, both of Lake Crystal, Minnesota; to retain voting shares of Lake Crystal Bancorporation, Inc., and thereby indirectly retain voting shares of MinnStar Bank National Association, both in Lake Crystal, Minnesota.

Board of Governors of the Federal Reserve System, February 4, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–02645 Filed 2–6–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 6, 2014.

A. Federal Reserve Bank of Minneapolis (Jacqueline K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Citizens Community Bancorp Inc.,* Eau Claire, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Community Federal National Association, Altoona, Wisconsin, which intends to convert from a federal savings bank to a national charter bank and be renamed Citizens Community Federal National Association.

2. *Minnesota Community Bancshares, Inc.,* Minneapolis, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Hartland Bancshares, Inc., and thereby acquire Farmers State Bank of Hartland, both in Hartland, Minnesota.

Board of Governors of the Federal Reserve System, February 4, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–02646 Filed 2–6–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2014–0055; Sequence 1; OMB Control No. 9000–0138]

Federal Acquisition Regulation; Information Collection; Contract Financing

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension to a previously approved information collection requirement concerning contract financing.

DATES: Submit comments on or before April 8, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0138 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0138. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0138, Contract Financing''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0138, Contract Financing'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Room 4041, Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0138.

Instructions: Please submit comments only and cite Information Collection 9000–0138, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement Analyst, Contract Policy Branch, GSA, 202–501–4770 or email *Edward.chambers@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Acquisition Streamlining Act (FASA) of 1994, Public Law 103–355, provided authorities that streamlined the acquisition process and minimize burdensome Government-unique requirements. Sections 2001 and 2051 of FASA substantially changed the statutory authorities for Government financing of contracts. Sections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items, and sections 2001(b) and 2051(b) substantially revised the authority for Government financing of purchases of non-commercial items.

Sections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items. These paragraphs authorize the Government to provide contract financing with certain limitations.

Sections 2001(b) and 2051(b) also amended the authority for Government financing of non-commercial purchases by authorizing financing on the basis of certain classes of measures of performance.

To implement these changes, DOD, NASA, and GSA amended the FAR by revising Subparts 32.0, 32.1, and 32.5; by adding new Subparts 32.2 and 32.10; and by adding new clauses to 52.232.

The coverage enables the Government to provide financing to assist in the performance of contracts for commercial items and provide financing for non-commercial items based on contractor performance.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 2 hours per request for commercial financing and 2 hours per request for performance-based financing, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden for commercial financing is estimated as follows:

Respondents: 1,000.
Responses per Respondent: 5.
Total Responses: 5,000.
Hours per Response: 2.
Total Burden Hours: 10,000.

The annual reporting burden for performance-based financing is estimated as follows:

Respondents: 500.
Responses per Respondent: 12.
Total Responses: 6,000.
Hours Per Response: 2.
Total Burden Hours: 12,000.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCA), 1800 F Street NW., Room 4041, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0138, Contract Financing, in all correspondence.

Dated: February 3, 2014.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–02599 Filed 2–6–14; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice–CECANF–2014–01; Docket No. 2014–0005; Sequence No. 1]

Commission To Eliminate Child Abuse and Neglect Fatalities; Announcement of Meeting

AGENCY: Commission to Eliminate Child Abuse and Neglect Fatalities, General Services Administration (GSA).

ACTION: Meeting Notice.

SUMMARY: The Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), a Federal Advisory Committee established by the Protect

Our Kids Act of 2012, Public Law 112–275, will hold a meeting open to the public on Monday, February 24, 2014.

DATES: The meeting will be held on Monday, February 24, 2014, beginning at 8:30 a.m. Eastern Standard Time, and ending no later than 4:30 p.m. Eastern Standard Time.

ADDRESSES: The CECANF will convene its meeting in the Aerospace Building, 901 D Street SW., 7th Floor West Aerospace Building, Washington, DC 20447. This site is accessible to individuals with disabilities. The meeting may also be made available via audio link. Access information for hearing impaired will be provided upon request, please make note of it in your participation registration.

ADDRESSES: Submit comments identified by ''Notice–CECANF–2014–01'', by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Notice–CECANF–2014–01''. Select the link ''Comment Now'' that corresponds with '''''Notice–CECANF–2014–01''. Follow the instructions provided at screen. Please include your name, company name (if any), and ''Notice–CECANF–2014–01'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* Commission to Eliminate Child Abuse and Neglect Fatalities, c/o General Services Administration, Agency Liaison Division, 1800 F St. NW., Room 7003D, Washington DC 20006.

Instructions: Please submit comments only and cite ''Notice–CECANF–2014–01'', in all correspondence related to this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Randee Motzkin, Designated Federal Officer, at 202–205–8347, 1800 F St. NW., Room 7003D, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

Background: The CECANF was established to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

Agenda: The purpose of this meeting is for Commission members to discuss the subjects set forth by Protect Our Kids Act of 2012, previous Commission Report, Measurement Report and project future its work.

Attendance at the Meeting: Individuals interested in attending the meeting must register in advance because of limited space. Please contact Ms. Urioste at *laura.urioste@acf.hhs.gov* to register to attend this meeting. To attend this meeting, please submit your full name, organization, email address, and phone number to Ms. Urioste by 5:00 p.m. Eastern Standard Time on Friday, February 14, 2014. Detailed meeting minutes will be posted within 90 days of the meeting. The meeting will be also available via teleconference, interested members of the public may listen to the CECANF discussion using 877–939–8175, meeting ID: 3067305, push pound (#) when prompted for Attendee ID. Members of the public will not have the opportunity to ask questions or otherwise participate in the teleconference. However, members of the public wishing to comment should follow the steps detailed under the heading addresses in this publication.

Dated: February 4, 2014.

Laura M. Urioste,

Executive Assistant.

[FR Doc. 2014–02728 Filed 2–6–14; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–20987–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for a new collection. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before March 10, 2014.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance @hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the Information Collection Request Title and document identifier HHS–OS–20987–30D for reference.

Information Collection Request Title: Pre-Test of Instruments of Psychosocial Care for the Treatment of Adults With PTSD

Abstract: ASPE is requesting to pretest a survey that measures quality of psychotherapy for adults with Post Traumatic Stress Disorder (PTSD) in outpatient treatment settings, defined in terms of the concordance with evidence-based strategies. Despite enormous expenditures and remarkable breakthroughs in treatment, there is a clear gap between what is known about effective treatments for individuals diagnosed with Post Traumatic Stress Disorder (PTSD) and what clinicians actually implement in treatment settings. A quality improvement initiative that measures clinicians' use of evidence based treatment and promotes feedback to providers from the consumers' perspective may enhance the adoption of evidence based services. This could ultimately improve the quality of care and consumer health outcomes.

Need and Proposed Use of the Information: Quality measures of the treatment of PTSD in concordance with evidence-based methods do not currently exist and could be used to reduce this gap. ASPE, in partnership with NIMH, has undertaken this project to pretest 3 surveys (a clinician, clinical supervisor, and consumer measure) of the delivery of evidence based psychotherapies to adults with PTSD. The current data collection is scheduled to occur only once, over a 6 month time period in summer 2014 through the winter of 2014 at a total of 6 behavioral health care sites.

Likely Respondents: Respondents are clinicians, clinician's supervisors and consumers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to

transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Clinician (demographics questionnaire)	36	1	5/60	3
Clinician Supervisor (demographics questionnaire)	6	1	5/60	1
Clinician (clinician survey)	36	3	10/60	18
Clinician Supervisor (survey)	6	18	10/60	18
Consumer	108	1	10/60	18
Site Coordinator	6	1	96	576
Total				634

Darius Taylor,

Deputy, Information Collection Clearance Officer.

[FR Doc. 2014–02678 Filed 2–6–14; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–21376–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of Adolescent Health, Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before April 8, 2014.

ADDRESSES: Submit your comments to *Information.Collection Clearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.Collection Clearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–21376–60D for reference.

Information Collection Request Title: Pregnancy Assistance Fund Feasibility and Design Study (FADS).

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a new collection. The Pregnancy Assistance Fund (PAF) evaluation will provide information about program design, implementation, and impacts through two core components: A rigorous assessment of program impacts and implementation, and a descriptive examination of program design. This proposed information collection activity includes (a) program design and early implementation data collected through telephone interviews with PAF grantees and (b) baseline data in up to three impact sites through self-administered questionnaires.

Need and Proposed Use of the Information: Design and implementation data will build on knowledge about the grantees and their program plans gathered from other sources as well as identify sites for the impact study. *Baseline survey data* will be used to confirm the integrity of the random assignment process, define subgroups for which impacts will be estimated, adjust impact estimates to account for survey non-response, and to improve the precision of impact estimates.

Likely Respondents: The 17 PAF grantee administrators and expectant or parenting young women in 2–3 grantee sites.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information.

The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Telephone Interview Protocol	6	1	2	12
Baseline Survey	950	1	30/60	475
Total				487

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Deputy, Information Collection Clearance Officer.

[FR Doc. 2014–02641 Filed 2–6–14; 8:45 am]

BILLING CODE 4168–11–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Scientific Information Request on Public Reporting of Cost Measures in Health

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for scientific information submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public on public reporting of cost measures in health. Scientific information is being solicited to inform our technical brief on *Public Reporting of Cost Measures in Health,* which is currently being conducted by the Evidence-based Practice Centers for the AHRQ Effective Health Care Program. Access to published and unpublished pertinent scientific information on public reporting of cost measures in health will improve the quality of this technical brief. AHRQ is conducting this technical brief pursuant to Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108–173, and Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

DATES: *Submission Deadline* on or before March 10, 2014.

ADDRESSES:

Online submissions: http://effectivehealthcare.AHRQ.gov/index.cfm/submit-scientific-information-packets/. Please select the study for which you are submitting information from the list to upload your documents.

Email submissions: SIPS@epc-src.org.

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, PO Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Robin Paynter, Research Librarian, Telephone: 503–220–8262 ext. 58652 or Email: *SIPS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Effective Health Care (EHC) Program Evidence-based Practice Centers to complete a technical brief of the evidence for Public Reporting of Cost Measures in Health.

The EHC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its technical briefs. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on public reporting of cost measures in health, including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *http://effectivehealthcare.AHRQ.gov/ehc/products/562/1838/public-reporting-cost-measures-protocol-140113.pdf*

This notice is to notify the public that the EHC program would find the following information on public reporting of cost measures in health helpful:

▪ A list of completed studies your organization has sponsored for this indication. In the list, *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*

▪ *For completed studies that do not have results on ClinicalTrials.gov,* a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.

• *A list of ongoing studies your organization has sponsored for this indication.* In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.

▪ Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the Effective Health Care Program. This is a voluntary request for information and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EHC program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/.*

The technical brief will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol, is also available online at: *http://effectivehealthcare.AHRQ.gov/ehc/products/562/1838/public-reporting-cost-measures-protocol-140113.pdf*

1. What measures of costs about healthcare providers and facilities have been publicly reported?

a. Who produces these reports and where are they available?

b. For what facilities are costs reported?

c. At what level are these data aggregated (e.g. provider, facility, etc.)?

d. How are the cost data reported (e.g., dollar amounts, symbols, graphs etc.)?

e. How are the costs of providers/facilities compared (e.g., how many facilities, regional verses national comparisons etc.)?

2. Are the measures of costs that are being reported consumer centered?

a. How are consumers instructed to use the data?

b. What techniques are used to guide consumers to interpret the data appropriately?

c. Is there evidence that the data is used by consumers?

d. Is the data relevant to consumers making healthcare decisions?

e. Is the data easily accessible and presented in a consumer friendly way?

3. What are the intended and unintended consequences of consumers' use of public-reported cost data?

a. Do consumers find the public reporting of cost measures relevant and are consumers satisfied with the experience?

b. Does the public reporting of cost measures impact (or have the potential to impact) consumers' decisions or behaviors?

c. What are the potential unintended consequences of public reporting of cost measures?

d. Are there key research gaps and needs for future research?

Dated: January 24, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–02170 Filed 2–6–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–13AGH]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Examining Traumatic Brain Injury in Youth—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Traumatic brain injury (TBI) is one of the highest priorities in public health because of its magnitude, economic and human impact, and preventability. The Centers for Disease Control and Prevention (CDC) estimates that approximately 1.7 million TBIs are sustained in the United States annually, either alone or in conjunction with another injury or condition. These figures may be an underestimation as they do not include people who are treated in physicians' offices or outpatient facilities, those who did not seek medical care, military personnel, or Americans living abroad. Moreover, the number of sports and recreation-related TBIs treated in U.S. emergency departments is increasing and has increased steadily since the early 2000s. Children ages 0 to 4 years and adolescents ages 15–19 are at the greatest risk of sustaining a TBI.

A TBI is caused by a bump, blow or jolt to the head or a penetrating head injury that disrupts the normal function of the brain. The severity of a TBI may range from ''mild'' (a brief change in mental status or consciousness) to ''severe'' (an extended period of unconsciousness or amnesia after the injury).

In 1996, Congress passed Public Law 104–166, the Traumatic Brain Injury Act, which charged CDC with implementing projects to reduce the incidence of traumatic brain injury. The CDC definition of TBI uses selected codes of the International Classification of Diseases, 9th Clinical Modification (ICD–9 CM) to identify cases of TBI from hospital and non-hospital databases containing billing records for services rendered to patients. It is thought, however, that the ICD–9 CM codes currently used in CDC's surveillance system to capture cases of TBI are not sufficiently sensitive to capture diagnosed TBI.

CDC requests OMB approval for one year to collect de-identified medical information of a representative sample of pediatric patients, from two clinical settings, who received a confirmed diagnosis of mild to severe TBI and link these patients to their administrative medical claims forms. Collectively, the data will allow CDC to estimate the sensitivity of currently utilized ICD–9 CM codes to capture cases of diagnosed TBI, as well as ICD–9 CM codes not currently being utilized that may improve the sensitivity to capture cases of TBI. We propose to conduct a retrospective cross-sectional study of a random sample of patients with a suspected TBI within two clinical settings (Emergency Departments and Concussion Clinics).

A review of the medical coding data for additional ICD–9 CM codes that are not part of the CDC TBI definition will also take place to determine whether the addition of any of these codes improves the sensitivity of the CDC TBI definition to detect TBI.

The Emergency Department medical records of 150 patients will be abstracted in order to review ICD–9 codes and TBI diagnoses. Each record will take 60 minutes to abstract. Also, 50 patient medical records from the Concussion Clinic, located within the hospital, will be abstracted in order to review the selection criteria to confirm eligibility, which includes age of the patient, and the valid encounter with physician or nurse related to an injury consistent with a TBI. Each record will take 60 minutes to abstract. The same Research Assistant will be abstracting the data within the Emergency Department and the Concussion Clinic.

There are no costs to respondents other than their time. The total estimated annual burden hours are 200.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Emergency Department Research Assistant	TBI Records Data Tool	1	150	1
Concussion Clinic Research Assistant	TBI Records Data Tool	1	50	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–02668 Filed 2–6–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–13PR]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Evaluating the Implementation and Outcomes of Policy and Environmental Cancer Control Interventions—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Comprehensive Cancer Control Program (NCCCP) is administered by the Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Cancer Prevention and Control. Through the NCCCP, 65 awardees receive support through cooperative agreements (CDC–RFA–DP12–1205). The current cooperative agreements maintain core comprehensive cancer control (CCC) activities and build on policy, system, and environmental (PSE) change strategies that many NCCCP programs have begun to incorporate into their program plans and initiatives. Awardees provide routine progress reports to CDC which describe their overall objectives and activities (Management Information System for Comprehensive Cancer Control Programs, OMB No. 0920–0841, exp. 3/31/2016).

In 2010, additional pilot funding was provided under CDC–RFA–D10–1017 to 13 of the 65 NCCCP awardees (''1017 awardees''). The additional funds are intended to increase awardees' focus on PSE change strategies relating to cancer control, and to strengthen collaboration with both traditional and nontraditional partners. With additional resources and structure, CDC hopes that 1017 awardees will achieve greater health impact through increased skills and capacity and enhanced interactions with partners. CDC plans to conduct a new information collection to assess whether the 1017 pilot is meeting its goals and to compare the experiences of NCCCP programs funded at both levels of support. The study design includes a Web-based survey of all 65 CCC funded programs, administered at two points in time; a longitudinal case study of 6 of the 1017 programs involving interviews with key awardee staff and NCCCP partners; focus groups with staff who provide technical assistance related to the 1017 program; and a one-time survey of coalition members and strategic partners who are collaborating with 1017 awardees.

Information collection activities are designed to address specific evaluation questions,such as: Did 1017 cooperative agreement funding, training and technical assistance enhance the ability of grantees to inform PSE change as part of comprehensive cancer control?; Did the 1017 cooperative agreement facilitate a shift towards primary prevention?; How did 1017 programs build infrastructure required to develop an environmental scan, policy agenda, evaluation plan, and media plans?; What methods were used by 1017 programs to develop the policy agenda and media plan?; What key outcomes were achieved by 1017 programs?; How did the PSE Workgroups facilitate implementation and achievement of PSE change?; and What lessons have been learned that could inform the expansion of the 1017 program to the other NCCCP-funded programs? Findings will be used to improve program guidance and direct future investments in the NCCCP.

OMB approval is requested for three years. Participation is voluntary and there are no costs to the respondents other than their time. The total estimated annualized burden hours are 161.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)
CCC Program Directors	Program Director Web Survey Questionnaire	43	1	.5
CCC Staff	Key Informant Selection	2	1	8
	Key Informant Recruitment/Scheduling	12	1	5/60
	Key Informant Interview Guide	12	1	1.5
CCC Partners	Key Informant Recruitment/Scheduling	48	1	5/60
	Key Informant Interview Guide	48	1	1
	Coalition Survey	87	1	20/60
	TA Provider Focus Group Guide	15	1	1.5

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–02669 Filed 2–6–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0881]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Data Calls for the Laboratory Response Network—Extension—(OMB No. 0920–0881, expires 3/31/14)—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Laboratory Response Network (LRN) was established by the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) in accordance with Presidential Decision Directive 39, which outlined national anti-terrorism policies and assigned specific missions to Federal departments and agencies. The LRN's mission is to maintain an integrated national and international network of laboratories that can respond to acts of biological, chemical, or radiological terrorism and other public health emergencies. Federal, State, and local public health laboratories voluntarily join the LRN.

The LRN Program Office maintains a database of information for each member laboratory that includes contact information as well as staff and equipment inventories. However, semiannually or during emergency response, the LRN Program Office may conduct a Special Data Call to obtain additional information from LRN Member Laboratories in regards to biological or chemical terrorism preparedness. Special Data Calls may be conducted via queries that are distributed by broadcast emails or by survey tools (i.e. Survey Monkey). This is a request for an extension to this generic clearance. The only cost to respondents is their time to respond to the data call. The total annual burden hours requested is 400 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Public Health Laboratorians	Special Data Call	200	4	30/60

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–02671 Filed 2–6–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–13AFV]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

The National Ambulatory Medical Care Survey (NAMCS) National Electronic Health Record Survey (NEHRS)—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on ''utilization of health care'' in the United States. NAMCS NEHRS has been conducted annually since 2008 as a mail survey supplement under NAMCS. Questions in NAMCS NEHRS have been asked in NAMCS starting in 2001. NCHS is seeking OMB approval to make NAMCS NEHRS as an independent survey for the next three years.

The purpose of NEHRS is to measure progress toward goals for electronic health records (EHRs) adoption. NAMCS NEHRS target universe consists of all non-Federal office-based physicians (excluding those in the specialties of anesthesiology, radiology, and pathology) who are engaged in direct patient care.

NAMCS NEHRS was initiated as a mail survey supplement under NAMCS. NAMCS NEHRS is the principal source of data on national and state-level EHR adoption in the United States. In 2008 and 2009, the sample size was 2,000 physicians annually. Starting in 2010, the annual sample size was increased five-fold, from 2,000 physicians to 10,302 physicians. The increased sample size allows for more reliable national estimates as well as state-level estimates on EHR adoption without having to be combined with NAMCS. For these reasons, it is our intent to have NEHRS stand as an independent survey, not as a supplement under NAMCS.

NAMCS NEHRS collects information on characteristics of physician practices, the capabilities of EHRs in those practices, and intent to apply for meaningful use incentive payments. These data, together with trend data, may be used to monitor the adoption of EHR as well as accessing factors associated with EHR adoption.

Additionally, half the sample will receive additional content related to effects that EHRs have on clinical workflow, efficiencies, and may address issues of access, quality, and costs of associated with the delivery of health care. Subsequent years of the entire 2014 NEHRS may receive longitudinal follow-up to evaluate the effect of EHR on the delivery of health care over time.

Users of NAMCS NEHRS data include, but are not limited to, Congressional offices, Federal agencies, state and local governments, schools of public health, colleges and universities, private industry, nonprofit foundations, professional associations, clinicians, researchers, administrators, and health planners.

NAMCS NEHRS will survey 10,302 physicians a year, for eligibility. It is expected that all physicians will participate in an interview annually. In 2014, one-half of the physicians will receive the regular NAMCS NEHRS and one-half of the physicians will receive an expanded NAMCS NEHRS. All the 2014 eligible physicians (10,302) will be asked to take the follow-up NAMCS NEHRS in 2015 and 2016.

There are no costs to the respondents other than their time. The total estimated annual burden hours are 7,155.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Responses per respondent	Average burden per response (in hours)
Office-based physicians	Regular NAMCS NEHRS	8,585	1	20/60
	Expanded NAMCS NEHRS	1,717	1	30/60
	NAMCS NEHRS expansion (Follow-up)	6,868	1	30/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Center for Disease Control and Prevention.

[FR Doc. 2014–02667 Filed 2–6–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–13YQ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Institutional Awareness and Commitment to Ensuring Safe, Stable, and Nurturing Relationships and Environments for Children and Prevention Child Maltreatment—New—National Center for Injury Prevention and Control (NCIPC)—Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Safe, stable, nurturing relationships and environments set children on a positive trajectory for optimal child development and health, provide a buffer against the effects of adverse child experiences, are fundamental to healthy brain development and have a positive impact on a broad range of health problems across the life course. Promoting safe, stable, nurturing relationships and environments may also reduce child maltreatment which is a significant public health problem affecting physical and emotional health throughout the lifespan.

NCIPC has funded five state health departments in Fiscal Year 2014 to coordinate and manage existing and new partnerships with other sectors to promote safe, stable, nurturing relationships and environments for children; and work with partners to identify strategies across sectors that promote safe, stable, nurturing relationships and environments. CDC requests OMB approval for two years to collect information that will establish the baseline level of state health departments' and partners' awareness and commitment to ensuring safe, stable, and nurturing relationships and environments for children and preventing child maltreatment.

Information will be collected over a 2-year period from 3 staff members from each of the 5 health departments (15 respondents), and 3 staff members from each of the 5 health departments' 10 partner organizations (150 respondents)—for a total of 165 respondents (83 respondents per year). Information will be collected once using SurveyMonkey®, an electronic web-based interface which is *a secure Web site that meets the Safe Harbor and European Union data protection requirements.* This ICR will only collect data pertaining to organizations. No individual identifiable information will be requested.

Each grantee will receive a personalized advance notification letter, followed by an email with a link to the SurveyMonkey® site. In turn, the grantee will send a personalized advance notification letter, followed by an email with a link to the SurveyMonkey® site to each new partner throughout the funding period. CDC will use this information to establish state health departments' and partners' level of awareness and commitment at the start of the funding period.

There are no costs to respondents other than their time. The total estimated annual burden hours are 39.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Health Departments	Institutional awareness and commitment survey	8	1	28/60
Partner Organizations	Institutional awareness and commitment survey	75	1	28/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Center for Disease Control and Prevention.

[FR Doc. 2014–02670 Filed 2–6–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10499]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

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 (the 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 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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 must be received by April 8, 2014.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

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:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10499 Public Health Agency/Registry Readiness To Support Meaningful Use

Under the Paperwork Reduction Act (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 requires federal agencies to publish a 60-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.

Information Collections

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Public Health Agency/Registry Readiness to Support Meaningful Use; *Use:* The Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs provide incentives for the meaningful use of Certified Electronic Health Record Technology (CEHRT). We defined meaningful use as a set of objectives and measures in either Stage 1 or Stage 2 depending on how long an eligible provider has participated in the program. Both Stage 1 (3 objectives) and Stage 2 (5 objectives) of meaningful use contain objectives and measures that require eligible providers to determine the readiness of public health agencies and registries to receive electronic data from CEHRT. Public comments on the notice of proposed rulemaking for Stage 2 of meaningful use (77 FR 13697) asserted that the burden for each individual eligible provider to determine the readiness of multiple public health agencies and registries could be nearly eliminated if we were to maintain a database on the readiness of public health agencies and registries. In the final rule for Stage 2 of meaningful use (77 FR 53967), we agreed that the burden on eligible providers, public health agencies and registries would be greatly reduced and established that we would create such a database and it would serve as the

definitive information source for determining public health agency and registry readiness to receive electronic data associated with the public health meaningful use objectives. The information will be made publicly available on the CMS Web site (*www.cms.gov/EHRincentiveprograms*) in order to provide a centralized repository of this information to eligible providers and eliminate there multiple individual inquiries to multiple public health agencies and registries. *Form Number:* CMS–10499 (OCN: 0938—New); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 250; *Total Annual Responses:* 250; *Total Annual Hours:* 83. (For policy questions regarding this collection contact Kathleen Connors de Laguna at 410–786–2256.)

Dated: February 4, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–02673 Filed 2–6–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10512]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Correction

ACTION: Notice; correction.

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 March 10, 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:* New collection (Request for new OMB control number); *Title of Information Collection:* Direct Service Workforce (DSW) Resource Center (RC) Core Competencies (CC) Survey Instrument; *Use:* This survey is part of Phase IIIB of the Direct Service Workforce (DSW) Resource Center's (RC) Road Map of Core Competencies (CC) for the DSW. The collected data will be used by the DSW RC's, states, direct service agencies and other partners interested in implementing the core competencies. The target populations for the surveys include DSW professionals, front line supervisors and managers, agency administrators and directors, participants and families/guardians, and self-advocates.

The overall purpose of this survey is to confirm and validate that the DSW RC's set of core competencies are relevant and applicable to actual direct service workers, their employers and their participants. Information gained from the survey will lend credibility to the set of core competencies. As the population of older adults with long-term services and supports needs grow, more emphasis will be placed on the DSW and a universally accepted set of core competencies such as that produced by the DSW RC would increase retention, agility and capacity of the workforce.

CMS, in collaboration with the DSW RC, will use the resources and tools developed and refined through this project to develop a Direct Service Workforce set of Core Competencies web-based toolkit that will be made available to all states and territories. It will also establish the core competency set in the public domain and provide technical assistance to promote the development of specializations within each sector. *Form Number:* CMS–10512 (OCN: 0938—New); *Frequency:* Once; *Affected Public:* Individuals and households, Private sector (Business or other for-profits and Not-for-profit institutions), and State, Local, or Tribal Governments; *Number of Respondents:* 4,800; *Total Annual Responses:* 4,800; *Total Annual Hours:* 2,400. (For policy questions regarding this collection contact Kathryn King at 410–786–1283.)

Dated: February 4, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–02630 Filed 2–6–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–R–53]

Agency Information Collection Activities: Submission for OMB Review

ACTION: Notice; withdrawal.

SUMMARY: The Centers for Medicare and Medicaid Services published a document in the **Federal Register** on January 27, 2014, concerning the submission of an information collection request for OMB review and a request for public comments. The document was published in error.

Withdrawal

In the **Federal Register** of January 27, 2014, in FR Doc. 2014–01465, on page 4345 in the second and third columns and on page 4346 in the first column, a 30-day notice for an information collection request published. We are withdrawing the notice and thereby the information collection request (ICR). At this time, we are not submitting the ICR to OMB and we are not requesting public comments. The collection is entitled, ''Imposition of Cost Sharing Charges Under Medicaid and Supporting Regulations.''

Dated: February 4, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–02660 Filed 2–6–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0077 (formerly 2007D–0213)]

Guidance for Industry; Providing Regulatory Submissions in Electronic Format—Receipt Date; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Receipt Date.'' This guidance describes how FDA will assign receipt dates to certain submissions provided in electronic format to the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER). This document finalizes the guidance of the same name, which was issued in June 2007.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the documents to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002 or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the documents.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Edward Hallissey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 1139, Silver Spring, MD 20993, 301–796–0420; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 5515 Security Lane, Rm. 5130, Rockville, MD 20852, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Receipt Date.'' This guidance describes how FDA will assign receipt dates to certain submissions provided in electronic format or in physical media to CDER and CBER.

When CDER or CBER receives a submission, the receipt date may be used to determine important regulatory milestones, such as FDA's 30-day safety review cycle for an investigative new drug (IND) application. The guidance provides clarity regarding when items submitted electronically are deemed received by FDA for purposes of such milestones. Prior to issuance of this final guidance, certain submissions received through the electronic submission gateway (ESG) after 4:30 p.m. were deemed to be received on the following business day. With this final guidance, we are generally eliminating this 4:30 p.m. cut-off for submissions received through the ESG Monday through Friday. However, certain submissions received through the ESG on a weekend, Federal holiday, or on a day when the FDA office that will review the submission is otherwise not open for business, will be assigned a receipt date corresponding to the next business day.

Occasionally, submissions in electronic format have technical deficiencies that prevent FDA from opening, processing, or archiving the submission. The guidance explains that FDA considers a technically deficient electronic submission to be not received (i.e., not present at the Agency and not under review) until all technical deficiencies are resolved.

On June 5, 2007 (72 FR 31079), FDA announced the availability of the draft version of this guidance. The public comment period closed on August 6, 2007. Several comments were received from the public, all of which the Agency considered carefully as it finalized the guidance and made appropriate changes. Those changes clarified the draft guidance and updated the document to reflect legislative provisions adopted since the draft was issued. More specifically, the final guidance generally eliminates the 4:30 p.m. cut-off for submissions received through the ESG Monday through Friday. It also provides guidance on FDA's interpretation of a provision in the Generic Drug User Fee Amendments of 2012 (GDUFA) concerning the date of submission for Type II drug master files, Abbreviated New Drug Applications (ANDAs), and amendments and supplements to ANDAs.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on determining the receipt date for certain submissions in electronic format or in physical media. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The guidance refers to collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. The guidance pertains to sponsors and applicants making regulatory

submissions to FDA in electronic format for INDs, pre-market applications, including new drug applications (NDAs), ANDAs, biologics license applications (BLAs), and amendments and supplements to these applications, master files (MFs), postapproval studies (whether submitted as supplements to approved applications or otherwise), submissions related to products marketed without an approved application, and adverse event reports. The information collection discussed in the guidance is contained in our IND regulations (21 CFR part 312) and approved under OMB control number 0910–0014, our NDA regulations (including ANDAs) (21 CFR part 314) and approved under OMB control number 0910–0001, and our BLA regulations (21 CFR part 601) and approved under OMB control number 0910–0338.

III. Comments

Interested persons may submit either electronic comments to *http://www.regulations.gov* or written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/ucm253101.htm, http://www.regulations.gov,* or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: February 4, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–02654 Filed 2–6–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0967]

Pulmonary Arterial Hypertension Public Meeting on Patient-Focused Drug Development

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting and an opportunity for public comment on Patient-Focused Drug Development for pulmonary arterial hypertension. Patient-Focused Drug Development is part of FDA's performance commitments in the fifth authorization of the Prescription Drug User Fee Act (PDUFA V). The public meeting is intended to allow FDA to obtain patients' perspectives on the impact of pulmonary arterial hypertension on daily life, as well as their perspectives on the available therapies for pulmonary arterial hypertension.

DATES: The public meeting will be held on May 13, 2014, from 1 p.m. to 5 p.m. Registration to attend the meeting must be received by April 30, 2014. See the **SUPPLEMENTARY INFORMATION** section for information on how to register for the meeting. Submit electronic or written comments by July 14, 2014.

ADDRESSES: The meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503A), Silver Spring, MD 20993. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For more information on parking and security procedures, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FDA will post the agenda approximately 5 days before the meeting at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm379694.htm.*

FOR FURTHER INFORMATION CONTACT: Graham Thompson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1199, Silver Spring, MD 20993, 301–796–5003, FAX: 301–847–8443, email: *Graham.Thompson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on Patient-Focused Drug Development

FDA has selected pulmonary arterial hypertension as the focus of a meeting under Patient-Focused Drug Development, an initiative that involves obtaining a better understanding of patients' perspectives on the severity of the disease and the available therapies for the condition. Patient-Focused Drug Development is being conducted to fulfill FDA's performance commitments made as part of the authorization of PDUFA V under Title I of the Food and Drug Safety and Innovation Act (Pub. L. 112–144). The full set of performance commitments is available on the FDA Web site at *http://www.fda.gov/downloads/forindustry/userfees/prescriptiondruguserfee/ucm270412.pdf.*

FDA has committed to obtain the patient perspective in 20 disease areas during the course of PDUFA V. For each disease area, the Agency will conduct a public meeting to discuss the disease and its impact on patients' daily lives, the types of treatment benefit that matter most to patients, and patients' perspectives on the adequacy of the available therapies. These meetings will include participation of FDA review divisions, the relevant patient community, and other interested stakeholders.

On April 11, 2013, FDA published a notice (78 FR 21613) in the **Federal Register** announcing the disease areas for meetings in fiscal years (FYs) 2013 through 2015, the first 3 years of the 5-year PDUFA V time frame. To develop the list of disease areas, the Agency used several criteria that were outlined in the April 11 notice. The Agency obtained public comment on these criteria and potential disease areas through a notice for public comment published in the **Federal Register** on September 24, 2012 (77 FR 58849), and through a public meeting held on October 25, 2012. In selecting the disease areas, FDA carefully considered the public comments received and the perspectives of its review divisions. By the end of FY 2015, FDA will initiate another public process for determining the disease areas for FYs 2016 through 2017. More information, including the list of disease areas and a general

schedule of meetings, is posted on FDA's Web site at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm326192.htm.*

II. Public Meeting Information

A. Purpose and Scope of the Meeting

As part of Patient-Focused Drug Development, FDA will obtain patient and patient stakeholder input on symptoms of pulmonary arterial hypertension that matter most to patients and on current approaches to treating pulmonary arterial hypertension. Pulmonary arterial hypertension is a rare, progressive condition that affects the heart and lungs. It is characterized by abnormally high blood pressure in the pulmonary artery and may be accompanied by shortness of breath, chest pain, fatigue, dizziness, fainting, lightheadedness, and swollen ankles and legs. There are several treatment options for pulmonary arterial hypertension, including medications, surgery, and lifestyle changes.

The questions that will be asked of patients and patient stakeholders at the meeting are listed in this section, organized by topic. For each topic, a brief patient panel discussion will begin the dialogue, followed by a facilitated discussion inviting comments from other patient and patient stakeholder participants. In addition to input generated through this public meeting, FDA is interested in receiving patient input addressing these questions through written comments that can be submitted to the public docket (see **ADDRESSES**).

Topic 1: Disease Symptoms and Daily Impacts That Matter Most to Patients

1. Of all the symptoms that you experience because of your condition, which one to three symptoms have the most significant impact on your life? (Examples may include symptoms such as chest pain, shortness of breath, difficulty concentrating, and others.)

2. Are there specific activities that are important to you but that you cannot do at all or as fully as you would like because of your condition? (Examples may include activities such as household chores, walking up the stairs.)

- How do your symptoms and their negative impacts affect your daily life on the best days? On the worst days?

3. How have your condition and its symptoms changed over time?

Topic 2: Patients' Perspectives on Current Approaches to Treating Pulmonary Arterial Hypertension

1. What are you currently doing to help treat your condition or its symptoms? (Examples may include prescription medicines, over-the-counter products, other therapies including non-drug therapies such as diet modification.)

- How has your treatment regimen changed over time, and why?
- How well does your current treatment regimen treat the most significant symptoms of your disease?
- Have the medications for pulmonary arterial hypertension made a difference to you? If so, in what ways?

2. What are the most significant downsides to your current treatments, and how do they affect your daily life? (Examples may include downsides such as bothersome side effects, going to the hospital for treatment, and others.)

3. Assuming there is no complete cure for your condition, what specific things would you look for in an ideal treatment for your condition?

B. Meeting Attendance and Participation

If you wish to attend this meeting, visit *https://patientfocusedpulmonaryarterialhypertension.eventbrite.com.* Please register by April 30, 2014. Those who are unable to attend the meeting in person can register to view a live Webcast of the meeting. You will be asked to indicate in your registration whether you plan to attend in person or via the Webcast. Your registration should also contain your complete contact information, including name, title, affiliation, address, email address, and phone number.

Seating will be limited, so early registration is recommended. Registration is free and will be on a first-come, first-served basis. However, FDA may limit the number of participants from each organization based on space limitations. Registrants will receive confirmation once they have been accepted. Onsite registration on the day of the meeting will be based on space availability. If you need special accommodations because of disability, please contact Graham Thompson (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

Patients who are interested in presenting comments as part of the initial panel discussions will be asked to indicate in their registration which topic(s) they wish to address. These patients will also be asked to send a brief summary of responses to the topic questions to *PatientFocused@fda.hhs.gov*. We will notify panelists of their selection soon after the close of registration on April 30, 2014. We will try to accommodate all patients and patient stakeholders who wish to speak, either through the panel discussion or audience participation; however, the duration of comments may be limited by time constraints.

Comments: Regardless of attendance at the public meeting, you can submit electronic or written responses to the questions pertaining to Topics 1 and 2 to the public docket (see **ADDRESSES**) by July 14, 2014. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Transcripts: As soon as a transcript is available, FDA will post it at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm379694.htm*.

Dated: January 30, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–02629 Filed 2–6–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group; Training and Workforce Development Subcommittee—C.

Date: March 3, 2014.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Mona R. Trempe, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical

Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12A, Bethesda, MD 20892–4874, 301–594–3998, *trempemo@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Initial Review Group; Training and Workforce Development Subcommittee—D.

Date: March 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Rebecca H. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18C, Bethesda, MD 20892–4874, 301–594–2771, *JohnsoRe@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS).

Dated: February 3, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–02584 Filed 2–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus R03/R21: Tumor Immunology.

Date: March 5–6, 2014.

Time: 6:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Robert Bird, Ph.D., Chief, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–8328, 240–276–6344, *birdr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Omnibus—Cancer Biology 1.

Date: March 6–7, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W242, Bethesda, MD 20892–9750, 240–276–6372, *zouzhiq@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Collaborative Research in Integrative Cancer Biology.

Date: March 13, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W242, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W242, Bethesda, MD 20892–9750, 240–276–6372, *zouzhiq@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Awards for Research on Imaging and Biomarkers for Early Cancer Detection.

Date: March 17, 2014.

Time: 9:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 2W914, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Thomas A. Winters, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W412, Rockville, MD 20892–2750, 240–276–6386, *twinters@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Prevention.

Date: March 19, 2014.

Time: 7:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center 5701, Marinelli Road, Bethesda, MD 20852.

Contact Person: Clifford Schweinfest, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Bethesda, MD 20892–9750, 240–276–6343, *schweinfestcw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Biosensor-Based Core Needles for Tumor Biopsy.

Date: March 19, 2014.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 4W032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Donald L. Coppock, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center, Room 7W260, Bethesda, MD 20892, 240–276–6382, *donald.coppock@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus—Drug Delivery/Imaging/Biotechnology.

Date: March 20–21, 2014.

Time: 7:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Marriott Washingtonian Center, 204 Boardwalk Place, Gaithersburg, MD 20878.

Contact Person: Gerald G. Lovinger, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W266, Rockville, MD 20850–9750, 240–276–6385, *lovingeg@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Cancer Therapy (Omnibus).

Date: March 27–28, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Caron A Lyman, Ph.D., Chief, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Bethesda, MD 20892–9750, 240–276–6348, *lymanc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Drug Reformulation.

Date: March 27, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hilton Garden Inn Washington DC/Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Thomas M. Vollberg, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W412, Bethesda, MD 20892–9750, 240–276–6341, *vollbert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Career

Development Awards (PAR 12–050, PAR 12–062).

Date: April 1, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Lynn M. Amende, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W112, Bethesda, MD 20892–9750, 240–276–6345, *amendel@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Career Development Awards (PAR 12–121).

Date: April 2, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 4W032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Lynn M. Amende, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W112, Bethesda, MD 20892–9750, 240–276–6345, *amendel@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Biology–3.

Date: April 17–18, 2014.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Viatcheslav A Soldatenkov, MD, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Bethesda, MD 20892–8329, 240–276–6378, *soldatenkovv@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Detection, Diagnosis, and Treatment Technologies for Global Health.

Date: April 29–30, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *Stoicaa2@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 3, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–02587 Filed 2–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict Panel 1: Population Sciences and Epidemiology.

Date: February 19–20, 2014.

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

Agenda: To review and evaluate grant applications.

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

Contact Person: Karin F Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, MSC 7770, Bethesda, MD 20892, (301) 254–9975, *helmersk@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Career Development Awards in Tobacco Control Regulatory Research.

Date: February 19, 2014.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Raymond Jacobson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5858, MSC 7849, Bethesda, MD 20892, 301–996–7702, *jacobsonrh@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: February 3, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–02588 Filed 2–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Peer Review of R24 Grant Applications.

Date: February 20, 2014.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.18, Bethesda, MD 20892.

Contact Person: Lisa A. Newman, SCD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3s.18A, Bethesda, MD 20892, 301–435–0965, *newmanla2@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 3, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–02585 Filed 2–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel NACC.

Date: February 27, 2014.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Elaine Lewis, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 3, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–02586 Filed 2–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Dissemination and Implementation Research in Health.

Date: February 25, 2014.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Tomas Drgon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, 301–435–1017, *tdrgon@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics on Microbial Pathogens.

Date: February 27–28, 2014.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Patient Safety Research during Neonatal Care.

Date: March 3, 2014.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Martha L Hare, Ph.D., RN, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, MSC 7770, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA TW–13–002: Epigenetic, Social, Behavioral and Environmental Interactions.

Date: March 4, 2014.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue NW., Washington, DC 20037.

Contact Person: Heidi B Friedman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–379–5632, *hfriedman@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Musculoskeletal, Oral and Skin Sciences AREA Review.

Date: March 4–5, 2014.

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

Agenda: To review and evaluate grant applications.

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

Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–0996, *ybi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Lung Disease.

Date: March 4–5, 2014.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Language and Communication.

Date: March 4, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Dana Jeffrey Plude, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, 301–435–2309, *pluded@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.

Date: March 5, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Orthopedic and Skeletal Biology.

Date: March 5, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Baljit S Moonga, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, *moongabs@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell, Computational and Molecular Biology.

Date: March 5, 2014.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–435–1024, *allen.richon@nih.hhs.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: February 3, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–02582 Filed 2–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict Panel 2: Population Sciences and Epidemiology.

Date: February 25–26, 2014.

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

Agenda: To review and evaluate grant applications.

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

Contact Person: Karin F Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, MSC 7770, Bethesda, MD 20892, (301) 254–9975, *helmersk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; NHLBI PA–11–186: Vascular Biology.

Date: February 28, 2014.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0952, *espinozala@mail.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Molecular and Cellular Biology Study Section.

Date: March 5, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Los Angeles Marriott @L LAX, 5855 West Century Blvd., Los Angeles, CA 90245.

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–080: Accelerating the Pace of Drug Abuse Research Using Existing Data.

Date: March 5, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: George Vogler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3140, MSC 7770, Bethesda, MD 20892, (301) 237–2693, *voglergp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Behavioral Genetics and Ethical Issues in Research.

Date: March 5, 2014.

Time: 3:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lisa Steele, Ph.D., Scientific Review Officer, PSE IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *steeleln@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of Neuroscience AREA Grant Applications.

Date: March 6–7, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.

Contact Person: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7850, Bethesda, MD 20892, 301–435–1220, *rc218u@nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Synapses, Cytoskeleton and Trafficking Study Section.

Date: March 6, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: Carole L Jelsema, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Microbial Vaccine Development

Date: March 7, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–495–1506, *jakesse@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Grant Applications: Immunology.

Date: March 7, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Seattle Hotel, 401 Lenora Street, Seattle, WA 98121.

Contact Person: Stephen M. Nigida, Ph.D., Health Scientist Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301–435–1222, *nigidas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Molecular Probes.

Date: March 7, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: March 7, 2014.

Time: 4:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: John Firrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, MSC 7854, Bethesda, MD 20892, 301–435–2598, *firrellj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: March 7, 2014.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, 301–435–1170, *luow@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: February 3, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–02583 Filed 2–6–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–1084]

Draft Policy Letters: Guidance for the Use of Liquefied Natural Gas as a Marine Fuel

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability, in the docket, of two draft policy letters for which it seeks public comment. The first draft policy letter provides voluntary guidance for liquefied natural gas (LNG) fuel transfer operations on vessels using natural gas as fuel in U.S. waters, and training of personnel on those vessels. It recommends transfer and personnel training measures that we believe will achieve a level of safety that is at least equivalent to that provided for traditional fueled vessels. It would apply to vessels equipped to receive LNG for use as fuel, but not to vessels carrying LNG as cargo that use boil-off gas as fuel. The second draft policy letter discusses voluntary guidance and existing regulations applicable to vessels and waterfront facilities conducting LNG marine fuel transfer (bunkering) operations. The second draft policy letter provides voluntary guidance on safety, security, and risk assessment measures we believe will ensure safe LNG bunkering operations. We request your comments on these draft policy letters before signature and public release.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before March 10, 2014 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2013–1084 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Ken Smith, Vessel and Facility Operating Standards Division (CG–OES–2), U.S. Coast Guard; telephone 202–372–1413, email *Ken.A.Smith@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on the proposed draft policy letters and voluntary guidance described in this notice. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice (USCG–2013–1084) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number (USCG–2013–1084) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this notice. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing the comments and material in the docket: To view the policy letters and comments on it, go to *http://www.regulations.gov*, type the docket number (USCG–2013–1084) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Open Docket Folder'' on the line associated with this notice. If you do not have access to the internet, you may view the docket online by visiting the Docket Management facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an

agreement with the Department of Transportation to use the Docket Management Facility.

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

Background and Purpose

The shipping industry is exploring conversion from oil-based bunker fuel to cleaner burning natural gas, because the use of natural gas as vessel fuel would substantially reduce carbon emissions, sulfur emissions, and nitrogen oxide emissions. This fuel would be stored on and transferred to vessels in the form of liquefied natural gas (LNG). To date, the Coast Guard has issued no policy or regulations specifically for vessels receiving LNG for use as fuel or for vessels and waterfront facilities providing LNG for use as fuel. Existing regulations cover design, equipment, operations, and training of personnel on vessels that carry LNG as cargo and at waterfront facilities that handle LNG in bulk. They also cover conventional oil fuel transfer operations, but do not address LNG transferred as fuel. The shipping industry, including vessels and waterfront facilities intending to provide LNG as fuel, is looking to the Coast Guard to provide guidance to help ensure the safe transfer and use of LNG as a marine fuel.

The Coast Guard has developed two draft policy letters, available in the docket, that recommend transfer procedures and other operating guidelines for vessels and waterfront facilities providing LNG to vessels for use as fuel and for vessels operating in U.S. waters that will be fueled with natural gas that will be stored onboard as LNG. The Coast Guard is interested in receiving public comment on these draft policy letters and voluntary guidelines prior to finalizing them for signature and public release. At a future date, we may initiate a rulemaking on the topics discussed in these policy letters.

The draft policy letters and voluntary guidance would not apply to vessels that carry LNG as cargo and utilize their boil-off gas as fuel. They also would not provide guidance on vessel design criteria for natural gas fuel systems or design of vessels providing LNG for use as fuel. Questions related to the design of these systems should be referred to the Coast Guard's Office of Design and Engineering Standards (CG–ENG, formerly CG–521). To communicate with CG–ENG, please contact Mr. Ken Smith (see **FOR FURTHER INFORMATION CONTACT** section for details).

Voluntary Policy

The draft policy letters proposed would be voluntary, except where existing regulatory requirements are discussed. Although they may assist the industry, public, Coast Guard, and other Federal and State regulators in applying existing statutory and regulatory requirements, the draft policy letters and guidance they contain are not a substitute for applicable legal requirements nor are they regulations themselves. We note the ongoing work of the International Maritime Organization in this area, in particular regarding training of personnel engaged in these operations. Developments within this body will be taken into account during possible future revisions of the draft policy letters. During the course of local operations, each Coast Guard Captain of the Port (COTP) has discretionary authority on how best to address specific safety and security concerns within his or her area of responsibility (see, e.g., 33 CFR 1.01–30). Nothing in the draft policy letters and guidance they contain are meant to override or subvert the discretion of the COTP when addressing the unique safety and security concerns of an LNG operation.

This notice is issued under authority of 5 U.S.C. 552(a) and 33 U.S.C. 1221–1236.

Dated: February 3, 2014.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2014–02708 Filed 2–6–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–06]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: January 30, 2014.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 2014–02298 Filed 2–6–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Wildland Fire Executive Council Meeting Schedule

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., 2, the U.S. Department of the Interior, Office of the Secretary, Wildland Fire Executive Council (WFEC) will meet as indicated below.

DATES: The next meeting will be held February 21, 2014.

ADDRESSES: The meetings will be held from 10:00 a.m. to 2:00 p.m. on February 21, 2014 at the Main Interior Building, 1849 C Street, Room 2654 NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Shari Eckhoff, Designated Federal Officer, 300 E Mallard Drive, Suite 170, Boise, Idaho 83706; telephone (208) 334–1552; fax (208) 334–1549; or email *Shari_Eckhoff@ios.doi.gov.*

SUPPLEMENTARY INFORMATION: The WFEC is established as a discretionary advisory committee under the authorities of the Secretary of the Interior and Secretary of Agriculture, in

furtherance of 43 U.S.C. 1457 and provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et. seq*), the National Wildlife Refuge System improvement Act of 1997 (16 U.S.C. 668dd-668ee), and the National Forest Management Act of 1976 (16 U.S.C. 1600 *et.seq*) and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2. The Secretary of the Interior and Secretary of Agriculture certify that the formation of the WFEC is necessary and is in the public interest.

The purpose of the WFEC is to provide advice on coordinated national-level wildland fire policy and to provide leadership, direction, and program oversight in support of the Wildland Fire Leadership Council. Questions related to the WFEC should be directed to Shari Eckhoff (Designated Federal Officer) at *Shari_Eckhoff@ios.doi.gov* or (208) 334–1552 or 300 E. Mallard Drive, Suite 170, Boise, Idaho, 83706–6648.

Meeting Agenda: The meeting agenda will include: (1) Welcome and introduction of council members; (2) Review and Approval of the Cohesive Strategy National Action Plan; (3) public comments; (4) Develop recommendations to go forward to the Secretary of the Interior and Secretary of Agriculture through the Wildland Fire Leadership Council; and (5) closing remarks. Participation is open to the public.

Public Input: All WFEC meetings are open to the public. Members of the public who wish to participate must notify Shari Eckhoff at *Shari_Eckhoff@ios.doi.gov* no later than the Friday preceding the meeting. Those who are not committee members and wish to present oral statements or obtain information should contact Shari Eckhoff via email no later than the Friday preceding the meeting. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Questions about the agenda or written comments may be emailed or submitted by U.S. Mail to: Department of the Interior, Office of the Secretary, Office of Wildland Fire, Attention: Shari Eckhoff, 300 E. Mallard Drive, Suite 170, Boise, Idaho 83706–6648. WFEC requests that written comments be received by the Friday preceding the scheduled meeting. Attendance is open to the public, but limited space is available. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Eckhoff at (202) 527–0133 at least seven calendar days prior to the meeting.

Dated: January 31, 2014.

Shari Eckhoff,

Designated Federal Officer.

[FR Doc. 2014–02638 Filed 2–6–14; 8:45 am]

BILLING CODE 4310–J4–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R2–ES–2013–0134: FXES11120200000F2–145–FF02ENEH00]

Notice of Intent To Prepare an Environmental Impact Statement for a Habitat Conservation Plan for Commercial Developments, Including Energy Developments, and Agricultural and Conservation Activities Within Six States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; announcement of public scoping meetings; request for comments.

SUMMARY: We, the Fish and Wildlife Service, as lead agency, intend to prepare an environmental impact statement (EIS) on a proposed application for an Incidental Take Permit (ITP), including a Habitat Conservation Plan (HCP), under the Endangered Species Act of 1973, as amended (ESA). The potential ITP is directed to the lesser prairie-chicken, a species currently proposed to be listed as threatened pursuant to the ESA. The potential ITP includes activities that cover regional construction, operation, and maintenance associated with multiple commercial energy facilities and agricultural activities (e.g. farming, ranching) and conservation management activities within portions of six States (Colorado, Nebraska, Kansas, New Mexico, Oklahoma, and Texas). We provide this notice to (1) describe the proposed action; (2) advise other Federal and state agencies, potentially affected tribal interests, and the public of our intent to prepare an EIS; (3) announce the initiation of a 30-day public scoping period; and (4) obtain suggestions and information on the scope of issues and possible alternatives to be included in the EIS.

DATES: *Comments:* We will accept comments received or postmarked on or before March 10, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered.

Scoping Meetings: We will hold public meetings within the proposed permit area. Written comments will be accepted at each meeting.

Notice of the exact meeting dates, times, and locations will be published at least 2 weeks before the event in local newspapers and on the Service's Web site, *http://www.fws.gov/southwest/*.

ADDRESSES: You may submit written comments by one of the following methods:

- *Electronically:* Go to the Federal e-Rulemaking Portal: *http://www.regulations.gov*. In the Search box, enter FWS–R2–ES–2013–0134, which is the docket number for this notice. On the left side of the screen, under the Document Type heading, click on the Notices link to locate this document and submit a comment.
- *By hard copy:* Submit by U.S. mail or hand-delivery to Public Comments Processing, Attn: FWS–R2–ES–2013–0134; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM, Arlington, VA 22203.

Please note that your comments are in regard to the EIS for the Stakeholder Conservation Strategy/American Habitat Center Habitat Conservation Plan.

We request that you send comments only by one of the methods described above. We will post all information received on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Availability of Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Allison Arnold, at 512–490–0057, ×242 (telephone), or *Allison_Arnold@fws.gov* (email). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Introduction

Under the National Environmental Policy Act (42 U.S.C. 4321, et seq.; NEPA) of 1969, as amended, we, the U.S. Fish and Wildlife Service (Service), as lead agency, advise the public that we intend to prepare an environmental impact statement (EIS) on a proposed application for an incidental take permit (ITP), including a Habitat Conservation Plan (HCP) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; ESA), and seek public input prior to developing a draft EIS for the potential issuance of an ITP.

The potential ITP is directed to the lesser prairie-chicken (*Tympanuchus pallidicintus*) a species currently proposed to be listed as threatened pursuant to the Endangered Species Act of 1973, as amended (ESA). The potential ITP would include activities that cover regional construction, operation, and maintenance associated with multiple commercial energy facilities and agricultural activities (e.g. farming, ranching), and conservation management activities within portions of six States (Colorado, Nebraska, Kansas, New Mexico, Oklahoma, and Texas). The lesser prairie-chicken has some likelihood of being affected by the applicant's activities within the proposed permit area.

The intended effect of this notice is to gather information from the public to develop and analyze the effects of the potential issuance of an ITP that would facilitate development and agricultural production within the planning area, while minimizing incidental take and mitigating the effects of any incidental take to the maximum extent practicable.

Reasonable Accommodations

Persons needing reasonable accommodations in order to attend and participate in the public meetings should contact the Service at the address above no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Background

Section 9 of the ESA and its implementing regulations prohibit take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). Section 10 of the ESA, 16 U.S.C. 1539, establishes a program whereby persons seeking to pursue activities that are otherwise legal, but could give rise to liability for unlawful take of federally protected species, may receive an ITP, which provides incidental take authorization to the ITP holder. To obtain an ITP, an applicant must submit an HCP containing measures that would minimize incidental take, including avoidance, and mitigate for the effects of any incidental take to the maximum extent practicable, and ensure that the taking is incidental to, and not the purpose of, an otherwise lawful activity (16 U.S.C. 1539(a)(1)(B) and 1539(a)(2)(A)).

Applicant's Proposed Habitat Conservation Plan

A diverse group of stakeholders representing energy, agricultural, and conservation industries and organizations (Stakeholders) across five States within the occupied range of the lesser prairie-chicken, as well as Nebraska, have come together to develop a range-wide conservation plan: The Stakeholder Conservation Strategy for the lesser prairie-chicken. The Strategy contains three primary components: The Habitat Exchange (''Exchange'') for the lesser prairie-chicken, the Habitat Quantification Tool (HQT) and the Regional Habitat Conservation Plan for the lesser prairie-chicken (HCP). The HCP will reference the HQT as the means for determining debits and will identify the Exchange as the primary means of meeting mitigation obligations.

The HCP and associated permit, if approved, would have sufficient ''take'' authorization to allow agriculture, energy industry development, and other activities to continue should the lesser prairie-chicken become listed. The ITP is being sought by a group of energy industry companies and agricultural and conservation organizations formed in 2013 to develop the Stakeholder Conservation Strategy (SCS) for the lesser prairie-chicken. Member entities include: Colorado Cattlemen's Association, Kansas Farm Bureau, Oklahoma Farm Bureau, Texas and Southwestern Cattle Raisers Association, Texas Farm Bureau, Plains Cotton Growers, Texas Wheat Growers Association, Texas Watershed Management Foundation, Environmental Defense Fund, The Nature Conservancy, Oklahoma State University, United States Department of Agriculture/Agricultural Research Service, Colorado Parks and Wildlife, British Petroleum, Chesapeake, Chevron, SandRidge, and, XTO Energy/ExxonMobil. Additional companies or organizations may become involved as the planning process proceeds. Entities wishing to gain regulatory assurances and coverage under an incidental take permit may enroll in the HCP.

The HCP will contain a multifaceted approach, including but not limited to take avoidance, minimization of take (e.g., through proven and defined best management practices), and mitigation of the impacts of take through habitat preservation, restoration, and enhancement measures. The applicant must also ensure that adequate funding for implementation, including biological and compliance monitoring, is provided.

Currently, the HCP contemplates effects from covered activities to the lesser prairie-chicken, currently proposed for listing as a threatened species. The final list of covered species may include additional species based on the outcome of this planning process.

The proposed planning area is defined as the occupied range of the lesser prairie-chicken, including portions of New Mexico, Colorado, Kansas, Oklahoma, and Texas. In addition, the planning area includes areas outside of the occupied range where populations could expand with appropriate conservation initiatives attempting to accomplish population expansion. This would extend the planning area beyond the five States listed above to include portions of Nebraska.

Environmental Impact Statement

The Service will be the lead Federal agency in the preparation of the EIS to satisfy the requirements of NEPA. With this notice of intent (NOI), we ask other Federal, State, tribal, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EIS. Agencies that would like to request cooperating agency status on the EIS should follow the instructions for filing comments provided under the **ADDRESSES** section, above.

The EIS will consider the proposed action (the issuance of a section 10(a)(1)(B) ITP, as supported by an HCP), no action (no HCP/no ITP), and a reasonable range of alternatives that accomplish the Service's purpose and need in reviewing this proposal. A detailed description of the proposed action and alternatives will be included in the EIS. The alternatives currently considered for analysis in the EIS may include, but are not limited to, modified lists of covered species, differing land-coverage areas, activities that may be covered, and a variety of permit structures under consideration for the conservation program, described below in the Public Comment section. The EIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental/historical resources that may occur from issuance of the ITP; indirect impacts as a result of implementing a proposed HCP, including any of the alternatives; and cumulative impacts. Various strategies for avoiding, minimizing, and mitigating the impacts of incidental take will also be considered.

Environmental review of the EIS will be conducted in accordance with the requirements of NEPA, its implementing regulations (40 CFR 1500–1508), other applicable regulations, and our procedures for compliance with those regulations. We furnish this notice in accordance with 40 CFR 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives they believe need to be addressed in the EIS. We invite comments from interested parties to ensure that the full range of issues related to the proposed permit application is identified.

Public Comments

We are requesting information from other interested government agencies, Native American Tribes, the scientific community, industry, or other interested parties concerning the following areas of analysis: Vegetation, Wildlife and Aquatic Resources, Special Status Species, U.S. Wetlands and Waters, Archeology, Architectural History, Sites of Religious and Cultural Significance to Tribes, Noise and Vibration, Visual Resources and Aesthetics, Economics and Socioeconomics, Environmental Justice, Air Quality (including greenhouse gas emissions and climate change), Geology and Soil, Land Use, Transportation, Infrastructure and Utilities, Hazardous Materials and Solid Waste Management, and Human Health and Safety.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not provide information useful in determining the issues and the impacts to the human environment in the draft EIS. The public will also have a chance to review and comment on the draft EIS when it is available (a notice of availability will be published in the **Federal Register**).

You may submit your comments and materials by one of the methods described above under the **ADDRESSES** section at the beginning of this notice. Written comments will also be accepted at the public meetings, although these public meetings are primarily intended to provide additional information and provide a chance for the public to ask specific questions concerning the proposed HCP and EIS.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the 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. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 et seq.) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4721 et seq.) and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2014–02637 Filed 2–6–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of an amendment to the Class III Tribal-State Gaming Compact (Amendment), between the Crow Tribe of Montana (Tribe), and the State of Montana (State).

DATES: *Effective Date:* February 7, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. On December 18, 2013, the Amendment was submitted for review and approval. The Amendment includes all lands contiguous to the Crow Reservation and extends the term for 15 years from the date the Amendment becomes effective. The Tribe is authorized to operate 925 gaming devices, increase the prize value, and wager limits. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary, and pursuant to 25 U.S.C. 2710(d)(3)(B), an approved compact or amendment takes effect when notice of its approval is published in the **Federal Register**.

Dated: January 30, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–02594 Filed 2–6–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 048811, LLCAD01500, L51010000.LVRWB13B5340.ER0000]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Right-of-Way Amendment for the Blythe Solar Power Project, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Palm Springs—South Coast Field Office, Palm Springs, California, has prepared a Draft Environmental Impact Statement (EIS) for the proposed right-of-way (ROW) grant amendment for the Blythe Solar Power Project (BSPP), Riverside County, California, and by this notice is announcing a 45-day public comment period on the EIS.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft EIS within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the proposed ROW

amendment for the BSPP by any of the following methods:

- *Web site: http://www.blm.gov/ca/st/en/fo/palmsprings/solar_projects/Blythe_Solar_Power_Project.html*
- *Email: capssolarblythe@blm.gov.*
- *Fax:* 760–833–7199, Attn: Frank McMenimen.
- *Mail:* Frank McMenimen, Project Manager, BLM Palm Springs—South Coast Field Office, 1201 Bird Center Drive, Palm Springs, CA 92262.

Copies of the Draft EIS are available from the Palm Springs—South Coast Field Office at the above address and online at the project Web site.

FOR FURTHER INFORMATION CONTACT: Frank McMenimen, BLM Project Manager, telephone 760–833–7150; address 1201 Bird Center Drive, Palm Springs, CA 92262; email *capssolarblythe@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The project area is located 8 miles west of Blythe and 3 miles north of Interstate 10 (I–10). The BSPP was permitted and approved by the BLM as a 1,000-megawatt (MW) solar thermal generating plant in 2010. NextEra Blythe Solar Energy Center, LLC (Grant Holder) purchased via bankruptcy the (un-built) project assets of the prior BSPP grant holder in 2012. In connection with that purchase, on August 22, 2012, the BLM approved the assignment of the BSPP ROW grant from the prior holder, Palo Verde Solar I, LLC, to the Grant Holder. The Grant Holder now proposes to modify the Project's energy generation technology and to reduce the overall size of the Project within the previously approved BSPP footprint.

Specifically, the Grant Holder is proposing to construct, operate, maintain, and decommission the BSPP using photovoltaic (PV) technology with a 485 MW capacity on 4,138 acres of BLM-administered public land. Anticipating that a PV project would require a smaller footprint than the approved solar thermal trough project, the Grant Holder relinquished to the BLM approximately 35 percent of the previously approved ROW grant on March 7, 2013. In connection with its proposed modifications to the BSPP, the Grant Holder has submitted a Level 3 variance request seeking an amendment to the existing ROW authorization to reduce the acreage of the project site and change the generating technology authorized under the ROW grant from concentrating solar trough to PV, which reduces the project's capacity from 1,000 to 485 MWs (the Modified Project).

The Draft EIS fully analyzes the Grant Holder's proposal to construct, operate, maintain, and decommission a Modified Project (Alternative 1), as well as the BLM's denial of the variance request which would maintain the current ROW grant approvals on the site as modified by the Grant Holder's voluntary relinquishment (Alternative 2, No Action). Further, as part of the Draft EIS, Alternatives 1 and 2 are compared to the Approved Project and the No Project alternatives analyzed as part of the 2010 Proposed Plan Amendment/Final EIS for the previously approved BSPP. The Draft EIS does not supersede or replace the BLM's Proposed Plan Amendment/Final EIS or other consideration of the Approved Project, but rather tiers to that analysis to extent applicable for analysis of the Modified Project and alternative.

The Draft EIS analyzes the use of PV technology in detail, including any additional site-specific impacts resulting from the change in technology and additional or relocated ancillary facilities. This includes impacts to air quality, biological resources, climate change, cultural resources, hazards and public health, lands and realty, mineral resources, noise, paleontological resources, recreation and special designations, socioeconomics and environmental justice, soil resources, traffic and travel management, visual resources, water resources, and wildland fire ecology.

The BLM conducted Native American tribal consultations in accordance with Section 106 of the National Historic Preservation Act and Federal policy in connection with the previously approved BSPP, which resulted in the development of a Programmatic Agreement. During that process tribes expressed their views and concerns about the importance and sensitivity of specific cultural resources to which they attach religious and cultural significance. In connection with its review of the Modified Project and throughout the implementation of the PA, the BLM will continue to give tribal concerns due consideration, including impacts to historic properties to which tribes attach religious and cultural significance and Indian trust assets. The BLM will also carry out its responsibilities to consult with tribes on a government-to-government basis and other members of the public pursuant to Section 106, Executive Order 13175, other laws and policies, and the existing PA to the extent applicable to the consideration of the Grant Holder's proposed amendment to the BSPP ROW grant.

Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's decision on this project are invited to participate in the comment process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency. Please note that public comments and information submitted including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

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.

Authority: 40 CFR 1506.6 & 1506.10.

Thomas Pogacnik,

Deputy State Director.

[FR Doc. 2014–02545 Filed 2–6–14; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–004]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 14, 2014 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 701–TA–511 and 731–TA–1246–1247 (Preliminary) (Certain Crystalline Silicon Photovoltaic Products from China and Taiwan). The Commission is currently scheduled to complete

and file its determinations on February 14, 2014; views of the Commission are currently scheduled to be filed on February 24, 2014.

5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Dated: February 5, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–02749 Filed 2–5–14; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110—NEW]

Agency Information Collection Activities: Proposed Collection, Comments Requested; New Collection; National Incident-Based Reporting System (NIBRS)

ACTION: 30-Day notice.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 235, pages 73565–73566, on December 6, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 10, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* New collection.

(2) *The title of the form/collection:* National Incident-Based Reporting System.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* City, county, state, tribal, and federal law enforcement agencies. Abstract: Under U. S. Code, Title 28, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, June 11, 1930; Public Law 109–177 (H.R. 3199), March 9, 2006, USA Patriot Improvement and Reauthorization Act of 2005; PL 110–457, Title II, Section 237(a), (b), December 23, 2008, the William Wilberforce Trafficking Victims Reauthorization Act of 2008, and Matthew Shepard Hate Crimes Prevention Act, April 28, 2009, this collection requests Incident data from city, county, state, tribal and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics in Crime in the United States, Hate Crime Statistics, and Law Enforcement Officers Killed and Assaulted. NIBRS is an incident-based reporting system in which law enforcement collects data on each crime occurrence. Designed to be generated as a byproduct of local, state, and federal automated records systems, currently, the NIBRS collects data on each incident and arrest within 23 crime categories made up of 49 specific crimes called Group A offenses. For each of the offenses coming to the attention of law enforcement, various facts about the crime are collected. In addition to the Group A offenses, there are 10 Group B offense categories for which only arrest data are reported. The most significant difference between NIBRS and the traditional Summary Reporting System (SRS) is the degree of detail in reporting. In reporting data via the traditional SRS, law enforcement agencies tally the occurrences of eight Part I crimes. NIBRS is capable of producing more detailed, accurate, and meaningful data because data are collected about when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators. Although most of the general concepts for collecting, scoring, and reporting UCR data in the SRS apply in the NIBRS, such as jurisdictional rules, there are some important differences in the two systems. The most notable differences that give the NIBRS an advantage over the SRS are: No Hierarchy Rule, in a multiple-offense incident NIBRS reports every offense occurring during the incident where SRS would report just the most serious offense and the lower-listed offense would not be reported; NIBRS provides revised, expanded, and new offense definitions; NIBRS provides more specificity in reporting offenses, using NIBRS offense and arrest data for 23 Group A offense categories can be reported while in the SRS eight Part I offenses can be reported; NIBRS can distinguish between attempted and completed Group A crimes; NIBRS also provides crimes against society while the SRS does not; the victim-to-offender data, circumstance reporting, drug related offenses, offenders suspected use of drugs, and computer crime is expanded in NIBRS; the NIBRS update reports are directly tied to the original incident submitted. The Group A offense categories include arson, assault offenses, bribery, burglary/breaking and entering, counterfeiting/forgery, destruction/damage/vandalism of property, drug/narcotic offenses, embezzlement, extortion/blackmail, fraud offenses, gambling offenses, homicide offenses, human trafficking, kidnapping/abduction, larceny/theft offenses, motor vehicle theft, pornography/obscene material, prostitution offenses, robbery, sex offenses, sex offenses/nonforcible,

stolen property offenses, and weapon law violations. The Group B offense categories include bad checks, curfew/loitering/vagrancy violations, disorderly conduct, DUI, drunkenness, family offenses/nonviolent, liquor law violations, peeping tom, trespass of real property, and all other offenses.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 6,038 law enforcement agencies. The amount of time estimated for an average respondent to respond is two hours monthly which totals to an annual hour burden of 24 hours. The 2 hours to respond is the time it takes for the agencies records management system (RMS) to download the NIBRS and send to the FBI. By design, law enforcement agencies generate NIBRS data as a by-product of their RMS. Therefore, a law enforcement agency builds its system to suit its own individual needs, including all of the information required for administration and operation; then forwards only the data required by the NIBRS to participate in the FBI UCR Program.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 144,912 hours, annual burden, associated with this information collection. The total number of respondents is 6,038 with a total annual hour burden of 24 hours, (6,038 × 24 = 144,912 total annual hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 4, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U. S. Department of Justice.

[FR Doc. 2014–02650 Filed 2–6–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On January 30, 2014, the Department of Justice lodged a proposed consent decree with the United States District Court for the Central District of California in the lawsuit entitled *City of Colton* v. *American Promotional Events, Inc., et al.,* Civil Action No. CV 09–01864 PSG [Consolidated with Case Nos. CV 09–6630 PSG (SSx), CV 09–06632 PSG (SSx), CV 09–07501 PSG (SSx), CV 09–07508 PSG (SSx), CV 10–824 PSG (SSx) and CV 05–01479 PSG (SSx)].

In this action, the United States filed a complaint under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Action (''CERCLA''), 42 U.S.C. 9607, seeking to recover past response costs incurred in connection with the formerly named B.F. Goodrich Superfund Site, which was subsequently renamed the Rockets, Fireworks, and Flares Superfund Site (''RFF Site''). The proposed consent decree (''Hescox Consent Decree'') requires the Estate of Hescox to pay $11 million toward RFF Site costs. In return, the United States provides certain covenants not to sue and other protections pursuant to CERCLA and Section 7003 of Resource Conservation and Recovery Act, 42 U.S.C. 6973. A hearing will be held on the proposed settlement if requested in writing within the public comment period.

The publication of this notice opens a period for public comment on the Hescox Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *City of Colton* v. *American Promotional Events, Inc., et al.,* D.J. Ref. No. 90–11–2–09952. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Hescox Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide paper copies of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $15.50 (25 cents per page reproduction cost) for the Hescox Consent Decree payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–02605 Filed 2–6–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Catalent CTS, Inc.

Pursuant to 21 CFR 1301.34(a), this is notice that on September 23, 2013, Catalent CTS, Inc., 10245 Hickman Mills Drive, Kansas City, Missouri 64137, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
Marihuana (7360)	I
Poppy Straw Concentrate (9670)	II

The company plans to import a finished pharmaceutical product containing cannabis extracts in dosage form for a clinical trial study.

In reference to drug code 7360, the company plans to import a synthetic cannabidiol. This compound is listed under drug code 7360. No other activity for this drug code is authorized for this registration.

In addition, the company plans to import an ointment for the treatment of wounds which contain trace amounts of the controlled substances normally found in poppy straw concentrate for packaging and labeling to be used in clinical trials.

Comments and requests for any hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedules I or II, which fall under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant

to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODW), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than March 10, 2014.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: January 15, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2014–02597 Filed 2–6–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Public Meeting of the Advisory Committee on Apprenticeship (ACA)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of a public meeting.

SUMMARY: Pursuant to Section 10 of the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2 § 10), notice is hereby given to announce a public meeting of the Advisory Committee on Apprenticeship (ACA) on March 3–5, 2014. The ACA is a discretionary committee established by the Secretary of Labor, in accordance with FACA, as amended in 5 U.S.C. App. 2, and its implementing regulations (41 CFR 101–6 and 102–3). All meetings of the ACA are open to the public.

DATES: The meeting will begin at approximately 1:00 p.m. Eastern Time on Monday, March 3, 2014, at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Room C5515, 1A and 1B, Washington, DC 20210, and will continue until approximately 4:00 p.m. The meeting will continue on Tuesday, March 4, 2014, at approximately 8:30 a.m. Eastern Time at the AFL–CIO, 815 16th Street NW., Washington, DC 20005, until approximately 4:00 p.m. The meeting will reconvene on Wednesday, March 5, 2014, at approximately 9:30 a.m. Eastern Time at the U.S. Department of Labor, and adjourn at approximately 12:00 noon. Any updates to the agenda and meeting logistics will be posted on the Office of Apprenticeship's homepage: *http://www.doleta.gov/oa/*.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Official, Mr. John V. Ladd, Administrator, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5311, Washington, DC 20210, Telephone: (202) 693–2796, (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: In order to promote openness, and increase public participation, webinar and audio conference technology will be used throughout the meeting. Webinar and audio instructions will be prominently posted on the Office of Apprenticeship homepage: *http://www.doleta.gov/oa/*. Members of the public are encouraged to attend the meeting virtually. For members of the public wishing to attend in person, a listening room, with limited seating, will be made available upon request. Members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

Security and Transportation Instructions for the Frances Perkins Building

Meeting participants should use the visitor's entrance to access the Frances Perkins Building, one block north of Constitution Avenue on 3rd and C Streets NW. For security purposes meeting participants must:

1. Present valid photo identification (ID) to receive a visitor badge.
2. Know the name of the event you are attending: The meeting event is the Advisory Committee on Apprenticeship.
3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW., as described above.
4. Laptops and other electronic devices may be inspected and logged for identification purposes.
5. Due to limited parking options, Metro rail is the easiest way to access the Frances Perkins Building. For individuals wishing to take metro rail, the closest metro stop to the building is Judiciary Square on the Red Line.

Security and Transportation Instructions for the AFL–CIO Headquarters Building

Meeting participants should use 815 16th Street NW., Washington, DC, to access the AFL–CIO Headquarters Building. For security purposes meeting participants must:

1. Present valid photo identification (ID) to receive a visitor badge.
2. Know the name of the event you are attending: The meeting event is the Advisory Committee on Apprenticeship.
3. Parking is limited to public parking garages. Metro rail is the easiest way to access the AFL–CIO Headquarters Building.
4. For individuals wishing to take metro rail, the closest metro stop to the building is McPherson Square on the Orange and Blue Lines.

Notice of Intent To Attend the Meeting

1. All meeting participants are being asked to submit a notice of intent to attend by Friday, February 14, 2014, via email to Mr. John V. Ladd at *oa.administrator@dol.gov*, with the subject line ''March 2014 ACA Meeting.''
2. Please indicate if you will be attending virtually, or in person, to ensure adequate space is arranged to accommodate all meeting participants.
3. If individuals have special needs and/or disabilities that will require special accommodations, please contact Kenya Huckaby on (202) 693–3795 or via email at *huckaby.kenya@dol.gov* no later than Friday, February 14, 2014.
4. Any member of the public who wishes to file written data or comments pertaining to the agenda may do so by sending the data or comments to Mr. John V. Ladd via email at *oa.administrator@dol.gov*, subject line ''March 2014 ACA Meeting,'' or to the Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, Room N–5311, 200 Constitution Avenue NW., Washington, DC 20210. Such submissions will be included in the record for the meeting if received by Friday, February 14, 2014.
5. See below regarding members of the public wishing to speak at the ACA meeting.

Purpose of the Meeting and Topics To Be Discussed

The primary purpose of the meeting is to discuss and focus on Advancing Registered Apprenticeship in the 21st Century, Youth Participation in Registered Apprenticeship and Lessons

and Developments of Registered Apprenticeship in the Construction Industry. The meeting agenda will include the following topics:

- Dialogue on policies to advance apprenticeship including updates on the ACA's Vision Report;
- Registered Apprenticeship: Lessons and Issues in the Construction Industry;
- Youth Apprenticeship Panel: Highlighting State's School to Apprenticeship and Youth Apprenticeship Models;
- Briefing from the Center for American Progress on their December 2013 report entitled, ''Training for Success: A Policy to Expand Apprenticeship in the United States'';
- ACA Workgroup Updates and Report Outs;
- Other Matters of Interest to the Apprenticeship Community;
- Public Comment; and Adjourn

The agenda and meeting logistics may be updated should priority items come before the ACA between the time of this publication and the scheduled date of the ACA meeting. All meeting updates will be posted to the Office of Apprenticeship's homepage: *http://www.doleta.gov/oa/*. Any member of the public who wishes to speak at the meeting should indicate the nature of the intended presentation and the amount of time needed by furnishing a written statement to the Designated Federal Official, Mr. John V. Ladd, by Friday, February 14, 2014. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Signed at Washington, DC, this 31st day of January 2014.

Eric M. Seleznow,

Acting Assistant Secretary for the Employment and Training Administration.

[FR Doc. 2014–02663 Filed 2–6–14; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0028]

Grain Handling Facilities; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Standard on Grain Handling Facilities (29 CFR 1910.272).

DATES: Comments must be submitted (postmarked, sent, or received) by April 8, 2014.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, Hand Delivery, Express Mail, Messenger, or Courier Service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2011–0028, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number for the Information Collection Request (ICR) (OSHA–2011–0028). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Grain Handling Facilities Standard specifies a number of paperwork requirements. The following sections describe who uses the information collected under each requirement as well as how they use it. The purpose of the requirements is to reduce employees' risk of death or serious injury while working in grain handling facilities.

Paragraph (d) of the Standard requires the employer to develop and implement an emergency action plan so that employees will be aware of the appropriate actions to take in the event of an emergency.

Paragraph (e)(1) requires that employers provide training to employees at least annually and when changes in job assignment will expose them to new hazards. Paragraph (f)(1) requires the employer to issue a permit for all hot work. Under paragraph (f)(2) the permit shall certify that the requirements contained in 1910.272(a) have been implemented prior to beginning the hot work operations and shall be kept on file until completion of the hot work operation.

Paragraph (g)(1)(i) requires the employer to issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative is present during the entire operation. The permit shall certify that the precautions contained in paragraph (g) have been implemented prior to employees entering bins, silos or tanks and shall be kept on file until completion of the entry operations.

Paragraph (g)(1)(ii) requires that the employer deenergize, disconnect, lockout and tag, block-off or otherwise prevent operation of all mechanical, electrical, hydraulic, and pneumatic equipment which presents a danger to employees inside grain storage structures.

Paragraphs (i)(1) and (i)(2) require the employer to inform contractors performing work at the grain handling facility of known potential fire and explosion hazards related to the contractor's work and work area, and to explain to the contractor the applicable provisions of the emergency action plan.

Paragraph (j)(1) requires the employer to develop and implement a written housekeeping program that establishes the frequency and method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces.

Under paragraph (m)(1), the employer is required to implement preventive maintenance procedures consisting of regularly scheduled inspections of at least the mechanical and safety control equipment associated with dryers, grain stream processing equipment, dust collection equipment including filter collectors, and bucket elevators. Paragraph (m)(3) requires a certification be maintained of each inspection. Paragraph (m)(4) requires the employer to implement procedures for the use of tags and locks which will prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Grain Handling Facilities (29 CFR 1910.272). The Agency is requesting that it retain its previous estimate of 68,762 burden hours. The Agency will summarize any comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Grain Handling Facilities Standard (29 CFR 1910.272).

OMB Control Number: 1218–0206.

Affected Public: Business or other for-profits.

Number of Respondents: 18,804.

Frequency of Responses: On occasion.

Average Time per Response: Varies from 1 minute (.02 hour) to maintain certification records to 3 hours to modify action plans/housekeeping programs/tag and lock procedures.

Estimated Total Burden Hours: 68,762.

Total Responses: 1,312,126.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0028). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download from this Web site.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on February 4, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–02666 Filed 2–6–14; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (14- 016)]

NASA Community Workshop on the Global Exploration Roadmap

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of public conference to discuss the second iteration of the Global Exploration Roadmap.

SUMMARY: The National Aeronautics and Space Administration announces that the agency will conduct a public workshop to involve the broader community in work related to the second iteration of the Global Exploration Roadmap, released in August 2013. The updated roadmap

identifies candidate early exploration missions, including the Asteroid Redirect Mission, extended duration missions in the lunar vicinity and lunar surface missions that demonstrate the capabilities and techniques for human exploration of deep space and Mars. NASA will share the status of work related to the mission themes in the roadmap and encourage workshop participants to share their innovative ideas for meeting the challenges ahead.

DATES: Thursday April 10, 2014, (8 a.m. EDT)–Friday, April 11, (5 p.m. EDT).

ADDRESSES: Johns Hopkins University Applied Physics Laboratory, Kossiakoff Conference Center, 11100 Johns Hopkins Road, Laurel, MD 20723.

FOR FURTHER INFORMATION CONTACT: John Guidi, NASA Human Exploration and Operations Mission Directorate: 202–358–1644.

SUPPLEMENTARY INFORMATION:

• This conference will be streamed live online. Viewing and interactive participation options will be posted at *www.nasa.gov/exploration/about/isecg/ger-workshop* prior to the event.

Registration

• Onsite attendance is limited. Registration will open February 27 and will close April 3. Registration details will be available starting February 27 at *www.nasa.gov/exploration/about/isecg/ger-workshop.*

• Anyone who is not invited to present at the workshop will be able to participate virtually through Teleconference and Adobe Connect.

Check In

• Workshop check-in will open at 7:15 a.m. EDT, Thursday April 10, 2014.

• Be prepared to show government-issued photo identification.

Media

News media interested in attending are required to pre-register and should contact NASA Human Exploration & Operations Public Affairs at 202–358–1100 for additional information.

Security

Event attendees will receive a workshop badge upon check in. All participates are asked to keep this badge on them at all times while in the facility.

Driving Directions

APL is located on Johns Hopkins Road, approximately 1/2 mile west of U.S. Route 29. There are several visitor entrances. Attendees should use the Pond Road entrance to access Credit Union, Kossiakoff Center, and East Campus (0.6 miles from Route 29).

Additional Johns Hopkins University Applied Physics Laboratory visitor information is available here: *http://www.jhuapl.edu/aboutapl/visitor/default.asp.*

William Gerstenmaier,

Associate Administrator, Human Exploration & Operations Mission Directorate.

[FR Doc. 2014–02653 Filed 2–6–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts

Submission of OMB Review: Comment Request

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 [Pub. L. 104–13, 44 U.S.C. Chapter 35]. Copies of the ICR, with applicable supporting documentation, may be obtained by contacting Sunil Iyengar via telephone at 202–682–5654 (this is not a toll-free number) or email at *research@arts.gov.* Individuals who use a telecommunications device for the deaf (TTY/TDD) may call 202–682–5496 between 10:00 a.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316, within 30 days from the date of this publication in the **Federal Register**.

The Office of Management and Budget (OMB) is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: National Endowment for the Arts.

Title: Local Arts Agency Census.

OMB Number: 3135–XXXX.

Frequency: Annual.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 800.

Estimated Time per Respondent: 1.03125 hours.

Total Burden Hours: 825 hours.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): $31,339.

This request is for clearance of an arts supplement for the 2014 Local Arts Agency Census, to be conducted by Americans for the Arts. The purpose of the Local Arts Agency Census is to develop a robust statistical baseline of data capturing the activities of an estimated 5,000 Local Arts Agencies nationwide, to help the NEA and the American public better understand the range, extent, and context of local, county, and municipal arts support, as well as policy directions and trends within the field. The data will be publicly available and the basis for a range of NEA reports and independent research publications.

Addresses: Sunil Iyengar, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Room 616, Washington, DC 20506–0001, telephone (202) 682–5654 (this is not a toll-free number), fax (202) 682–5677.

Dated: February 4, 2014.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2014–02640 Filed 2–6–14; 8:45 am]

BILLING CODE 7537–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 206(3)–3T, OMB Control No. 3235–0630, SEC File No. 270–571.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995

(44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension and approval of the collections of information discussed below.

Temporary rule 206(3)–3T (17 CFR 275.206(3)–3T) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) is entitled: ''Temporary rule for principal trades with certain advisory clients.'' The temporary rule provides investment advisers who are registered with the Commission as broker-dealers an alternative means to meet the requirements of section 206(3) of the Advisers Act (15 U.S.C. 80b–6(3)) when they act in a principal capacity in transactions with certain of their advisory clients.

Temporary rule 206(3)–3T permits investment advisers also registered as broker-dealers to satisfy the Advisers Act's principal trading restrictions by: (i) Providing written, prospective disclosure regarding the conflicts arising from principal trades; (ii) obtaining written, revocable consent from the client prospectively authorizing the adviser to enter into principal transactions; (iii) making oral or written disclosure and obtaining the client's consent before each principal transaction; (iv) sending to the client confirmation statements disclosing the capacity in which the adviser has acted; and (v) delivering to the client an annual report itemizing the principal transactions.

The Commission staff estimates that approximately 278 investment advisers make use of rule 206(3)–3T, including an estimated 11 advisers (on an annual basis) also registered as broker-dealers who do not offer non-discretionary services, but whom the Commission staff estimates will choose to do so and rely on rule 206(3)–3T. The Commission staff estimates that these advisers spend, in the aggregate, approximately 139,358 hours annually in complying with the requirements of the rule, including both initial and annual burdens. The aggregate hour burden, expressed on a per-eligible-adviser basis, is therefore approximately 501 hours per eligible adviser (139,358 hours divided by the estimated 278 advisers that will rely on rule 206(3)–3T).

Rule 206(3)–3T does not require recordkeeping or record retention. The collection of information requirements under the rule are required to obtain a benefit. The information collected pursuant to the rule is not required to be filed with the Commission, but rather takes the form of disclosures to, and responses from, clients. The collection of information delivered by clients to advisers would be subject to the confidentiality strictures that govern those relationships, and we would expect them to be confidential communications. To the extent advisers include any of the information required by the rule in a filing, such as Form ADV, the information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 3, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–02601 Filed 2–6–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30902; 812–14260]

Elkhorn Securities, LLC and Elkhorn Unit Trust; Notice of Application

February 3, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under (a) section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 2(a)(35), 14(a), 19(b), 22(d) and 26(a)(2)(C) of the Act and rules 19b–1 and rule 22c–1 thereunder and (b) sections 11(a) and 11(c) of the Act for approval of certain exchange and rollover privileges.

APPLICANTS: Elkhorn Securities, LLC (''Elkhorn'') and Elkhorn Unit Trust.[1]

SUMMARY: *Summary of Application:* Applicants request an order to permit certain unit investment trusts to: (a) Impose sales charges on a deferred basis and waive the deferred sales charge in certain cases; (b) offer unitholders certain exchange and rollover options; (c) publicly offer units without requiring the Depositor to take for its own account $100,000 worth of units; and (d) distribute capital gains resulting from the sale of portfolio securities within a reasonable time after receipt.

DATES: *Filing Dates:* The application was filed on January 9, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 28, 2014, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, 207 Reber Street, Suite 201, Wheaton, Illinois 60187.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 551–6817, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Elkhorn Unit Trust is a unit investment trust (''UIT'') that is registered under the Act. Any future

[1] Applicants also request relief for future unit investment trusts (collectively, with Elkhorn Unit Trust, the ''Trusts'') and series of the Trusts (''Series'') that are sponsored by Elkhorn or any entity controlling, controlled by or under common control with Elkhorn (together with Elkhorn, the ''Depositors''). Any future Trust and Series that relies on the requested order will comply with the terms and conditions of the application. All existing entities that currently intend to rely on the requested order are named as applicants.

Trust will be a registered UIT. Elkhorn, a Delaware limited liability company, will be registered under the Securities Exchange Act of 1934 as a broker-dealer and is the Depositor of Elkhorn Unit Trust. Each Series will be created by a trust indenture between the Depositor and a banking institution or trust company as trustee (''Trustee'').

2. The Depositor acquires a portfolio of securities, which it deposits with the Trustee in exchange for certificates representing units of fractional undivided interest in the Series' portfolio (''Units''). The Units are offered to the public through the Depositor and dealers at a price which, during the initial offering period, is based upon the aggregate market value of the underlying securities, or, the aggregate offering side evaluation of the underlying securities if the underlying securities are not listed on a securities exchange, plus a front-end sales charge, a deferred sales charge or both. The maximum sales charge may be reduced in compliance with rule 22d–1 under the Act in certain circumstances, which are disclosed in the Series' prospectus.

3. The Depositor may, but is not legally obligated to, maintain a secondary market for Units of an outstanding Series. Other broker-dealers may or may not maintain a secondary market for Units of a Series. If a secondary market is maintained, investors will be able to purchase Units on the secondary market at the current public offering price plus a front-end sales charge. If such a market is not maintained at any time for any Series, holders of the Units (''Unitholders'') of that Series may redeem their Units through the Trustee.

A. Deferred Sales Charge and Waiver of Deferred Sales Charge Under Certain Circumstances

1. Applicants request an order to the extent necessary to permit one or more Series to impose a sales charge on a deferred basis (''DSC''). For each Series, the Depositor would set a maximum sales charge per Unit, a portion of which may be collected ''up front'' (i.e., at the time an investor purchases the Units). The DSC would be collected subsequently in installments (''Installment Payments'') as described in the application. The Depositor would not add any amount for interest or any similar or related charge to adjust for such deferral.

2. When a Unitholder redeems or sells Units, the Depositor intends to deduct any unpaid DSC from the redemption or sale proceeds. When calculating the amount due, the Depositor will assume that Units on which the DSC has been paid in full are redeemed or sold first. With respect to Units on which the DSC has not been paid in full, the Depositor will assume that the Units held for the longest time are redeemed or sold first. Applicants represent that the DSC collected at the time of redemption or sale, together with the Installment Payments and any amount collected up front, will not exceed the maximum sales charge per Unit. Under certain circumstances, the Depositor may waive the collection of any unpaid DSC in connection with redemptions or sales of Units. These circumstances will be disclosed in the prospectus for the relevant Series and implemented in accordance with rule 22d–1 under the Act.

3. Each Series offering Units subject to a DSC will state the maximum charge per Unit in its prospectus. In addition, the prospectus for such Series will include the table required by Form N–1A (modified as appropriate to reflect the difference between UITs and open-end management investment companies) and a schedule setting forth the number and date of each Installment Payment, along with the duration of the collection period. The prospectus also will disclose that portfolio securities may be sold to pay the DSC if distribution income is insufficient and that securities will be sold pro rata, if practicable, otherwise a specific security will be designated for sale.

B. Exchange Option and Rollover Option

1. Applicants request an order to the extent necessary to permit Unitholders of a Series to exchange their Units for Units of another Series (''Exchange Option'') and Unitholders of a Series that is terminating to exchange their Units for Units of a new Series of the same type (''Rollover Option''). The Exchange Option and Rollover Option would apply to all exchanges of Units sold with a front-end sales charge, a DSC or both.

2. A Unitholder who purchases Units under the Exchange Option or Rollover Option would pay a lower sales charge than that which would be paid for the Units by a new investor. The reduced sales charge will be reasonably related to the expenses incurred in connection with the administration of the DSC program, which may include an amount that will fairly and adequately compensate the Depositor and participating underwriters and brokers for their services in providing the DSC program.

Applicants' Legal Analysis

A. DSC and Waiver of DSC

1. Section 4(2) of the Act defines a ''unit investment trust'' as an investment company that issues only redeemable securities. Section 2(a)(32) of the Act defines a ''redeemable security'' as a security that, upon its presentation to the issuer, entitles the holder to receive approximately his or her proportionate share of the issuer's current net assets or the cash equivalent of those assets. Rule 22c–1 under the Act requires that the price of a redeemable security issued by a registered investment company for purposes of sale, redemption or repurchase be based on the security's current net asset value (''NAV''). Because the collection of any unpaid DSC may cause a redeeming Unitholder to receive an amount less than the NAV of the redeemed Units, applicants request relief from section 2(a)(32) and rule 22c–1.

2. Section 22(d) of the Act and rule 22d–1 under the Act require a registered investment company and its principal underwriter and dealers to sell securities only at the current public offering price described in the investment company's prospectus, with the exception of sales of redeemable securities at prices that reflect scheduled variations in the sales load. Section 2(a)(35) of the Act defines the term ''sales load'' as the difference between the sales price and the portion of the proceeds invested by the depositor or trustee. Applicants request relief from section 2(a)(35) and section 22(d) to permit waivers, deferrals or other scheduled variations of the sales load.

3. Under section 6(c) of the Act, the Commission may exempt classes of transactions, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that their proposal meets the standards of section 6(c). Applicants state that the provisions of section 22(d) are intended to prevent (a) riskless trading in investment company securities due to backward pricing, (b) disruption of orderly distribution by dealers selling shares at a discount, and (c) discrimination among investors resulting from different prices charged to different investors. Applicants assert that the proposed DSC program will present none of these abuses. Applicants further state that all scheduled variations in the sales load will be disclosed in the prospectus of

each Series and applied uniformly to all investors, and that applicants will comply with all the conditions set forth in rule 22d–1.

4. Section 26(a)(2)(C) of the Act, in relevant part, prohibits a trustee or custodian of a UIT from collecting from the trust as an expense any payment to the trust's depositor or principal underwriter. Because the Trustee's payment of the DSC to the Depositor may be deemed to be an expense under section 26(a)(2)(C), applicants request relief under section 6(c) from section 26(a)(2)(C) to the extent necessary to permit the Trustee to collect Installment Payments and disburse them to the Depositor. Applicants submit that the relief is appropriate because the DSC is more properly characterized as a sales load.

B. Exchange Option and Rollover Option

1. Sections 11(a) and 11(c) of the Act prohibit any offer of exchange by a UIT for the securities of another investment company unless the terms of the offer have been approved in advance by the Commission. Applicants request an order under sections 11(a) and 11(c) for Commission approval of the Exchange Option and the Rollover Option.

C. Net Worth Requirement

1. Section 14(a) of the Act requires that a registered investment company have $100,000 of net worth prior to making a public offering. Applicants state that each Series will comply with this requirement because the Depositor will deposit more than $100,000 of securities. Applicants assert, however, that the Commission has interpreted section 14(a) as requiring that the initial capital investment in an investment company be made without any intention to dispose of the investment. Applicants state that, under this interpretation, a Series would not satisfy section 14(a) because of the Depositor's intention to sell all the Units of the Series.

2. Rule 14a–3 under the Act exempts UITs from section 14(a) if certain conditions are met, one of which is that the UIT invest only in ''eligible trust securities,'' as defined in the rule. Applicants state that they may not rely on rule 14a–3 because certain Series (collectively, ''Equity Series'') will invest all or a portion of their assets in equity securities or shares of registered investment companies which do not satisfy the definition of eligible trust securities.

3. Applicants request an exemption under section 6(c) of the Act to the extent necessary to exempt the Equity Series from the net worth requirement in section 14(a). Applicants state that the Series and the Depositor will comply in all respects with the requirements of rule 14a–3, except that the Equity Series will not restrict their portfolio investments to ''eligible trust securities.''

D. Capital Gains Distribution

1. Section 19(b) of the Act and rule 19b–1 under the Act provide that, except under limited circumstances, no registered investment company may distribute long-term gains more than once every twelve months. Rule 19b–1(c), under certain circumstances, exempts a UIT investing in eligible trust securities (as defined in rule 14a–3) from the requirements of rule 19b–1. Because the Equity Series do not limit their investments to eligible trust securities, however, the Equity Series will not qualify for the exemption in paragraph (c) of rule 19b–1. Applicants therefore request an exemption under section 6(c) from section 19(b) and rule 19b–1 to the extent necessary to permit capital gains earned in connection with the sale of portfolio securities to be distributed to Unitholders along with the Equity Series' regular distributions. In all other respects, applicants will comply with section 19(b) and rule 19b–1.

2. Applicants state that their proposal meets the standards of section 6(c). Applicants assert that any sale of portfolio securities would be triggered by the need to meet Trust expenses, Installment Payments, or by redemption requests, events over which the Depositor and the Equity Series do not have control. Applicants further state that, because principal distributions must be clearly indicated in accompanying reports to Unitholders as a return of principal and will be relatively small in comparison to normal dividend distributions, there is little danger of confusion from failure to differentiate among distributions.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

A. DSC Relief and Exchange and Rollover Options

1. Whenever the Exchange Option or Rollover Option is to be terminated or its terms are to be amended materially, any holder of a security subject to that privilege will be given prominent notice of the impending termination or amendment at least 60 days prior to the date of termination or the effective date of the amendment, provided that: (a) No such notice need be given if the only material effect of an amendment is to reduce or eliminate the sales charge payable at the time of an exchange, to add one or more new Series eligible for the Exchange Option or the Rollover Option, or to delete a Series which has terminated; and (b) no notice need be given if, under extraordinary circumstances, either (i) there is a suspension of the redemption of Units of the Series under section 22(e) of the Act and the rules and regulations promulgated thereunder, or (ii) a Series temporarily delays or ceases the sale of its Units because it is unable to invest amounts effectively in accordance with applicable investment objectives, policies and restrictions.

2. An investor who purchases Units under the Exchange Option or Rollover Option will pay a lower sales charge than that which would be paid for the Units by a new investor.

3. The prospectus of each Series offering exchanges or rollovers and any sales literature or advertising that mentions the existence of the Exchange Option or Rollover Option will disclose that the Exchange Option and the Rollover Option are subject to modification, termination or suspension without notice, except in certain limited cases.

4. Any DSC imposed on a Series' Units will comply with the requirements of subparagraphs (1), (2) and (3) of rule 6c–10(a) under the Act.

5. Each Series offering Units subject to a DSC will include in its prospectus the disclosure required by Form N–1A relating to deferred sales charges (modified as appropriate to reflect the differences between UITs and open-end management investment companies) and a schedule setting forth the number and date of each Installment Payment.

B. Net Worth Requirement

Applicants will comply in all respects with the requirements of rule 14a–3 under the Act, except that the Equity Series will not restrict their portfolio investments to ''eligible trust securities.''

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–02602 Filed 2–6–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71467; File No. SR–FINRA–2013–053]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Update the Rules Governing the Alternative Display Facility

February 3, 2014.

I. Introduction

On December 9, 2013, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to update the rules governing the Alternative Display Facility (''ADF''). The proposed rule change was published for comment in the **Federal Register** on December 26, 2013.[3] The Commission received no comment letters regarding the proposed rule change. This order approves the proposed rule change.

II. Description

The ADF is a quotation collection and trade reporting facility that provides ADF Market Participants the ability to post quotations, display orders and report transactions in NMS stocks for submission to the Securities Information Processors for consolidation and dissemination to vendors and other market participants.[4] In addition, the ADF delivers real-time data to FINRA for regulatory purposes, including enforcement of requirements imposed by Regulation NMS.[5]

FINRA proposes to update the rules governing the ADF to: (i) Reflect regulatory requirements that have been put into place since the last comprehensive revision of the ADF rules and to enhance operational efficiency; (ii) address changes to the ADF's functionality resulting from FINRA's proposed migration of the ADF to the Multi-Product Platform (''MPP''); (iii) conform the ADF trade reporting rules, to the extent practicable, to current FINRA rules relating to trade reporting to the FINRA Trade Reporting Facilities (''TRFs''); and (iv) make other non-substantive changes.[6] FINRA's changes to the ADF rules are described below.

FINRA proposes to revise FINRA Rule 6272, governing quotations posted on the ADF, to modify the quotation pricing obligations for Registered Reporting ADF Market Makers in response to the National Market System Plan to Address Extraordinary Market Volatility (''Limit Up-Limit Down Plan'').[7] As amended, FINRA Rule 6272(a)(2) would specify that the suspension of pricing obligations for ADF Market Makers would apply during a trading halt except as permitted under the Limit Up-Limit Down Plan.[8]

FINRA also proposes to amend Rule 6272(b) to update the minimum quotation increment for ADF-eligible securities to account for quotations under $1.[9] As revised, Rule 6272(b) would provide that the minimum quotation increment for quotations below $1.00 in all ADF-eligible securities shall be $0.0001. FINRA states that this provision will enable ADF Participants to submit quotations for issues under $1 in an increment that is consistent with Rule 612 of Regulation NMS.[10]

FINRA proposes to provide additional detail as to how a Registered Reporting ADF ECN may voluntarily terminate its registration. As proposed, the rule will state that a Registered Reporting ADF ECN may voluntarily withdraw from participation on the ADF upon providing, through electronic delivery, written notice to FINRA Market Operations of its intention to withdraw as a Registered Reporting ADF ECN, with such withdrawal to be effective upon the first trading day following the issuance of the written notice announcing the Registered Reporting ADF ECN's intent to withdraw, or such other date as specified in the written notice.

FINRA states that it requires ADF Trading Centers to report order information to it so that FINRA can have detailed information regarding the origination of orders underlying an ADF Trading Center's quotation and use that information to enhance its ability to monitor quotation activity on the ADF. FINRA proposes various modifications to the order reporting requirements set forth in FINRA Rule 6250, governing quote and access requirements, to enhance FINRA's ability to efficiently monitor quoting activity on the ADF on an automated basis and conduct surveillance.[11] In particular, FINRA believes that certain of these changes would better reflect the order information necessary for its surveillance programs related to the Firm Quote Rule,[12] and to reduce the reporting of excess information that may over-burden its systems and lead to false alerts.[13] Further, FINRA proposes to update the reporting requirements for Order Time and Order Response Time in FINRA Rule 6250(b) so that ADF Trading Centers would report this information in hours, minutes, seconds and milliseconds if the ADF Trading Center's system captures such information in milliseconds.[14]

FINRA proposes to amend FINRA Rules 6281 and 6282 and the Rule 7100 Series relating to trade reporting to the ADF to conform those rules, to the extent practicable, to current FINRA rules relating to trade reporting to the TRFs.[15] FINRA believes that by conforming the trade reporting requirements for the ADF and TRFs, to the extent practicable, the proposed rule change will promote more consistent trade reporting by members and a more complete and accurate audit trail. FINRA notes that most of the proposed conforming changes to FINRA Rules 6281 and 6282 and the Rule 7100 Series are technical and non-substantive in nature, and FINRA does not believe that any of the proposed changes would require members to make systems changes in order to comply. Furthermore, FINRA members that currently report to one of the TRFs would already be familiar with the rule amendments that are proposed herein. FINRA proposes to amend FINRA Rule 7510(a) to assess a $0.25 fee to each party that cancels or corrects a trade.[16] FINRA states that the purpose of adding this new change is to defray the administrative costs incurred by FINRA in processing corrective transaction charges, including cancel and correct requests.[17]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71147 (December 19, 2013), 78 FR 78451 (''Notice'').

[4] *See* Notice, *supra* note 3.

[5] *See* 17 CFR 242.600 *et seq.*

[6] *See* Notice, *supra* note 3.

[7] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[8] For example, as FINRA notes, the Limit up-Limit Down Plan provides that ''[n]o trades in an NMS Stock shall occur during a Trading Pause, but all bids and offers may be displayed.'' *Id.* at 77 FR 33514.

[9] FINRA Rule 6220 defines an ''ADF-eligible security'' as an NMS stock as defined in Rule 600(b)(47) of SEC Regulation NMS.

[10] Rule 612 of Regulation NMS permits, among other things, quotations in NMS stocks that are less than $1.00 per share to be priced in increments of $0.0001. *See* 17 CFR 242.612(b).

[11] *See* Notice, *supra* note 3, at 78452.

[12] *See* 17 CFR 242.602(b)(2); *see also* FINRA Rule 5220.

[13] *See* Notice, *supra* note 3, at 78452–78453.

[14] *See* Proposed FINRA Rules 6250(b)(1)(I) and 6250(b)(2)(C).

[15] *See* FINRA Rule 6300 and 7200 Series governing TRFs.

[16] *See* Notice, *supra* note 3, at 78455.

[17] *See id.*

FINRA also proposes to delete FINRA Rule 7530, which assesses a minimum charge of $5,000 for installation costs associated with connecting to the ADF.[18] FINRA proposes to delete this provision because it is no longer applicable, since the ADF is software-based and there is no hardware to install, remove or relocate.[19] Finally, FINRA proposes a number of technical changes throughout the ADF rules.

III. Discussion

After careful review of the proposal, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities association.[20] In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[21] which requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal is consistent with Section 15A(b)(5) of the Act,[22] which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls.

The Commission notes that FINRA believes that the proposed changes are either: (1) Non-substantive; (2) delete functionalities that will not be available following the migration to the MPP; (3) reflect regulatory changes; (4) conform the ADF rules to other FINRA rules; or (5) otherwise increase the operational and regulatory efficiency of the ADF. To the extent that a number of the changes are non-substantive or, in the case of conforming the ADF trade reporting requirements to the TRF trade reporting requirements, mirror requirements currently applicable to FINRA members, FINRA does not believe that members will be significantly or adversely affected by these changes. In addition, FINRA also believes that certain of the proposed changes, such as the provision to allow for the voluntary termination of registration by a Registered Reporting ADF ECN, may increase operational and regulatory efficiency for FINRA and ADF Market Participants alike.

As noted above, the proposed rule change is intended to update the rules governing the ADF to reflect changes to regulatory requirements that have occurred since FINRA last updated the ADF rules, as well as make a number of non-substantive changes to reflect changes in FINRA departments or systems, or to correct other outdated references.[23] The Commission notes that proposed changes reflecting the Limit Up-Limit Down Plan and allowing a minimum quoting increment of less than $0.01 for quotations below $1, modify the ADF rules to reflect regulatory initiatives that were previously approved or promulgated by the Commission.[24] Further, the Commission believes that updating the rules to correct outdated references and reflect current FINRA departments and systems should provide greater clarity in FINRA's rules and thereby, eliminate potential confusion by market participants.

FINRA also proposes to delete rules regarding certain functionalities that would no longer be available following the migration of the ADF to MPP. In this regard, FINRA has represented that these functionalities are not currently being utilized, and would not be offered on the ADF upon its migration to the MPP.[25] Accordingly, the Commission believes that these changes should ensure that the rules accurately reflect the operation of the ADF upon its migration to the new platform.

The Commission also believes that FINRA's modifications to its order reporting and trade reporting rules, including making the ADF rules more consistent with the rules governing TRFs, are also consistent with the Act. The Commission believes that the proposed rule change should enhance FINRA's ability to monitor quoting activity and help to ensure that FINRA will continue to receive important information necessary to conduct surveillance, while reducing the receipt of excess order information that may contribute to false surveillance alerts. Further, FINRA has represented that the proposed rule change would promote more consistent trade reporting by members by better aligning the ADF trade reporting requirements with the TRF trade reporting requirements and would create a more complete and accurate audit trail.[26] Moreover, FINRA has represented that it does not believe that this proposed rule change would require FINRA members to make any systems changes to comply with the ADF rules.[27] Accordingly, the Commission believes that FINRA's proposed changes to the rules governing the ADF should help to ensure that FINRA could more efficiently monitor and prevent manipulative acts and practices on the ADF and could help foster cooperation and coordination with persons engaged in facilitating transactions in securities.

The Commission also finds that the proposed changes to the ADF fees are consistent with the Act. FINRA represents that the $0.25 charge would apply to ADF Market Participants that cancel or correct a trade in order to defray the administrative costs incurred by FINRA in processing corrective transactions, including cancel and correct requests.[28] The Commission also believes that it is reasonable for FINRA to delete its fees associated with connecting to the ADF since those fees are no longer applicable.

For these reasons, the Commission believes that the proposal is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[29] that the proposed rule change (SR–FINRA–2013–053) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Kevin M. O'Neill,

Deputy Secretary.

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[18] *See id.*

[19] *See id.*

[20] In approving the proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78o–3(b)(6).

[22] 15 U.S.C. 78o–3(b)(5).

[23] Examples of such changes include FINRA's proposal to change the reference from TRACS to ''ADF'' or ''the System'' and changing the references from ''FINRA ADF Operations'' to ''FINRA Market Operations'' or ''FINRA Product Management'' as applicable. *See* Notice, *supra* note 3, at 78456.

[24] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (Limit up-Limit Down adopting release); and Rule 612 of Regulation NMS, 17 CFR 242.612(b) (permitting quotations in NMS stocks that are less than $1.00 per share to be priced in increments of $0.0001).

[25] *See* Notice, *supra* note 3, at 78456.

[26] *See id.* at 78455.

[27] *See id.*

[28] *See id.*

[29] 15 U.S.C. 78s(b)(2).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71468; File No. SR–NYSEARCA–2014–11]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of the SPDR SSgA Risk Aware ETF; SPDR SSgA Large Cap Risk Aware ETF; and SPDR SSgA Small Cap Risk Aware ETF Under NYSE Arca Equities Rule 8.600

February 3, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 24, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, 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 list and trade shares of the following under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''): SPDR SSgA Risk Aware ETF; SPDR SSgA Large Cap Risk Aware ETF; and SPDR SSgA Small Cap Risk Aware ETF. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 list and trade shares (''Shares'') of SPDR SSgA Risk Aware ETF; SPDR SSgA Large Cap Risk Aware ETF; and SPDR SSgA Small Cap Risk Aware ETF (each, a ''Fund'' and, collectively, the ''Funds'') under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares [4] on the Exchange.[5] The Shares will be offered by SSgA Active ETF Trust (the ''Trust''), which is organized as a Massachusetts business trust and is registered with the Securities and Exchange Commission (the ''Commission'') as an open-end management investment company.[6] SSgA Funds Management, Inc. (the ''Adviser'') will serve as the investment adviser to the Funds. State Street Global Markets, LLC (the ''Distributor'' or ''Principal Underwriter'') will be the principal underwriter and distributor of the Funds' Shares. State Street Bank and Trust Company (the ''Administrator,'' ''Custodian'' or ''Transfer Agent'') will serve as administrator, custodian and transfer agent for the Funds.

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Funds' portfolios. In the event (a) the Adviser or any sub-adviser becomes, or becomes newly affiliated with, a broker-dealer, or (b) any new adviser or sub-adviser is, or becomes affiliated with, a broker-dealer, it will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to a portfolio, and will be subject to procedures designed to prevent the use and dissemination of

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of twelve actively-managed funds of the WisdomTree Trust); 62502 (July 15, 2010), 63076 (October 12, 2010), 75 FR 63874 (October 18, 2010) (SR–NYSEArca–2010–79) (order approving listing of Cambria Global Tactical ETF); 66343 (February 7, 2012), 77 FR 7647 (February 13, 2012) (SR–NYSEArca–2011–85) (order approving listing of five funds of the SSgA Active ETF Trust); and 70342 (September 6, 2013), 78 FR 56256 (September 12, 2013) (SR–NYSEArca–2013–71) (order approving listing of the SPDR SSgA Ultra Short Term Bond ETF; SPDR SSgA Conservative Ultra Short Term Bond ETF; and SPDR SSgA Aggressive Ultra Short Term Bond ETF).

[6] The Trust is registered under the 1940 Act. On December 14, 2012, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Funds (Files Nos. 333–173276 and 811–22542) (''Registration Statement''). The description of the operation of the opeation of the Trust and the Funds herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29524 (December 13, 21010) (File No. 812–13487) (''Exemptive Order'').

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

material non-public information regarding such portfolio.

The Funds are intended to be managed in a ''master-feeder'' structure, under which each Fund will invest substantially all of its assets in a corresponding portfolio (each, a ''Portfolio'') (*i.e.* a ''master fund''), which is a separate mutual fund registered under the 1940 Act that has an identical investment objective. As a result, each Fund (*i.e.,* a ''feeder fund'') will have an indirect interest in all of the securities and other assets owned by each corresponding Portfolio. Because of this indirect interest, each Fund's investment returns should be the same as those of the corresponding Portfolio, adjusted for the expenses of the Fund. In extraordinary instances, each Fund reserves the right to make direct investments in securities.

The Adviser will manage the investments of each respective Portfolio. Under the master-feeder arrangement, investment advisory fees charged at the master-fund level are deducted from the advisory fees charged at the feeder-fund level. This arrangement avoids a ''layering'' of fees, *e.g.,* a Fund's total annual operating expenses would be no higher as a result of investing in a master-feeder arrangement than they would be if the Fund pursued its investment objectives directly. Each Fund may discontinue investing through the master-feeder arrangement and pursue its investment objectives directly if the Fund's Board of Trustees determines that doing so would be in the best interests of shareholders.

The Funds will not be index Funds. The Funds will be actively managed and will not seek to replicate the performance of a specified index.

SPDR SSgA Risk Aware ETF

According to the Registration Statement, the SPDR SSgA Risk Aware ETF will seek to provide competitive returns compared to the broad U.S. equity market and capital appreciation.

According to the Registration Statement, under normal circumstances,[8] the Fund will invest all of its assets in the SSgA Risk Aware Portfolio (the ''Risk Aware Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly through the Risk Aware Portfolio.

According to the Registration Statement, in seeking its objective, the Risk Aware Portfolio will invest in a diversified selection of equity securities included in the Russell 3000 Index that the Adviser believes are aligned with predicted investor risk preferences.[9] The Russell 3000 Index measures the performance of the largest 3,000 U.S. companies, including business development companies, representing approximately 98% of the investable U.S. equity market. The Russell 3000 Index is constructed to provide a comprehensive, unbiased, and stable barometer of the broad market and is completely reconstituted annually to ensure new and growing equities are reflected. As of September 30, 2013, the Russell 3000 Index was comprised of 2,965 stocks.

According to the Registration Statement, in selecting securities for the Risk Aware Portfolio, the Adviser will utilize a proprietary quantitative investment process to measure and predict investor risk preferences. This investment process recognizes that the attributes that render a particular security ''risky'' or ''safe'' from an investor's perspective will change over time. The process therefore will begin with a broad set of plausible dimensions of risk, or factors that may be viewed by investors as contributing to a security's risk level at any given time. This set will include, among many other items, market beta, liquidity, and exposure to certain commodities, leading economic indicators, currency, credit risk, and performance differences between cyclical and defensive sectors. The Adviser will then use a sequence of procedures to develop a subset of attributes representing those it believes to be relevant to investors at a given time. This subset will help form the Adviser's forecast for aggregate risk appetite and assist the Adviser in generating the groups of securities likely to benefit the most and least in light of that forecast. Different predictions of risk appetite may result in portfolios that are more defensive or risk-seeking, based on what the market considers safe and/or risky at a given time. For example, during periods of anticipated investor preference for low risk, the Adviser will adjust the Risk Aware Portfolio's composition to be defensive and may increase exposure to large cap companies. On the other hand, during periods of anticipated investor preference for high risk, the Adviser will adjust the Risk Aware Portfolio's composition to be risk-seeking and may increase exposure to small cap companies. Similarly, exposures to value, growth, quality and other themes will vary depending on how they align with investor risk appetite at a given time. In periods of anticipated investor preference for moderate risk, the Risk Aware Portfolio's composition will more closely reflect the weighted composition of the Russell 3000 Index. The Adviser believes the ebbing and flowing of risk preferences give this strategy the potential to provide competitive returns relative to the Russell 3000 Index over the long term. The Risk Aware Portfolio will be non-diversified for purposes of the 1940 Act, and as a result may invest a greater percentage of its assets in a particular issuer than a diversified fund. However, it is expected that the Risk Aware Portfolio will have exposure to a diversified mix of equity securities.

SPDR SSgA Large Cap Risk Aware ETF

According to the Registration Statement, the SPDR SSgA Large Cap Risk Aware ETF will seek to provide competitive returns compared to the large cap U.S. equity market and capital appreciation.

According to the Registration Statement, under normal circumstances,[10] the Fund will invest all of its assets in the SSgA Large Cap Risk Aware Portfolio (the ''Large Cap Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly through the Large Cap Portfolio.

According to the Registration Statement, in seeking its objective, the Large Cap Portfolio will invest in a diversified selection of equity securities included in the Russell 1000 Index that the Adviser believes are aligned with predicted investor risk preferences.[11] The Russell 1000 Index measures the performance of the large-cap segment of the U.S. equity universe. It is a subset of the Russell 3000® Index and includes approximately 1,000 of the largest securities, which may include business development companies, based on a combination of their market cap and current index membership. The Russell 1000 Index represents approximately 92% of the U.S. market. The Russell 1000 Index is constructed to provide a comprehensive and unbiased barometer for the large-cap segment and is

[8] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[9] The Portfolios will invest only in equity securities that trade in markets that are members of the Intermarket Surveillance Group (''ISG'') or are parties to a comprehensive surveillance sharing agreement with the Exchange.

[10] *See supra* note 8.

[11] *See supra* note 9.

completely reconstituted annually to ensure new and growing equities are reflected. As of September 30, 2013, the Russell 1000 Index was comprised of 1,003 stocks.

According to the Registration Statement, under normal circumstances, the Large Cap Portfolio will invest at least 80% of its net assets (plus the amount of borrowings for investment purposes) in securities of large-cap companies. The Large Cap Portfolio considers large-cap companies to be companies with market capitalizations falling within the range of the Russell 1000 Index at the time of initial purchase. In selecting securities for the Large Cap Portfolio, the Adviser will utilize a proprietary quantitative investment process to measure and predict investor risk preferences. This investment process recognizes that the attributes that render a particular security ''risky'' or ''safe'' from an investor's perspective will change over time. The process therefore will begin with a broad set of plausible dimensions of risk, or factors that may be viewed by investors as contributing to a security's risk level at any given time. This set includes, among many other items, market beta, liquidity, and exposure to certain commodities, leading economic indicators, currency, credit risk, and performance differences between cyclical and defensive sectors. The Adviser then will use a sequence of procedures to develop a subset of attributes representing those it believes to be relevant to investors at a given time. This subset will help form the Adviser's forecast for aggregate risk appetite and assist the Adviser in generating the groups of securities likely to benefit the most and least in light of that forecast. Different predictions of risk appetite may result in portfolios that are more defensive or risk-seeking, based on what the market considers safe and/or risky at a given time. For example, during periods of anticipated investor preference for low risk, the Adviser will adjust the Large Cap Portfolio's composition to be defensive. On the other hand, during periods of anticipated investor preference for high risk, the Adviser will adjust the Large Cap Portfolio's composition to be risk-seeking. Similarly, exposures to value, growth, quality and other themes will vary depending on how they align with investor risk appetite at a given time. In periods of anticipated investor preference for moderate risk, the Large Cap Portfolio's composition will more closely reflect the weighted composition of the Russell 1000 Index. The Adviser believes the ebbing and flowing of risk preferences give this strategy the potential to provide competitive returns relative to the Russell 1000 Index over the long term. The Large Cap Portfolio will be non-diversified for purposes of the 1940 Act, and as a result may invest a greater percentage of its assets in a particular issuer than a diversified fund. However, it is expected that the Large Cap Portfolio will have exposure to a diversified mix of equity securities.

SPDR SSgA Small Cap Risk Aware ETF

According to the Registration Statement, the SPDR SSgA Small Cap Risk Aware ETF will seek to provide competitive returns compared to the small cap U.S. equity market and capital appreciation.

According to the Registration Statement, under normal circumstances,[12] the Fund will invest all of its assets in the SSgA Small Cap Risk Aware Portfolio (the ''Small Cap Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly through the Small Cap Portfolio.

According to the Registration Statement, in seeking its objective, the Small Cap Portfolio will invest in a diversified selection of equity securities included in the Russell 2000 Index that the Adviser believes are aligned with predicted investor risk preferences.[13] The Russell 2000 Index measures the performance of the small-cap segment of the U.S. equity market. The Russell 2000 Index is a subset of the Russell 3000® Index representing approximately 10% of the total market capitalization of the Russell 3000® Index. The Russell 2000 Index includes approximately 2000 of the smallest securities, including business development companies, based on a combination of their market cap and current index membership. The Russell 2000 Index is constructed to provide a comprehensive and unbiased small-cap barometer and is completely reconstituted annually to ensure larger stocks do not distort the performance and characteristics of the true small-cap opportunity set. As of September 30, 2013, the Russell 2000 Index was comprised of 1,962 securities.

According to the Registration Statement, under normal circumstances, the Small Cap Portfolio will invest at least 80% of its net assets (plus the amount of borrowings for investment purposes) in securities of small-cap companies. The Small Cap Portfolio considers small-cap companies to be companies with market capitalizations falling within the range of the Russell 2000 Index at the time of initial purchase. In selecting securities for the Small Cap Portfolio, the Adviser will utilize a proprietary quantitative investment process to measure and predict investor risk preferences. This investment process recognizes that the attributes that render a particular security ''risky'' or ''safe'' from an investor's perspective will change over time. The process therefore will begin with a broad set of plausible dimensions of risk, or factors that may be viewed by investors as contributing to a security's risk level at any given time. This set will include, among many other items, market beta, liquidity, and exposure to certain commodities, leading economic indicators, currency, credit risk, and performance differences between cyclical and defensive sectors. The Adviser then will use a sequence of procedures to develop a subset of attributes representing those it believes to be relevant to investors at a given time. This subset will help form the Adviser's forecast for aggregate risk appetite and assist the Adviser in generating the groups of securities likely to benefit the most and least in light of that forecast. Different predictions of risk appetite may result in portfolios that are more defensive or risk-seeking, based on what the market considers safe and/or risky at a given time. For example, during periods of anticipated investor preference for low risk, the Adviser will adjust the Small Cap Portfolio's composition to be defensive. On the other hand, during periods of anticipated investor preference for high risk, the Adviser will adjust the Small Cap Portfolio's composition to be risk-seeking. Similarly, exposures to value, growth, quality and other themes will vary depending on how they align with investor risk appetite at a given time. In periods of anticipated investor preference for moderate risk, the Small Cap Portfolio's composition will more closely reflect the weighted composition of the Russell 2000 Index. The Adviser believes the ebbing and flowing of risk preferences give this strategy the potential to provide competitive returns relative to the Russell 2000 Index over the long term. The Small Cap Portfolio will be non-diversified for purposes of the 1940 Act, and as a result may invest a greater percentage of its assets in a particular issuer than a diversified fund. However, it is expected that the Small Cap Portfolio will have exposure to a diversified mix of equity securities.

Other Investments

While, under normal circumstances, the Adviser, with respect to each

[12] *See supra* note 8.

[13] *See supra* note 9.

Portfolio, will invest at least 80% of such Portfolio's net assets in equity securities, as described above, the Adviser may invest up to 20% of a Portfolio's net assets in other securities and financial instruments, as described below.

According to the Registration Statement, each Fund may (either indirectly through its investments in the corresponding Portfolio or, in the absence of normal circumstances,[14] directly) invest in the following types of investments. The investment practices of the Portfolios are the same in all material respects to those of the Funds.

According to the Registration Statement, in the absence of normal circumstances, a Fund may (either directly or through the corresponding Portfolio) temporarily depart from its normal investment policies and strategies provided that the alternative is consistent with the Fund's investment objective and is in the best interest of the Fund. For example, a Fund may hold a higher than normal proportion of its assets in cash in times of extreme market stress.

According to the Registration Statement, each Portfolio may invest in short term instruments, including money market instruments (including money market funds advised by the Adviser), cash and cash equivalents on an ongoing basis to provide liquidity or for other reasons. Money market instruments are generally short-term investments that may include but are not limited to: (i) Shares of money market funds (including those advised by the Adviser); (ii) obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit (''CDs''), bankers' acceptances, fixed time deposits and other obligations of U.S. and foreign banks (including foreign branches) and similar institutions; (iv) commercial paper rated at the date of purchase ''Prime-1'' by Moody's Investor's Service or ''A–1'' by Standard & Poor's, or if unrated, of comparable quality as determined by the Adviser; (v) non-convertible corporate debt securities (e.g., bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; and (vi) short-term U.S. dollar-denominated obligations of foreign banks (including U.S. branches) that, in the opinion of the Adviser, are of comparable quality to obligations of U.S. banks which may be purchased by a Portfolio. Commercial paper consists of short-term, promissory notes issued by banks, corporations and other entities to finance short-term credit needs. Any of these instruments may be purchased on a current or a forward-settled basis.

According to the Registration Statement, each Portfolio may invest in repurchase agreements with commercial banks, brokers or dealers to generate income from its excess cash balances and to invest securities lending cash collateral. A repurchase agreement is an agreement under which a fund acquires a financial instrument (e.g., a security issued by the U.S. Government or an agency thereof, a banker's acceptance or a certificate of deposit) from a seller, subject to resale to the seller at an agreed upon price and date (normally, the next business day).

According to the Registration Statement, each Portfolio may invest in convertible securities. Convertible securities are bonds, debentures, notes, preferred stocks or other securities that may be converted or exchanged (by the holder or by the issuer) into shares of the underlying common stock (or cash or securities of equivalent value) at a stated exchange ratio. A convertible security may also be called for redemption or conversion by the issuer after a particular date and under certain circumstances (including a specified price) established upon issue.

According to the Registration Statement, each Portfolio may invest in U.S. Government obligations. U.S. Government obligations are a type of bond. U.S. Government obligations include securities issued or guaranteed as to principal and interest by the U.S. Government, its agencies or instrumentalities.

According to the Registration Statement, each Portfolio may invest in U.S. agency mortgage pass-through securities. The term ''U.S. agency mortgage pass-through security'' refers to a category of pass-through securities backed by pools of mortgages and issued by one of several U.S. Government-sponsored enterprises: The Government National Mortgage Association (''Ginnie Mae''), Federal National Mortgage Association (''Fannie Mae''), or Federal Home Loan Mortgage Corporation (''Freddie Mac'').

According to the Registration Statement, the Portfolios will seek to obtain exposure to U.S. agency mortgage pass-through securities primarily through the use of ''to-be-announced'' or ''TBA transactions.'' ''TBA'' refers to a commonly used mechanism for the forward settlement of U.S. agency mortgage pass-through securities, and not to a separate type of mortgage-backed security. Most transactions in mortgage pass-through securities occur through the use of TBA transactions.[15]

According to the Registration Statement, each Portfolio may purchase U.S. exchange-listed common stocks and U.S. exchange-listed preferred securities of foreign corporations. Investments in common stock of foreign corporations may also be in the form of American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs'') and European Depositary Receipts (''EDRs'') (collectively ''Depositary Receipts''). A Portfolio may invest in unsponsored Depositary Receipts.

According to the Registration Statement, each Portfolio may invest in bonds, including corporate bonds as well as U.S. registered, dollar-denominated bonds of foreign corporations, governments, agencies and supra-national entities. Each Portfolio may invest up to 10% of its net assets in high yield debt securities.

According to the Registration Statement, the Portfolios may invest in inflation-protected public obligations, commonly known as ''TIPS,'' of the U.S. Treasury, as well as TIPS of major governments and emerging market countries, excluding the United States. TIPS are a type of security issued by a government that are designed to provide inflation protection to investors.

According to the Registration Statement, each Portfolio may invest in variable and floating rate securities.[16] Variable rate securities are instruments issued or guaranteed by entities such as (1) the U.S. government or an agency or instrumentality thereof, (2) corporations, (3) financial institutions, (4) insurance companies, or (5) trusts that have a rate of interest subject to adjustment at regular intervals but less frequently than annually.

According to the Registration Statement, each Portfolio may invest in Variable Rate Demand Obligations (''VRDOs''). VRDOs are short-term tax exempt fixed income instruments whose

[14] *See supra* note 8.

[15] According to the Registration Statement, to minimize the risk of default by a counterparty, a Portfolio will enter into TBA transactions only with established counterparties (such as major broker-dealers) and the Adviser will monitor the creditworthiness of such counterparties.

[16] A variable rate security provides for the automatic establishment of a new interest rate on set dates. A floating rate security provides for the automatic adjustment of its interest rate whenever a specified interest rate changes. Interest rates on these securities are ordinarily tied to, and are a percentage of, a widely recognized interest rate, such as the yield on 90-day US Treasury bills or the prime rate of a specified bank.

yield is reset on a periodic basis. VRDO securities tend to be issued with long maturities of up to 30 or 40 years; however, they are considered short-term instruments because they include a put feature which coincides with the periodic yield reset.

According to the Registration Statement, each Portfolio may invest in restricted securities. Restricted securities are securities that are not registered under the Securities Act, but which can be offered and sold to ''qualified institutional buyers'' under Rule 144A under the Securities Act.[17]

According to the Registration Statement, each Portfolio may conduct foreign currency transactions on a spot (*i.e.,* cash) or forward basis (*i.e.,* by entering into forward contracts to purchase or sell foreign currencies). At the discretion of the Adviser, the Portfolios may enter into forward currency exchange contracts for hedging purposes to help reduce the risks and volatility caused by changes in foreign currency exchange rates, or to gain exposure to certain currencies.

According to the Registration Statement, each Portfolio may invest in the securities of other investment companies, including affiliated funds, money market funds and closed-end funds, subject to applicable limitations under Section 12(d)(1) of the 1940 Act. According to the Registration Statement, each Portfolio may invest in exchange-traded products (''ETPs'').[18] ETPs include exchange-traded funds registered under the 1940 Act; exchange traded commodity trusts; and exchange traded notes (''ETNs'').[19]

According to the Registration Statement, the Adviser may invest up to 20% of its total assets in one or more ETPs that are qualified publicly traded partnerships (''QPTPs'') and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities.[20] A QPTP is an entity that is treated as a partnership for federal income tax purposes, subject to certain requirements. Income from QPTPs is generally qualifying income for purposes of Subchapter M of the Internal Revenue Code.[21]

According to the Registration Statement, the Portfolios may invest in real estate investment trusts (''REITs'').

According to the Registration Statement, each Portfolio may enter into reverse repurchase agreements.

Neither the Funds nor the Portfolios will invest in options contracts, futures contracts, or swap agreements.

The Funds' investments will be consistent with the Funds' investment objectives and will not be used to enhance leverage.

According to the Registration Statement, each Fund is classified as ''non-diversified.'' [22]

According to the Registration Statement, the Funds do not intend to concentrate their investments in any particular industry.[23]

According to the Registration Statement, the Funds intend to qualify for and to elect treatment as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[24]

Each Portfolio may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser.[25] Each Portfolio will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[26]

Net Asset Value

According to the Registration Statement, each Fund will calculate net asset value (''NAV'') using the NAV of the respective Portfolio. NAV per Share for each Portfolio will be computed by dividing the value of the net assets of the Portfolio (i.e., the value of its total assets less total liabilities) by the total number of Shares outstanding, rounded to the nearest cent. Expenses and fees, including the management fees, will be accrued daily and taken into account for purposes of determining NAV. The NAV of a Portfolio will be calculated by the Custodian and determined at the close of the regular trading session on the New York Stock Exchange (ordinarily 4:00 p.m. Eastern time (''E.T.'')) on each day that such exchange is open, provided that assets (and, accordingly, a Portfolio's NAV) may be valued as of the announced closing time for trading in

[17] According to the Registration Statement, when Rule 144A restricted securities present an attractive investment opportunity and meet other selection criteria, a Portfolio may make such investments whether or not such securities are ''illiquid'' depending on the market that exists for the particular security. The Board has delegated the responsibility for determining the liquidity of Rule 144A restricted securities that a Portfolio may invest in to the Adviser. *See* note 26, *infra.*

[18] For each of the Portfolios, ETPs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); Trust Units (as described in NYSE Arca Equities Rule 8.500); Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600), and closed-end funds. The ETPs all will be listed and traded in the U.S. on registered exchanges. While a Fund may invest in inverse ETPs, a Fund will not invest in leveraged or inverse leveraged ETPs (e.g., 2X or 3X).

[19] ETNs are debt obligations of investment banks which are traded on exchanges and the returns of which are linked to the performance of market indexes. In addition to trading ETNs on exchanges, investors may redeem ETNs directly with the issuer on a weekly basis, typically in a minimum amount of 50,000 units, or hold the ETNs until maturity.

[20] Examples of such entities are the PowerShares DB Energy Fund, PowerShares DB Oil Fund, PowerShares DB Precious Metals Fund, PowerShares DB Gold Fund, PowerShares DB Silver Fund, PowerShares DB Base Metals Fund, and PowerShares DB Agriculture Fund, which are listed and traded on the Exchange pursuant to NYSE Arca Equities Rule 8.200.

[21] 26 U.S.C. 851 *et seq.*

[22] According to the Registration Statement, each Fund will be ''non-diversified'' under the 1940 Act and may invest more of its assets in fewer issuers than ''diversified'' funds. The diversification standard is set forth in Section 5(b)(1) of the 1940 Act (15 U.S.C. 80a–5(b)(1)).

[23] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[24] 26 U.S.C. 851 *et seq.*

[25] In reaching liquidity decisions, the Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[26] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

instruments on any day that the applicable exchange or market on which a Portfolio's investments are traded announces an early closing time. Creation/redemption order cut-off times may also be earlier on such days.

According to the Adviser, each Portfolio's investments will be valued at market value or, in the absence of market value with respect to any investment, at fair value in accordance with valuation procedures adopted by the Board of Trustees of the SSgA Master Trust and the Board of Trustees of the SSgA Active ETF Trust [27] (the ''Board'') and in accordance with the 1940 Act. Common stocks and equity securities (including shares of REITs and ETPs, such as QPTPs) traded on a recognized domestic securities exchange will be valued at the last reported sale price or the official closing price on that exchange where the stock is primarily traded on the day that the valuation is made. Portfolio securities traded in the over-the-counter market will be valued at the last reported sale price on the valuation date. Foreign equities and listed ADRs will be valued at the last sale or official closing price on the relevant exchange on the valuation date. If, however, neither the last sales price nor the official closing price is available, each of these securities will be valued at either the last reported sale price or official closing price as of the close of regular trading of the principal market on which the security is listed consistent with the respective primary benchmark.

According to the Adviser, fixed income securities, including mortgage-backed securities, treasuries, and corporate bonds will generally be valued at bid prices received from independent pricing services as of the announced closing time for trading in fixed-income instruments in the respective market or exchange. In determining the value of a fixed income investment, pricing services determine valuations for normal institutional-size trading units of such securities using valuation models or matrix pricing, which incorporates yield and/or price with respect to bonds that are considered comparable in characteristics such as rating, interest rate and maturity date and quotations from securities dealers to determine current value. Short-term investments that mature in less than 60 days when purchased will be valued at cost adjusted for amortization of premiums and accretion of discounts.

Any assets or liabilities denominated in currencies other than the U.S. dollar will be converted into U.S. dollars at the current market rates on the date of valuation as quoted by one or more sources. Forward foreign currency contracts will be valued based upon the difference in the forward exchange rates at the dates of entry into the contracts and the forward rates as of the current valuation date as quoted by one or more independent sources.

If a security's market price is not readily available or does not otherwise accurately reflect the fair value of the security, the security will be valued by another method that the Board believes will better reflect fair value in accordance with the Trust's valuation policies and procedures and in accordance with the 1940 Act. The Board has delegated the process of valuing securities for which market quotations are not readily available or do not otherwise accurately reflect the fair value of the security to the Pricing and Investment Committee (the ''Committee'').[28] The Committee, subject to oversight by the Board, may use fair value pricing in a variety of circumstances, including but not limited to, situations when trading in a security has been suspended or halted. Accordingly, a Portfolio's NAV may reflect certain securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be received on the sale of the security.

The pre-established pricing methods and valuation policies and procedures outlined above may change, subject to the review and approval of the Committee and Board, as necessary.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Funds will be in compliance with Rule 10A–3 [29] under the Exchange Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of each Fund will be calculated daily and that the NAV and the Disclosed Portfolio of each Fund will be made available to all market participants at the same time.

Creation and Redemption of Shares

According to the Registration Statement, each Fund will offer and issue Shares only in aggregations of a specified number of Shares (each, a ''Creation Unit''). Creation Unit sizes will be 50,000 Shares per Creation Unit. The Creation Unit size for a Fund may change. Each Fund will issue and redeem Shares only in Creation Units at the NAV next determined after receipt of an order on a continuous basis on a Business Day. The NAV of a Fund will be determined once each Business Day, normally as of the close of trading on the New York Stock Exchange (normally, 4:00 p.m., E.T.). An order to purchase or redeem Creation Units will be deemed to be received on the Business Day on which the order is placed provided that the order is placed in proper form prior to the applicable cut-off time (typically required by 2:00 p.m. E.T.). A ''Business Day'' with respect to a Fund will be, generally, any day on which the New York Stock Exchange is open for business.

The consideration for purchase of a Creation Unit of a Fund will generally consist of the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and a specified cash payment (the ''Cash Component''). However, consideration may consist of the cash value of the Deposit Securities (''Deposit Cash'') and the Cash Component.

Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component will constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of any Fund. The ''Cash Component'' is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. The Cash Component serves the function of compensating for any differences between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

The Custodian, through the National Securities Clearing Corporation (''NSCC'') will make available on each Business Day, immediately prior to the opening of business on the Exchange (currently 9:30 a.m., E.T.), the list of the names and the required number of shares of each Deposit Security or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at

[27] The Board of Trustees of the SSgA Master Trust and the Board of Trustees of the SSgA Active ETF Trust have adopted the same valuation procedures.

[28] The Pricing and Investment Committee has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Portfolios and the Funds.

[29] 17 CFR 240.10A–3.

the end of the previous Business Day) for a Fund.

The Trust reserves the right to permit or require the substitution of an amount of cash (i.e., a ''cash in lieu'' amount) to be added to the Cash Component to replace any Deposit Security including, without limitation, situations where the Deposit Security: (i) May not be available in sufficient quantity for delivery, (ii) may not be eligible for transfer through the systems of the Depository Trust Company for corporate securities and municipal securities or the Federal Reserve System for U.S. Treasury securities; (iii) may not be eligible for trading by an authorized participant or the investor for which it is acting; (iv) would be restricted under the securities laws or where the delivery of the Deposit Security to the authorized participant would result in the disposition of the Deposit Security by the authorized participant becoming restricted under the securities laws, or (v) in certain other situations in accordance with the Exemptive Order.[30]

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by a Fund through the Transfer Agent and only on a Business Day.

With respect to each Fund, the Custodian, through the NSCC, will make available immediately prior to the opening of business on the Exchange (currently 9:30 a.m. E.T.) on each Business Day, the list of the names and share quantities of each Fund's portfolio securities that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities'').

Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of a Fund, redemption proceeds for a Creation Unit will consist of Fund Securities as announced by the Custodian on the Business Day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''), less a fixed redemption transaction fee and any applicable additional variable charge.

The Trust may, in its discretion, exercise its option to redeem Shares in cash, and the redeeming Shareholders will be required to receive their redemption proceeds in cash, as described in the Registration Statement. The investor will receive a cash payment equal to the NAV of its Shares based on the NAV of Shares of the relevant Fund next determined after the redemption request is received in proper form.

Availability of Information

The Funds' Web site (*www.spdrs.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Funds that may be downloaded. The Funds' Web site will include additional quantitative information updated on a daily basis, including, for the Funds, (1) daily trading volume, the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[31] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Funds will disclose on their Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that will form the basis for the Funds' calculation of NAV at the end of the business day.[32]

On a daily basis, the Adviser will disclose for each portfolio security and other financial instrument of the Funds and of the Portfolios the following information on the Funds' Web site: ticker symbol (if applicable), name of security and financial instrument, number of shares or dollar value of financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities required to be delivered in exchange for a Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the New York Stock Exchange via NSCC. The basket represents one Creation Unit of each Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Funds' Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares and underlying U.S. exchange-traded equities, including exchange-traded ETPs, will be available via the Consolidated Tape Association (''CTA'') high-speed line and from the national securities exchange on which they are listed. Pricing information regarding each asset class in which the Funds or Portfolios will invest is generally available through nationally recognized data service providers through subscription arrangements. Quotation information from brokers and dealers or pricing services will be available for fixed income securities, including U.S. Government obligations, other money market instruments, repurchase and reverse repurchase agreements, convertible securities, U.S. agency mortgage pass-through securities, unsponsored Depositary Receipts, corporate bonds, TIPS, variable floating rate securities (including VRDOs), and spot and forward currency transactions held by the Funds and Portfolios.

Every fifteen seconds during NYSE Arca Core Trading Session, an indicative optimized portfolio value (''IOPV'') relating to each Fund will be disseminated by one or more major

[30] To be eligible to be an authorized participant, an entity must (a) enter into a participant agreement and (b) be a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation or a DTC participant.

[31] The Bid/Ask Price of the Funds will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Funds' NAV. The records relating to Bid/Ask Prices will be retained by the Funds and their service providers.

[32] Under accounting procedures followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Funds will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

market data vendors.[33] The IOPV is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600 (c)(3).[34] The dissemination of the IOPV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Funds and of the Portfolios on a daily basis and to provide a close estimate of that value throughout the trading day. The intra-day, closing and settlement prices of the Portfolio securities and other assets held by the Funds and Portfolios are also readily available from the national securities exchanges trading such securities or other assets, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Funds that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds.[35] Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolios of the Funds; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern Time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[36] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying equity securities (including, without limitation, sponsored ADRs and ETPs) and other exchange-traded securities with other markets and other entities that are members of ISG and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying equity securities (including, without limitation, sponsored ADRs and ETPs) and other exchange-traded securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and underlying equity securities (including, without limitation, sponsored ADRs and ETPs) and other exchange-traded securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[37]

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (4) how information regarding the IOPV is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Funds are subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Exchange Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern Time each trading day.

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the

[33] The IOPV calculations are estimates of the value of the Funds' NAV per Share using market data converted into U.S. dollars at the current currency rates. The IOPV price is based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the IOPV and the market price may occur. This should not be viewed as a ''real-time'' update of the NAV per Share of the Funds, which is calculated only once a day.

[34] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IOPVs taken from CTA or other data feeds.

[35] *See* NYSE Arca Equities Rule 7.12, Commentary .04.

[36] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[37] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolios for the Funds may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

requirement under Section 6(b)(5)[38] that an exchange have rules that are 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, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Funds' portfolios. In addition, the Trust's Pricing and Investment Committee has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Portfolios and the Funds. The Portfolios will invest only in equity securities that trade in markets that are members of the ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange. Neither the Funds nor the Portfolios will invest in options contracts, futures contracts, or swap agreements. While the Funds may invest in inverse ETFs, the Funds will not invest in leveraged or inverse leveraged ETFs (e.g., 2X or 3X). Each Portfolio may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying equity securities (including, without limitation, sponsored ADRs and ETPs) and other exchange-traded securities with other markets and other entities that are members of ISG and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying equity securities (including, without limitation, sponsored ADRs and ETPs) and other exchange-traded securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and underlying equity securities (including, without limitation, sponsored ADRs and ETPs) and other exchange-traded securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolios will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Funds and the Shares, thereby promoting market transparency. Quotation and last sale information for the Shares and underlying U.S. exchange-traded equities, including exchange-traded ETPs, will be available via the Consolidated Tape Association (''CTA'') high-speed line and from the national securities exchange on which they are listed. Quotation information from brokers and dealers or pricing services will be available for fixed income securities, including U.S. Government obligations, other money market instruments, repurchase and reverse repurchase agreements, convertible securities, U.S. agency mortgage pass-through securities, unsponsored Depositary Receipts, corporate bonds, TIPs, variable floating rate securities (including VRDOs), and spot and forward currency transactions held by the Funds and Portfolios. Pricing information regarding each asset class in which the Funds or Portfolios will invest is generally available through nationally recognized data service providers through subscription arrangements. The Funds' portfolio holdings will be disclosed on their Web site daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. Moreover, the IOPV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Funds will disclose on their Web site the Disclosed Portfolio that will form the basis for the Funds' calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Funds may be halted. In addition, as noted above, investors will have ready access to information regarding the Funds' holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Funds' holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace.

[38] 15 U.S.C. 78f(b)(5).

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–NYSEARCA–2014–11 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–NYSEARCA–2014–11. 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–NYSEARCA–2014–11 and should be submitted on or before February 28, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–02620 Filed 2–6–14; 8:45 am]

BILLING CODE 8011–01–P

[39] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8626]

60-Day Notice of Proposed Information Collection: Refugee Biographic Data

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to April 8, 2014.

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

- *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Public Notice 8626'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- *Email: spruellda@state.gov.*
- *Mail:* Delicia Spruell, PRM/Admissions, 2025 E Street NW., SA–9, 8th Floor, Washington, DC 20522–0908.
- *Fax:* (202) 453–9393.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Delicia Spruell, PRM/Admissions, 2025 E Street NW., SA–9, 8th Floor, Washington, DC 20522–0908, who may be reached on (202) 453–9257 or at *spruellda@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Refugee Biographic Data.
- *OMB Control Number:* 1405–0102.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Population, Refugees, and Migration, Office of Admissions, PRM/A.
- *Form Number:* N/A.
- *Respondents:* Refugee applicants for the U.S. Refugee Admissions Program.
- *Estimated Number of Respondents:* 70,000.
- *Estimated Number of Responses:* 70,000.
- *Average Time per Response:* One-half hour.
- *Total Estimated Burden Time:* 35,000 hours.
- *Frequency:* Once per respondent.
- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted,

including your personal information, will be available for public review.

Abstract of proposed collection:

The Refugee Biographic Data Sheet describes a refugee applicant's personal characteristics and is needed to match the refugee with a resettlement agency to ensure appropriate initial reception and placement in the U.S. under the United States Refugee Admissions Program administered by the Bureau of Population, Refugees, and Migration, as cited in the Immigration and Nationality Act and the Refugee Act of 1980.

Methodology:

Biographic information is collected in a face-to-face intake process with the applicant overseas. An employee of a Resettlement Support Center, under cooperative agreement with PRM, collects the information and enters it into the Worldwide Refugee Admissions Processing System.

Dated: January 31, 2014.

Kelly Gauger,

Deputy Director, Office of Admissions, Bureau of Population, Refugees, and Migration, Department of State.

[FR Doc. 2014–02721 Filed 2–6–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8628]

In the Matter of the Designation of Malik Ishaq, Also Known as Mohammed Ishaq, Also Known as Malik Mohammed Ishaq, as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Malik Ishaq, also known as Mohammed Ishaq, also known as Malik Mohammed Ishaq, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: December 6, 2013.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–02716 Filed 2–6–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 8625]

U.S. Department of State Advisory Committee on Private International Law (ACPIL); Public Meeting on Arbitration

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss possible topics for future work related to arbitration or conciliation in the United Nations Commission on International Trade Law (UNCITRAL). The public meeting will take place on Wednesday, February 26, 2014 from 9:00 a.m. until 12 p.m. EST. This is not a meeting of the full Advisory Committee.

UNCITRAL's Working Group II (Arbitration and Conciliation) is currently working on the development of a convention on transparency in treaty-based investor-state arbitration. Once this negotiation is completed, however, it is unclear what the Working Group should address next. One project that has been suggested is updating the UNCITRAL Notes on Organizing Arbitral Proceedings.

The purpose of the public meeting is to obtain the views of concerned stakeholders on two topics: (1) Whether updating the Notes would be a worthwhile project for the Working Group and, if so, what areas should be addressed in such an update, and (2) which other projects, if any, related to international arbitration and conciliation UNCITRAL should undertake. Those who cannot attend but wish to comment are welcome to do so by email to Tim Schnabel at *SchnabelTR@state.gov.*

Time and Place: The meeting will take place from 9:00 a.m. until 12:00 p.m. in Room 4835, Harry S Truman Building, 2201 C Street NW., Washington, DC 20520. Participants should plan to arrive at the C Street entrance by 8:30 a.m. for visitor screening. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room. Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend should email *pil@state.gov* providing full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building. A member of the public needing reasonable accommodation should email *pil@state.gov* not later than February 19, 2014. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please email *pil@state.gov* to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities.

The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated January 30, 2014.

Timothy R. Schnabel,

Attorney-Adviser, Office of Private International Law, Office of Legal Adviser, Department of State.

[FR Doc. 2014–02706 Filed 2–6–14; 8:45 am]

BILLING CODE 4710–08–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: April 1 through December 31, 2013.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 1306; fax: (717) 238–2436; email: *rcairo@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(e)

1. Albemarle Corporation, Tyrone, PA Plant, ABR–201304008, Tyrone Borough, Blair County, Pa.; Consumptive Use of Up to 0.095 mgd; Approval Date: April 9, 2013.

2. Marcellus GTL, LLC, Altoona Plant, ABR–201307005, Blair Township, Blair County, PA.; Approval Date: July 16, 2013.

Approvals By Rule Issued Under 18 CFR 806.22(f)

1. Chesapeake Appalachia, LLC, Pad ID: McEnaney, ABR–201304001, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 2, 2013.

2. Campbell Oil and Gas, Inc., Pad ID: Mid Penn Unit A Well Pad, ABR–201304002, Bigler Township, Clearfield County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: April 2, 2013.

3. Southwestern Energy Production Company, Pad ID: McMahon (VW Pad), ABR–201304003, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: April 2, 2013.

4. Chesapeake Appalachia, LLC, Pad ID: Sharpe, ABR–201304004, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 5, 2013.

5. Cabot Oil & Gas Corporation, Pad ID: PritchardD P1, ABR–201304005, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: April 5, 2013.

6. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad C, ABR–201304006, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: April 5, 2013.

7. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 596 Pad B, ABR–201304007, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: April 5, 2013.

8. Southwestern Energy Production Company, Pad ID: Martin (Pad 11), ABR–201304009, Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: April 15, 2013.

9. Southwestern Energy Production Company, Pad ID: Ferguson-Keisling (Pad B), ABR–201304010, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: April 15, 2013.

10. Southwestern Energy Production Company, Pad ID: Tice (13 Pad), ABR–201304011, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: April 15, 2013.

11. Southwestern Energy Production Company, Pad ID: MITCHELL NORTH 7/MITCHELL SOUTH 23, ABR–201304012, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: April 15, 2013.

12. Seneca Resources, Pad ID: D.C.NR 100 Pad R, ABR–201304013, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: April 15, 2013.

13. SWEPI LP, Pad ID: Flack 502, ABR–201304014, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: April 19, 2013.

14. Chesapeake Appalachia, LLC, Pad ID: Lucy, ABR–201304015, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 19, 2013.

15. Chesapeake Appalachia, LLC, Pad ID: Wittig, ABR–201304016, Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 22, 2013.

16. Chesapeake Appalachia, LLC, Pad ID: Poepperling, ABR–201304017, North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: April 22, 2013.

17. SWEPI LP, Pad ID: Edkin 499, ABR–201304018, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: April 24, 2013.

18. Chief Oil & Gas LLC, Pad ID: P. Cullen A Drilling Pad, ABR–201304019, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: April 26, 2013.

19. Chief Oil & Gas LLC, Pad ID: Inderlied Drilling Pad, ABR–201304020, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: April 30, 2013.

20. Chesapeake Appalachia, LLC, Pad ID: Hooker, ABR–201305001, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: May 7, 2013.

21. Chesapeake Appalachia, LLC, Pad ID: Visneski, ABR–201305002, Mehoopany Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: May 7, 2013.

22. Atlas Resources, LLC, Pad ID: Stubler Pad A, ABR–201305003, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: May 13, 2013.

23. Carrizo (Marcellus), LLC, Pad ID: Plushanski Pad, ABR–201305004, Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: May 13, 2013.

24. Cabot Oil & Gas Corporation, Pad ID: Thomas R P1, ABR–201305005, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: May 13, 2013.

25. Chesapeake Appalachia, LLC, Pad ID: ODowd, ABR–201305006, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: May 13, 2013.

26. Chesapeake Appalachia, LLC, Pad ID: Walters, ABR–201305007, Mehoopany Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: May 13, 2013.

27. Chief Oil & Gas LLC, Pad ID: Runabuck Drilling Pad, ABR–201305008, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: May 15, 2013.

28. Talisman Energy USA Inc., Pad ID: 07–022 Repine T, ABR–201305009, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: May 21, 2013.

29. Talisman Energy USA Inc., Pad ID: 07–017 Kropp C, ABR–201305010, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: May 21, 2013.

30. Talisman Energy USA Inc., Pad ID: 07–010 Taylor Buckhorn Land Co., ABR–201305011, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: May 21, 2013.

31. Talisman Energy USA Inc., Pad ID: 07–043 Schmitt D, ABR–201305012, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: May 21, 2013.

32. Cabot Oil & Gas Corporation, Pad ID: Bishop B P1, ABR–201305013, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.57 mgd; Approval Date: May 29, 2013.

33. Cabot Oil & Gas Corporation, Pad ID: Huston J P1, ABR–201305014, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: May 29, 2013.

34. Cabot Oil & Gas Corporation, Pad ID: Housel R P1, ABR–201305015, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: May 29, 2013.

35. EXCO Resources (PA), LLC, Pad ID: Chaapel Hollow Unit, ABR–201305016, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: May 31, 2013.

36. Cabot Oil & Gas Corporation, Pad ID: Gillingham R P1, ABR–201305017, Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: May 31, 2013.

37. Chesapeake Appalachia, LLC, Pad ID: Porter, ABR–201306001, North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 10, 2013.

38. Chesapeake Appalachia, LLC, Pad ID: Tinna, ABR–201306002, Windham and Mehoopany Townships, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 10, 2013.

39. Chesapeake Appalachia, LLC, Pad ID: Shamrock, ABR–201306003, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 10, 2013.

40. Range Resources—Appalachia, LLC, Pad ID: Laurel Hill B Unit, ABR–201306004, Jackson Township, Lycoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 11, 2013.

41. Talisman Energy USA Inc., Pad ID: 07–080 Thorne G, ABR–201306005, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: June 17, 2013.

42. Talisman Energy USA Inc., Pad ID: 07–081 Traver E, ABR–201306006, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: June 17, 2013.

43. Chesapeake Appalachia, LLC, Pad ID: Brewer, ABR–201306007, Meshoppen and Washington Townships, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 17, 2013.

44. Cabot Oil & Gas Corporation, Pad ID: ReynoldsR P1, ABR–201306008, Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: June 19, 2013.

45. Cabot Oil & Gas Corporation, Pad ID: StarzecE P1, ABR–201306009, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: June 19, 2013.

46. Chief Oil & Gas LLC, Pad ID: Spencer Drilling Pad, ABR–201306010, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: June 26, 2013.

47. Southwestern Energy Production Company, Pad ID: Heckman Camp (Pad F), ABR–201307001, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 9, 2013.

48. Southwestern Energy Production Company, Pad ID: TNT LTD PART WEST, ABR–201307002, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 9, 2013.

49. Southwestern Energy Production Company, Pad ID: Whipple (Pad 14), ABR–201307003, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 12, 2013.

50. Southwestern Energy Production Company, Pad ID: King N (Pad NW., 1), ABR–201307004, Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: July 15, 2013.

51. Atlas Resources, LLC, Pad ID: Stubler Pad B, ABR–201307006, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: July 17, 2013.

52. Cabot Oil & Gas Corporation, Pad ID: Biniewicz S P1, ABR–201308001, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 9, 2013.

53. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad E, ABR–201308002, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: August 12, 2013.

54. Cabot Oil & Gas Corporation, Pad ID: Keeves J P1, ABR–201308003, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 12, 2013.

55. Pennsylvania General Energy Company, LLC, Pad ID: SGL75 Pad B, ABR–201308004, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: August 13, 2013.

56. Pennsylvania General Energy Company, LLC, Pad ID: SGL75 Pad C, ABR–201308005, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: August 13, 2013.

57. Pennsylvania General Energy Company, LLC, Pad ID: SGL75 Pad D, ABR–201308006, Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: August 13, 2013.

58. Anadarko E&P Onshore LLC, Pad ID: Larry's Creek F&G Pad G, ABR–201308007, Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 14, 2013.

59. Cabot Oil & Gas Corporation, Pad ID: Bennett C P1, ABR–201308008, Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 14, 2013.

60. Cabot Oil & Gas Corporation, Pad ID: Marcho W&M P1, ABR–201308009, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 16, 2013.

61. Range Resources—Appalachia, LLC, Pad ID: Laurel Hill 9H–11H, ABR–201308010, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: August 16, 2013.

62. Range Resources—Appalachia, LLC, Pad ID: Dog Run HC Unit 4H–6H, ABR–201308011, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: August 16, 2013.

63. Range Resources—Appalachia, LLC, Pad ID: Laurel Hill 1H–8H, ABR–201308012, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: August 16, 2013.

64. Cabot Oil & Gas Corporation, Pad ID: Mead B P1, ABR–201308013, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 20, 2013.

65. Cabot Oil & Gas Corporation, Pad ID: Payne D P1, ABR–201308014, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: August 20, 2013.

66. Inflection Energy LLC, Pad ID: Bennett Well Pad, ABR–201308015, Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 26, 2013.

67. Southwestern Energy Production Company, Pad ID: Dropp-Range-Pad46, ABR–201308016, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: August 30, 2013.

68. Inflection Energy LLC, Pad ID: Hillegas Well Pad, ABR–201308017, Upper Fairfield Township, Lycoming

County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: August 30, 2013.

69. Southwestern Energy Production Company, Pad ID: Whipple (Pad 4), ABR–201309001, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 6, 2013.

70. Talisman Energy USA Inc., Pad ID: 07 075 Murphy D, ABR–201309002, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 6, 2013.

71. Talisman Energy USA Inc., Pad ID: 07 086 Butler J, ABR–201309003, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 6, 2013.

72. Talisman Energy USA Inc., Pad ID: 07 021 Shea D, ABR–201309004, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 6, 2013.

73. Talisman Energy USA Inc., Pad ID: 07 083 Olympic Lake Estates, ABR–201309005, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 6, 2013.

74. EXCO Resources (PA), LLC, Pad ID: Cadwalader Pad 2A, ABR–201309006, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: September 11, 2013.

75. EXCO Resources (PA), LLC, Pad ID: Poor Shot Pad 2 Unit, ABR–201309007, Anthony Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: September 11, 2013.

76. SWEPI, LP, Pad ID: Bradford 481, ABR–201309008, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 16, 2013.

77. Chief Oil & Gas LLC, Pad ID: Lathrop Farm Trust B Drilling Pad, ABR–201309009, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: September 17, 2013.

78. EXCO Resources (PA), LLC, Pad ID: Cadwalader Pad 3, ABR–201309010, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: September 17, 2013.

79. Cabot Oil & Gas Corporation, Pad ID: GrosvenorP P1, ABR–201309011, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: September 24, 2013.

80. Cabot Oil & Gas Corporation, Pad ID: StoddardT P1, ABR–201309012, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: September 24, 2013.

81. Anadarko E&P Onshore, LLC, Pad ID: Elbow F&G Pad D, ABR–201309013, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 24, 2013.

82. Anadarko E&P Onshore, LLC, Pad ID: Kenmar HC Pad A, ABR–201309014, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 27, 2013.

83. Anadarko E&P Onshore, LLC, Pad ID: Lycoming H&FC Pad F, ABR–201309015, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 27, 2013.

84. Chesapeake Appalachia, LLC, Pad ID: Kintner, ABR–201309016, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 27, 2013.

85. Chesapeake Appalachia, LLC, Pad ID: Parkhurst, ABR–201309017, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 30, 2013.

86. Seneca Resources Corporation, Pad ID: Gamble Pad K, ABR–201309018, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 30, 2013.

87. SWEPI LP, Pad ID: Sherman 492W, ABR–201310001, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: October 2, 2013.

88. Southwestern Energy Production Company, Pad ID: Salt Lick Hunting Club-Range-Pad59, ABR–201310002, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: October 7, 2013.

89. Southwestern Energy Production Company, Pad ID: Heckman Hiduk (Pad GS), ABR–201310003, Herrick and Stevens Townships, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: October 7, 2013.

90. Chesapeake Appalachia, LLC, Pad ID: Ferris, ABR–201310004, Braintrim Townships, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: October 21, 2013.

91. Chief Oil & Gas LLC, Pad ID: Loch Drilling Pad, ABR–201311001, Nicholson Township, Wyoming County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: November 5, 2013.

92. Cabot Oil & Gas Corporation, Pad ID: FoltzJ P1, ABR–201311002, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: November 5, 2013.

93. Chief Oil & Gas LLC, Pad ID: Kupscznk D Drilling Pad, ABR–201311003, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: November 5, 2013.

94. Cabot Oil & Gas Corporation, Pad ID: AckerC P1, ABR–201311004, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: November 13, 2013.

95. Range Resources—Appalachia, LLC, Pad ID: State Game Lands 075A—East Pad, ABR–201311005, Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: November 13, 2013.

96. Talisman Energy USA Inc., Pad ID: Cease, ABR–20090506.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

97. Talisman Energy USA Inc., Pad ID: Shedden D 26/27, ABR–20090507.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

98. Talisman Energy USA Inc., Pad ID: Harris M, ABR–20090508.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

99. Talisman Energy USA Inc., Pad ID: Bense, ABR–20090509.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

100. Talisman Energy USA Inc., Pad ID: Phinney, ABR–20090510.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

101. Talisman Energy USA Inc., Pad ID: Knights, ABR–20090522.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

102. Talisman Energy USA Inc., Pad ID: Harris A, ABR–20090523.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

103. Talisman Energy USA Inc., Pad ID: Thomas F 38, ABR–20090524.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 13, 2013.

104. Chesapeake Appalachia, LLC, Pad ID: BIM, ABR–201311006, Wilmot Township, Bradford County, Pa.;

Consumptive Use of Up to 7.500 mgd; Approval Date: November 14, 2013.

105. Chief Oil & Gas LLC, Pad ID: Kupscznk B Drilling Pad, ABR–201311007, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: November 19, 2013.

106. Inflection Energy LLC, Pad ID: Shaheen Well Site, ABR–201311008, Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: November 19, 2013.

107. Cabot Oil & Gas Corporation, Pad ID: AndersonR P1, ABR–201311009, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: November 19, 2013.

108. Talisman Energy USA Inc., Pad ID: Shedden D 13–43, ABR–20090603.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 19, 2013.

109. Talisman Energy USA Inc., Pad ID: Williams 41–42, ABR–20090611.R1, Troy Borough, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: November 19, 2013.

110. Chief Oil & Gas LLC, Pad ID: Garrison West Drilling Pad, ABR–201311010, Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: November 25, 2013.

111. WPX Energy Appalachia, LLC, Pad ID: Holbrook # 1, ABR–20090402.R1, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.001 mgd; Approval Date: November 25, 2013.

112. WPX Energy Appalachia, LLC, Pad ID: Turner—1, ABR–20090403.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.990 mgd; Approval Date: November 25, 2013.

113. WPX Energy Appalachia, LLC, Pad ID: Fiondi—1, ABR–20090404.R1, Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.990 mgd; Approval Date: November 25, 2013.

114. Cabot Oil & Gas Corporation, Pad ID: Severcool B P1, ABR–20090536.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 4, 2013.

115. Talisman Energy USA Inc., Pad ID: State Lands 587 Pad #1, ABR–20090609.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: December 4, 2013.

116. Chief Oil & Gas LLC, Pad ID: Harper Unit #1H, ABR–20090515.R1, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: December 6, 2013.

117. Chief Oil & Gas LLC, Pad ID: Jennings Unit #1H, ABR–20090516.R1, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: December 6, 2013.

118. Chief Oil & Gas LLC, Pad ID: Black Unit #1H, ABR–20090517.R1, Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: December 6, 2013.

119. Cabot Oil & Gas Corporation, Pad ID: Greenwood P1, ABR–20090548.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 6, 2013.

120. Southwestern Energy Production Company, Pad ID: NR–14–BRANT–PAD, ABR–201312001, Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: December 16, 2013.

121. Southwestern Energy Production Company, Pad ID: NR–11–DAYTON–PAD, ABR–201312002, Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: December 16, 2013.

122. Southwestern Energy Production Company, Pad ID: RU–40–BREESE–PAD, ABR–201312003, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: December 16, 2013.

123. Cabot Oil & Gas Corporation, Pad ID: Ely P1, ABR–20090546.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 17, 2013.

124. Cabot Oil & Gas Corporation, Pad ID: Gesford P3, ABR–20090549.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 17, 2013.

125. Cabot Oil & Gas Corporation, Pad ID: Gesford P4, ABR–20090550.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 17, 2013.

126. Cabot Oil & Gas Corporation, Pad ID: Heitsman A P2, ABR–20090552.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 17, 2013.

127. Cabot Oil & Gas Corporation, Pad ID: Smith P3, ABR–20090554.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 17, 2013.

128. Talisman Energy USA Inc., Pad ID: 07–087 Stickney A, ABR–201312004, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: December 20, 2013.

129. Cabot Oil & Gas Corporation, Pad ID: Lathrop P1, ABR–20090538.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 20, 2013.

130. Cabot Oil & Gas Corporation, Pad ID: Hubbard P1, ABR–20090545.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: December 20, 2013.

131. Anadarko E&P Onshore LLC, Pad ID: C.O.P. Tract 653—1000 ABR–20090405.R1, Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: December 24 2013.

132. Anadarko E&P Onshore LLC, Pad ID: C.O.P. Tract 285 (1000) ABR–20090408.R1, Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: December 24, 2013.

133. Anadarko E&P Onshore LLC, Pad ID: COP Tract 289 (1000H & 1001H) ABR–20090410.R1, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: December 24, 2013.

134. Anadarko E&P Onshore LLC, Pad ID: COP Tract 285 (1001H, 1002H) ABR–20090413.R1, Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: December 24, 2013.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: January 29, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–02635 Filed 2–6–14; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: June 1 through August 31, 2013.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 1306; fax: (717) 238–2436; email: *rcairo@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and § 806.22(f) for the time period specified above:

Rescinded ABR Issued June 1–August 31, 2013

1. Chesapeake Appalachia, LLC, Pad ID: Joyce Road, ABR–201101026, Rome Township, Bradford County, PA; Rescind Date: June 24, 2013.
2. Chesapeake Appalachia, LLC, Pad ID: Manella Acres, ABR–201109013, Albany Township, Bradford County, PA; Rescind Date: June 24, 2013.
3. Chesapeake Appalachia, LLC, Pad ID: Schulze, ABR–201203024, Rush Township, Susquehanna County, PA; Rescind Date: June 24, 2013.
4. Chesapeake Appalachia, LLC, Pad ID: Serengeti, ABR–20100643, Troy Township, Bradford County, PA; Rescind Date: June 24, 2013.
5. Chesapeake Appalachia, LLC, Pad ID: Lorraine, ABR–201208002, Tuscarora Township, Bradford County, PA; Rescind Date: June 24, 2013.
6. Chesapeake Appalachia, LLC, Pad ID: Ramsher, ABR–201210007, Terry Township, Bradford County, PA; Rescind Date: June 24, 2013.
7. Chesapeake Appalachia, LLC, Pad ID: Rinker, ABR–201102012, Elkland Township, Sullivan County, PA; Rescind Date: June 24, 2013.
8. Chief Oil & Gas, LLC, Pad ID: R & L Wilson Drilling Pad #1, ABR–201103048, Eaton Township, Wyoming County, PA; Rescind Date: June 24, 2013.
9. Chief Oil & Gas, LLC, Pad ID: R & A Harris Drilling Pad #1, ABR–201103016, Tunkhannock Township, Wyoming County, PA; Rescind Date: June 24, 2013.
10. Chief Oil & Gas, LLC, Pad ID: Smith Drilling Pad #1, ABR–201010067, Franklin Township, Bradford County, PA; Rescind Date: June 24, 2013.
11. Chief Oil & Gas, LLC, Pad ID: Beinlich Drilling Pad #1, ABR–201007058, Elkland Township, Sullivan County, PA; Rescind Date: June 24, 2013.
12. Chief Oil & Gas, LLC, Pad ID: Kobbe Drilling Pad #1, ABR–201007032, Elkland Township, Sullivan County, PA; Rescind Date: June 24, 2013.
13. Chief Oil & Gas, LLC, Pad ID: American Asphalt Drilling Pad #1, ABR–201102030, Eaton Township, Wyoming County, PA; Rescind Date: June 24, 2013.
14. Chief Oil & Gas, LLC, Pad ID: R & D Group Drilling Pad #1, ABR–201100548, Mehoopany Township, Wyoming County, PA; Rescind Date: June 24, 2013.
15. Chief Oil & Gas, LLC, Pad ID: Longmore Drilling Pad #1, ABR–201006109, Monroe Township, Wyoming County, PA; Rescind Date: June 24, 2013.
16. SM Energy, Inc., Pad ID: Young Pad #4, ABR–201105025, Portage Township, Potter County, PA; Rescind Date: June 28, 2013.
17. Emkey Resources, LLC, Pad ID: Mulligan #1, ABR–20100625, Lebanon Township, Madison County, NY; Rescind Date: August 29, 2013.
18. Range Resources-Appalachia, LLC, Pad ID: Ogontz Fishing Club 41H—44H, ABR–201201020, Cummings Township, Lycoming County, PA; Rescind Date: August 30, 2013.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: January 29, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–02634 Filed 2–6–14; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0017]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel EPIC KAUAI; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 10, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0017. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel EPIC KAUAI is:

Intended Commercial Use of Vessel: ''Whale watching tours on the Hawaiian Island of Kauai departing out of Nawiliwili with the South side of the island (East of Poipu and West of Nawiliwili) as the destination''

Geographic Region: ''Hawaii''

The complete application is given in DOT docket MARAD–2014–0017 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act

Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: February 4, 2014.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–02699 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0018]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel RESOLUTE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 10, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0018. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel RESOLUTE is:

Intended Commercial Use of Vessel: ''Carrying up to 6 passengers for day trips, weekend and/or full week cruises''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York''

The complete application is given in DOT docket MARAD–2014–0018 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 4, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–02702 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0016]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MI CASA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 10, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0016. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MI CASA is:

Intended Commercial Use of Vessel: ''Carrying of passengers for charters and fishing parties''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas''

The complete application is given in DOT docket MARAD–2014–0016 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments

should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: February 4, 2014.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–02695 Filed 2–6–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35793]

Nittany and Bald Eagle Railroad Company—Temporary Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR), pursuant to a written trackage rights agreement (Agreement) dated February 1, 2014, has agreed to grant non-exclusive, temporary, overhead trackage rights to Nittany and Bald Eagle Railroad Company (N&BE) over NSR's line of railroad between milepost BR 194.2 at Lock Haven, Pa., and milepost BR 139.2 at Driftwood, Pa., a distance of 55 miles.[1]

The transaction may be consummated on or after February 22, 2014, the effective date of the exemption (30 days after the verified notice of exemption was filed). The temporary trackage rights are scheduled to expire on or about December 30, 2014. The purpose of the temporary trackage rights is to allow N&BE to operate bridge train service for temporary, seasonal traffic.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway, Inc.—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than February 14, 2014 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35793, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Richard R. Wilson, 518 N. Center Street, Ste. 1, Ebensburg, PA 15931.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: January 31, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2014–02610 Filed 2–6–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Publication of Fiscal Year 2013 Service Contract Inventory

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of publication of Fiscal Year 2013 Service Contract Inventory.

SUMMARY: The Department of the Treasury will make available to the public at *http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-the-Procurement-Executive.aspx* (see Key Topics) the Department's Fiscal Year (FY) 2013 Service Contract Inventory. The Inventory lists all service contract actions over $25,000 awarded in FY 2013 and funded by Treasury, to include contract actions made on the Department's behalf by other agencies. Contract actions awarded by the Department on another agency's behalf with the other agency's funding are excluded.

FOR FURTHER INFORMATION CONTACT: Michele Sharpe, Office of the Procurement Executive, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, at (202) 622–0248 or *ootpe@do.treas.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Section 743 of Division C of the FY 2010 Consolidated Appropriations Act, Public Law (Pub. L.) 111–117, agencies required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Pub. L. 105–270; 31 U.S.C. 501 note), other than the Department of the Defense, shall also prepare an annual service contract inventory. Treasury submitted its inventory for FY 2013 to the Office of Management and Budget (OMB) on December 20, 2013.

Dated: January 29, 2014.

Iris B. Cooper,

Senior Procurement Executive.

[FR Doc. 2014–02651 Filed 2–6–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals Who Have Chosen To Expatriate

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPPA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending December 31, 2013. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

[1] A redacted version of the Agreement between NSR and N&BE was filed with the notice of exemption. N&BE simultaneously filed a motion for protective order to protect the confidential and commercially sensitive information contained in the unredacted version of the Agreement, which N&BE submitted under seal in this proceeding. That motion will be addressed in a separate decision.

Last name	First name	Middle name/initials
ADLER	MICHELE	
AMANPOUR	FERESHTEH	
AMBANI	ANANT	MUKESH
ANDEREGG	MICHAEL	OLIVIER
ANDERSEN	STEEN	CHRISTIAN
ANDERSON	M. ANDREW	
ANG	DEZARAE	SHUE YEN
ANG	RYAN	JIA-HAO
ANTUNES	NOAH	BENJAMIN BONOMI
ARN	CHRISTOPH	HUGO
ARN	NIKLAUS	PETER
AU	ANITA	YUEN WAI
BACHMANN	JOCELYNE	GERALDE
BACKHAMRE	INGVAR	
BACKHAMRE	KATARINA	ULLA BERIT
BADRAN	HANAN	
BANCSI	JOHN	JOSEPH
BANKES	RHYDIAN	NICHOLAS WYNNE
BASILA	NANCY	
BASLER	MICHELLE	CAROLINE
BASSIL	FRANCOIS	SEMAAN
BAUMANN	SIMON	DAVID
BECKERMANN	KAREN	MARIA
BEDROSSIAN	NATHAN	ALEXIS
BEECROFT	KATHLEEN	ANNE
BEINE	RENEE	CAROLYN
BELAND	RENEE	
BENDER	JOHN	
BENDIKSEN	GUNNAR	
BENZIAN	KAREN	SUE
BER	LORI	SUE
BER	SAMUEL	
BERG	JENS	PETER NEMETH
BERTRAND	NICOLE	MICHELLE FIGUEROA
BEYER	MARIELLE	CAMILLA
BEYERLY	ANNE	
BIBLER	JARED	EVAN
BILLIE	JERAI	DIMITRIS
BINFALAK	MHAMMED	SUBAIH
BIRCHLER	WALTER	
BLATTMANN	BEAT	OLIVER
BLOECHLINGER	PATRICIA	GABRIELLE
BLOUNT	ALEXANDER	BERNARD
BLUM	ANNE	ELISABETH
BLUM	NIKLIS	ALEXANDER
BOCK	MICHAEL	EDWARD
BODENMANN	ANDREAS	MICHAEL
BODMER	SARAH	ELISABETH
BOGER	MICHAEL	STEPHEN
BOHN	THOMAS	TAINER
BOLLA	RAJIV	
BOLLI	MARIANNE	I J
BOPP	ANDREAS	DOUGLAS
BOURGEOIS	RUTH	JUNE
BOYE	WILLIAM	
BRADLEY	LISA	ANNE
BRAENDLI	PATRICK	
BRANCH	GREGORY	WILLIAM
BRANDTNER	PETER	
BRANSON	SONYA	ELISABETH
BRENNINKMEYER	WILLIBRORDUS	JULIUS
BRODIN	PETER	LENNART
BROERE	JOHN	GUNARS
BROWN	RONALD	DOUGLAS
BRUNS-GSCHWINDT	EVELYN	BARBARA
BRYCE	JULIAN	HOWARD
BUCHMANN	LARS	BORIS
BUECHI	JOHN	OSCAR
BURGER	SUSANNE	
BURNAND	LEA	TAHIRIH
BURNS	JOHN	POND
CADALBERT	IRENE	EVA
CAIRNS	CAROLYN	JANE
CALDWELL	PETER	LLEWELLYN

Last name	First name	Middle name/initials
CARDONA	INGE	BERTHA
CARDONA	MANUEL	
CARINO	CAREN	
CARLSTROM	DENNIS	LOREN
CARNAL	MAURICE	MARTIN
CARNES	RUNA	LAILA
CARTMELL	BRIAN	ROSS
CASARI-STIERLIN	ANNE	
CATARINO	ULRIKA	GUN
CHAN	ANDREW	KING YUE
CHAN	BRIAN	YIK MING
CHAN	ROIS	L S
CHAN	SIMON	SIU-MING
CHANG	GAYLE	SHIMING
CHAO	ALAN	CHIEN
CHAO	JING	AMY
CHAPNICK	ADAM	HARRIS
CHASE	ELIZABETH	ANN
CHEN	GILLIAN	YI MIN
CHEN	PIN	JET
CHEUNG	DONNA	HOI LING
CHEUNG	KWOK	MING
CHEUNG	TERESA	LUMING
CHEUNG	WILSON	KA HO
CHI	JONATHON	TECK CHENG
CHIA	TOMMY	MING FAT
CHIANG	CHENG	LONG
CHIANG	CHIH	C
CHIAO	JANICE	
CHONG	KOH	WIL
CHOU	SHU	HUNG ANTHONY
CHOW	GENEVIEVE	KARWING
CHOW	YEE	LING
CHOY	CHLOE	HUI LING
CHU	FRANCES	SRI ENDANGSIH
CHUANG	GRACE	TWONCY
CHUANG	HARRY	HAKLAY
CHUNG	ANDREW	
CLAPP	SUZANNE	HALLILEY
CLARK	GEORGE	WENDELL
CLAUSEN	MARI	MARGARET
COCHRAN	AMADEUS	THOMAS
COLLOREDO-MANNSFELD	JEROME	W M
COLWELL	CURTIS	BRADFORD
CORAY-LUSSI	SUSANNA	C
CORSON	MAURA	HAYES
CORSON	ROBERT	WILSON
CROSBY	BRUCE	ALAN
CROWN	TERESA	ANN
CURTIS	BRET	EDMUND
DA MUTTEN	SILVIA	ANITA ZEIER
D'ALVIELLA	FELIX	A J J GOBLET
DAN	CAMILLE	MARI-ANNE
DANIEL	BERTRAND	PHILIPPE
DAVIS III	QUINCY	SPENCER
DE BORCHGRAVE	NICOLE	
DE FOESTRAETS	RAOUL	
DE HESSE	ALEXANDER	
DE MOUSTIER	AGNES	
DE PAREDES	GASPAR	MANUEL GARCIA
DE SOUSA	PAULO	J N MOITA TEIXEIRA
DE TERWANGNE	PHYLLIS	ANN
DEL MARMOL	MARY-ANN ELISABETH	ELISABETH
DEL MARMOL	MURIEL	DIANE ISABELLE MARY
DELEHANTY	BRENDAN	MARTIN
DEMMERLE	MICHAEL	RICHARD
DENNEY	MARK	ALBERT
DERRON	DOMINIQUE	CATHERINE
DERRON	MARIANNE	
DESCHAMPS	SEBASTIEN	MARIE
DESMARAIS	KATHRYN	MARIE
DEVLIN	PATRICIA	LOUISE
DEVOTO	ALEXANDER	WILLIAM GREGORY
DEVOTO	LAURENCE	INGRAM CHARLES

Last name	First name	Middle name/initials
DI BERNARDO	JANINE	
DICK	JAMES	RANDOLPH
DORSEN	SHEILA	PATRICIA
DRAKE	PLEASANTINE	
DREW	DANIEL	MC CALL
D'SOUZA	MOHAN	JAMES
DUENKI	ANN	M
DUROYON	THOMAS	FRANCOIS
EFENDIC	ADMIR	
EHRHARDT	ALEXANDER	JOACHIM ROLF
ELDHOLM	SVERRE	BERTIN
ENDSJO	DAG	OISTEIN
ENREGLE	DIANE	
FAN	HAI	LUNG
FARMAN	HANS	
FARTHING	ANDREW	ROBERT
FEIS-THOMERSON	TANIA	RENEE MATTIE
FELIX	ANDREAS	DANIEL
FEVRIER	CLAIR	ANITA
FISCHLER	DEBORAH	
FLEMING	RACHEL	POLLARD
FLUECKIGER	MICHELLE	FABIENNE
FOLTZ	DONALD	ANDREW
FORCELLA	PETER	WERNER
FOSTER	LORA	ANN
FRAUMAN	DAVID	CHARLES LAWRENCE
FRIES	SYBILLA	CORDELIA
FUCHS	CAROLINE	HELEN
FUGLEVIK	HEATHER	
FUNG	CHRISTINE	SAUTTING
FUNG	DENNIS	
FUNG	SPENCER	THEODORE
GABBAY	MARK	NADAV
GABRELUK	FRANK	GEORGE
GAGE	PETER	CONRAD
GAL	OMER	A
GAO	ZHUN	JULIE
GASSER	STEFAN	MARTIN
GASSER	THOMAS	PATRICK
GEORGE	ELIANE	FRANCES
GEORGE	MONIKA	ROBERTA
GILBERT	MICHAEL	CHARLES
GLICKMAN	MATTHEW	EVAN
GOH	NICHOLAS	KOON-YI
GOLDENBERG	MICHAEL	
GOODWIN	OLIVIA	INNES
GORDON	MYLES	ANDREW
GORMAN	JOANNE	YOUNG
GOU	JUSTIN	
GRAF	AUGUST	KARL
GRAF	KAROLINE	MADELEINE
GRAHAM	SUSAN	LOCHRIE
GRASSER	LINDY	LOU
GREELEY	CYNTHIA	MARGARET
GREEN	DAVID	GREGOR
GRIFFEL	TALI	GUREVITCH
GRIFFITH	READE	EUGENE
GRONAU	KAREN	ANN
GUENTERT	ANDREAS	CHRISTIAN
GUREVITCH	NIVA	
GUYOT	AMANDA	NATALIE
HAAS	PATRICK	JOHN
HACHADORIAN	GARY	DAVID
HACKER	INGEBORG	
HAIG	JOHN	GOWAN
HAMAR	MICHAEL	JOHN
HAMEL	KAREN	DOROTHE
HAN	MI	KYONG
HAQUE	YUSUF	RAZAUL
HASSAN	THOMAS	ANDREW
HAYES	CLAUDIA	ANNE ELISABETH
HEBB	LEILA	ANNE
HEGGENDORN	CHRISTINE	ANNE
HEGLAND	EVE	BARBARA

Last name	First name	Middle name/initials
HEGNER-BINDSCHEDLER	MONIQUE	THERESE
HEIDELBERG	THAI-NIA	HANNIBAL
HEIDELBERG	UHURU	HELEN
HELGESTAD	DAG	
HELLER	OLIVIA	ALEXANDRA SARAH COSTER
HERMANN	THOMAS	
HERTACH-SCHMID	CHRISTINE	DIANA
HESS	STEFAN	ARMIN
HEUBACH	CARLOTTA	BENEDIKTE ANTONIA
HEWITT	RODNEY	JOSEPH
HILLIER	ALEXANDRA	VICTORIA CORINNA
HIROZAWA	JUN-ICHI	
HODEL	ALISA	JANE
HOFER	THOMAS	ERIC
HOFFMANN	GEORGE	ALBERT ALLEN
HOFMANN	CLAUDIA	ERIKA
HOFMANN	MARKUS	HAND
HONG	BO	
HOOFARD	NATHALIE	COLETTE MARIE
HOORNWEG	KAREN	LYNNE
HORISBERGER	JUDITH	MARY
HOWARD	GEOFFREY	JACOB
HOWE	EMMA	LOUISE
HOYT-GRIFFITH	ELIZABETH	JANE
HSU	CHIA	JUNG PHILINA
HUANG	CHARLOTTE	MAISIE
HUANG	HSI	MEI UH
HUANG	JENNIFER	PEI-LU
HUANG	LORRAINE	JI
HUANG	XUN	
HUESLER	ERIN	MICHELLE
HUGI	BARBARA	ANN C
HUI	KENNETH	
HUNG	STEPHANIE	YUJIE
HWANG	KIM	
HWANG	OLIVIA	
IKEOKA	MINAMI	
IMOBERSTEG	MARGUERITE	HELENE
IRLA	NATHALIE	MARIE
ISMANGIL	BAMBANG	PARIDJAKA
JACOBS	ARLENE	PATRICIA MARIE
JALAGAM	VINOD	KUMAR
JANSSEN	REBECCA	SUE
JENSEN	SUZANNE	
JIANG	BIN	
JOHARI	ZAIRIL	KHIR
JUBY	RUTH	ELLEN
KADDOUR	NACIM	OULD
KAN	TRACY	BI-YING
KAN	YU	SAN
KARAM	ELIE	
KASS	YAIR	
KATO	MAYA	
KATZ	NORBERT	
KAUFMAN	RONALD	ANDREW
KEBAILI	KENZA	HEDY
KELLER	KATHARINA	CHRISTINE
KELSEY	CHRISTINE	ANN
KENNEDY	JOHN	JOSEPH
KERN	FABIENNE	ELISABETH
KFOURY	DANY	ROGER
KIEFER-DICKS	DIANNE	JANET
KIKUCHI	MASATOSHI	
KING	JEREMY	BENNETT BIDDLE
KING	MATTHEW	JOHN
KINNEAR	KAY	MARGARET
KIRSCHNER	CAROL	ANN
KISHON	MANNIS	EITAN
KIYOKAWA	MITSUHIRO	
KOBAYASHI	EIJI	
KOENIG	ANGELICA	MARIA
KOHUT	CATHERINE	SAVAGE
KOLLY	VALERIE	CARMEN
KONINGS	NATALIE	MARIE

Last name	First name	Middle name/initials
KOO	DANNY	
KORDA	MICHELLE	MARIE
KOSCHITZKY	ADIR	EPHRAIM
KOSTIC	ALEXANDER	ALEX
KOTCHOUBEY	ALEXANDER	ANDRE
KUAI	SHIRLEY	XUELEI
KULLMAN	CHRISTOFFER	NILS VICTOR
KUNSTLER	DENIS	DAVID
KUSUMOTO	KEIKO	
KUTSCHERA	MARC	MARTIN
KWAN	AMELYN	YEONG-NI
KWEE	PHILIP	KERPAN
KWOK	GARY	YAN KUEN
LACROIX	NARC	PIERRE
LAGACE	JASMINE	MARIE
LAGASSE	JEAN-FRANCOIS	
LAI	MUI	CHI-DONG
LAI	WAI	YI KONG
LAM	GEORGE	CHANGWEI
LAM	YIM	SHARON
LANDHEER	DENISE	SILVIA
LANG	MATHIAS	ALBRECHT
LANGLOIS	WILLIAM	CAMPBELL
LARKINS	LACHLAN	MILES DENT
LAUBINGER	ANNE	BARBARA
LAURENCE	LYS	C
LAUTERBURG	FRANCOISE	DANIELLE
LAUTERBURG	MARIANNE	
LAVELANET	NICOLAS	RICHARD
LEE	ALEX	
LEE	GEORGE	
LEE	GRACE	HUI MIN
LEE	JOHN	WEN-HAO
LEE	KUN	KWON
LEE	LORETTA	YIN WAI
LEE	MELVIN	YONG HUI
LEE	NELSON	CRAIG
LEE	STACY	
LEE	VICTORIA	LEUNG
LEHMANN	EDELTRAUT	
LEHMANN	RENE	
LERCH	TOBIAS	PHILIP
LESLAU	ORI	MARCUS
LESLIE	KATHRYN	JEAN
LEUNG	KENNETH	SAI KIT
LEUNG	TIFFANY	T Y
LI	ALVIN	YUOK-LUN
LI	SAI	PING KATE
LI	TSAI-YING	
LIANG	HAIDY	CHUHUEY
LIANG	SHEN	FU
LIBERATORE	SUZY	DEBRA HOOFARD
LICHTNER	MONICA	ANN
LIESCH	THOMAS	ANDREA
LIM	BEZNER	W J
LIM	JOEL	XUE-YI
LIN	DEBORAH	
LIN	HONG	YAO
LIN	HONG-LIEN	
LITTLEJOHN	DAVID	OLIVER
LITTLEJOHN	SCOTT	VERNON
LIU	CHARLIE	QIANLI
LIU	DAVID	TA-WEY
LO	NINA	YI-CHIEN
LO	RAYMOND	SHUI-LING
LOH	LUCAS	WEI-LUN
LONG	ANDREW	BRIAN
LOPEZ-MOLINA	LUIS	J
LOPPACHER	ANDREA	ELSBETH
LORMAN	SARAH	BENNETT
LOW	JOSEPHINE	EN-WEN
LU	SIMON	SHIN CHIEH
LU	YOH-CHIE	
LUCEY	CHARLES	EMMET

Last name	First name	Middle name/initials
LUDER-SCHNETZLER	BRIGITTE	C
LUDWIG	WALTER	FRITZ
LUEBBERT	ANNETTE	JESSICA
LUI	CATHERINE	KAR WAI
LUSSER	ALINE	ELISABETH
MA	CLIFFORD	
MACE	CAROLINE	LOUISE
MAGEE	JAMES	ROBERT
MAN	ALISTAIR	CHAI-TIN
MARTELLI	KEVIN	
MARTIN	ROBERT	
MARTYN	ALAN	H
MASRI	DINA	M
MAUCH	CORINE	BARBARA
MAURER	YOLANDA	MONIKA
MAZREKU	ROCCO	JACK
MC CARRON	MARIE	
MC RORIE	JANICE	OLENE
MCINNES	JOYCE	CHRISTINE
MCINNES	LELAND	GRAEME
MENARY	DEBORAH	JEAN
MERINO	ALEX	MIGUEL
MIAO	NATALIE	MIN CHUN
MILLER	JOHN	H.
MINET	GENEVIEVE	AGNES MARIE HELENE GHISLAINE
MINKOWSKI	PATRICIA	JOLANDA
MOMIN	NEETA	ZAFAR
MORENES	FELIPE	LUIS
MORRIS	CHARLES	PATRICK
MOSER	CATHERINE	ANNE
MOSER	CHRISTIAN	
MOUTRAGI	BESSAM	A
MOUTRAGI	DIANA	V
MOUTRAGI	KARINE	B
MUELLER	ELISABETH	
MUELLER	MARIE	THERES
MUELLER	PATRICK	HERBERT
MUELLER	RENEE	
MUNSEY	ROSS	NEWTON
NAKAMURA	JOKU	
NASSER	ISSA	PATRICK
NEUEN	NATALIE	ANN
NEUMUELLER	SUSAN	ELIZABETH
NG	SUSAN	SUI SANG
NICHOLSON	JOHN	MARSHALL
NIGG	RENE	
NIGGLI	MICHELLE	ANNE
NIGGLI	NANCY	MARIE KOZOR
NUSSBAUM	AARON	BENNETT
OBERLANDER	JUDITH	ANTONIA ELEANOR
OETJEN	PHILIPP	GEORG HANS
OFFMAN	MILLICENT	HELENE
OLDNALL	ROBERT	JAMES
PADESTE	MYRIAM	ELIZABETH
PARK	CHUNG	MI
PARR	JAN	WALTER RUNDQUIST
PASKETT	STUART	GEORGE
PATERSON	JAMES	GEORGE
PATINO	VICKY	MARIA
PAYNE	DEBORAH	ANNE ELIZABETH
PEACOCK	JOANNE	LOUISE
PECK	NAOMI	
PEIRIS	UPALI	ANANDA
PERNER-WILSON	JACOB	BERNHARD
PERRY	JOHN	GERALD
PETER	STEVEN	ALEXANDER
PETERHANS	SUSAN	CHRISTINA
PETURSSON	GUDMUNDUR	RUNAR
PEYRE-PERRUCCIO	ALMA	ILEANA SOFIA
POHL	JERROL	ANN
POTDAR	DNYANADA	JAIDEEP
POTDAR	JAIDEEP	JAYANT
POYNER	MATTHEW	DAVID
PRAXMARER	ANNELIESE	

Last name	First name	Middle name/initials
PRAXMARER	MARCEL	EVAN
PRAXMARER	MARTIN	
PREISING	ROBERT	CARL
PRICHARD	TIMOTHY	ALAN
PRICKETT	DAVID	JAMES
PRZYBILLA	MARION	SESSO
QUADERER	MAUREEN	THERESA
QUEK	RICHARD	GREGORY
QUINN	THOMAS	BRIAN
QUISTORFF	MIMA	RYERSON
RAGHANI	DHARAMDAS	NARAINDAS
RAILLARD	DANIEL	ANDREAS
RAILLARD	SUZANNE	DORA
RAJGURU	GOPAL	KAMALAKAR
RAJGURU	MADHAVI	GOPAL
RAPP	CATHERINE	ELISABETH
RAUSCHERT	CHRISTINA	THERESIA
RAUSCHERT	MARTIN	PAUL
RAUSCHERT	SABRINA	JO GERTRAUD
RAUSING	LUCY	MATILDA
REITTINGER	ANTONIUS	HANS PETER
RESENDE	MARIA	DE FATIMA GOMES
RICHARDS	BRADLEY	LANCE
RICHARDSON	VERA	
RICHTER	SYMI	M.
RIGLING-SPECKER	MARGARET	EGLAL
RODGERS	DREW	TELFAIR
ROESS	NICHOLAS	JOSEPH
ROMER	EVELYNE	DOROTHY
RONCARI	DANIELA	CLAUDINE
ROSENBERG	ANNE	
ROSENBERG	MICHAEL	GASTON
ROSSBOROUGH	DOMINIQUE	J
ROSSI	VALERIA	AMY
ROWLAND	BARCLAY	THOMAS
ROWLAND	HARLEY	JAMES
RUGGIERI	JULIEN	
RUTSCHE	ERIN	BARBARA
RUTSCHE	MAUREEN	TERESA
RYERSE	CYNTHIA	LOU
RYLAARSDAM	JOHN	COERT
SAESEN	SOPHIE	MARIE WILFRIED
SAHAKYAN	CATHRYN	MAQRUHI
SALISBURY	DONALD	LEE
SANFORD	HOLLY	
SANTAMATO	GIOVANNA	MARIA
SAUPE	JEAN	ELIZABETH
SAWCHENKO	LARRIAN	DARREL
SCHAAD	URS	PETER
SCHAERER	STEVEN	PATRICK
SCHEFER	RUTH	
SCHIEWE	KIRSTEN	HELEN
SCHINDLER	MARK	PETER
SCHMID	MARIE-HELENE	TALAYA
SCHNEIDER	BARBARA	SIGRUN
SCHNEIDER	DOMINIK	
SCHNEIDER	KATRIN	BETTINA URSULA
SCHNEIDER	LEE ANN	VANDERFORD
SCHNEIDER	PHILIP	
SCHNYDER	WALTER	JAY
SCHOEBITZ	MICHAEL	ANDRE
SCHULER	WALTER	AUGUST
SCHWANINGER	ROSA	
SEKII	SIMMON	YUICHI
SHAMIR	TAMAR	IDA
SHEEL	JEFFRY	PIERRE
SHEELER	DEREK	KENT
SHEHADEH	NICK	FUAD
SHEPARD	REBECCA	JO
SHIAU	SHIAN	PING
SHIAU	YUAN	
SHONG	JESSE	TAKAOKI
SIM	VENUS	YUN-YI
SIMONS	ERIK	JOHAN

Last name	First name	Middle name/initials
SIMPSON	ALAINE	VALERIE
SINGHVI	NITIN	K
SMITH	ALEXANDRA	PATRICIA ELIZABETH
SOELBERG	ANNE	LISE DELPHIN
SOERENSEN	CHRISTIAN	ELLIOT
SONG	DAVID	TSYY-YU
SONG	OU	YANG
SONG	WEN	JOE
SORIO	GWYNNE	MARIA CLAIRE
SPIELMAN	MARK	DAVID
SPUCKES	DANIELLE	
SRINIVASAN	RAMA	
STAEHLI	PATRICE	JEROME
STAEMPFLI	EDWARD	PETER
STAHL	HANSPETER	
STANISAUSKIS	MICHELLE	LEE
STANISLAS-STEVENS	ROSALIND	SARA
STEIMER	GAIL	ELEANOR HENRY
STEINACHER	EVELYN	JUDITH
STEINER	MAY	NADINE
STEPHAN	YANN	ERWAN LOIC
STILLER	BERTA	ANNA
STOECKER	ALLISON	ELIZABETH JEFFREY
STOKKE	JUDITH	RAE
STORI	SYLVIA	KAROLINA
STREL	JO	ANNE
STRICKER	THOMAS	MATTHEW
SUEN	PHILIP	CHI-KIN
SWA	WENDY	WEN HUI
SWITZERLAND	GLAERNISCHSTRASSE 12C	STAEFA
TAI	DAISY	CHIH YI
TAKANO	MICHAEL	ALLEN
TAM	VIVIAN	PUI-MAN
TAMWORTH	RENATE	RUTH
TAN	CEDRICK	JON ANG
TANG	TOM	CHUNG-YEN
TANNER	SELINA	
TEBBE	YVONNE	
TESSORE	MICHEL	STEVE
THALER-HASE	CHRISTINE	SOCIN
THALMANN	BRIGIT	ANNEMARIE HAFFTER
THIEL	WERNER	GUENTHER
THONG	CARL	CHIA LIN
TIDSWELL	IAN	MICHAEL
TIMMONS	TORI	
TIMOR	TAL	GOTSHAL
TOMACELLI	EDUARDO	MARIA
TRAUTMANN	GREGORY	JOSEPH
UH	ZU-SCHON	
VALENTINI	CHRISTIAN	ANDRE
VAN LOON	ADRIAAN	GEERT
VAN NOORD	DENNIS	WOULTER
VAN VOOREN	BARBARA	ANNE WILSON
VANCURA-INEICHEN	JOHANNE	MARIE
VARINI	MICHELA	BRUNA
VAUGHAN	JOHN	CARTER
VENIAMIS	ELEFTHERIOS	MICHAEL
VENIAMIS	ZANNIS	M
VENKATESWAR	SRINATH	KRISHNAN
VERONESE	MARIA	LUISA
VIRIOT	HUBERT	ROMARY
VITAL	NOT	
VOGEL	ANITA	SABINE
VOGEL	CHRISTINE	SILVIA
VOGELSANG	ROBERT	ANDREW
VOLKER	CRAIG	ALAN
VON ARX	PATRICK	ROGER
VON CROY	ALEXANDER	PRINZ
VON SCHONBORN-WIESENTHEID	CLEMENS	FRANZ
WANG	AI	
WANG	CHIU	FONG
WANG	CHI-YUN	
WANG	JEFF	CHIHYEN
WANG	KEVIN	

Last name	First name	Middle name/initials
WANG	PAO-CHING	CHANG
WANG	TIFFANY	MIN
WANG	YNG-FU	
WASSON	SUSANNE	ULLA MARIE
WATTERS	BRIAN	
WEBER	CORINNE	PATRICIA
WEBER	GERTRUD	
WEBSTER	ROSS	DAVID
WEI	XIU	QING
WEISS	BEVERLY	HAROLDSON
WENNING	EDWARD	FRANCIS
WEY	TING	
WIELER	IGOR	B
WILHELM	CARINE	J
WILHELM	JOHN	ARTHUR
WILKEY	TONY	PAUL
WILLAME	JEAN-FRANCOIS	CLAUDE
WILLI	MICHELE	CHRISTINE
WIRES	WILLIAM	JAMES
WOLF	GABRIELLA	BRIGITTA
WONG	SU-YEN	
WUTHRICH	STEFANIE	JENNIFER
YANG	RUI	
YASUDA	AI	FRANCES
YAU	STEPHEN	KWOK HO
YEO	SAMANTHA	GIA XIN
YEUNG	QUEENIE	WAN MAN
YIN	HSIANG	
YOUNG	ALAN	CHUNG-RAN
YOUNG	SALLY	
YUKIZAWA	YOUHEI	
YUNG	JOHN	CON SING
ZADOTTI	MARET	JANE
ZAFAR-BAKHTIAR	KAYGHOBAD	
ZARIN	HEATH	BRIAN
ZHANG	DAVID	
ZHANG	DONG	HUI
ZHOU	KUANG-TAO	
ZOGG	WILLIAM	ANTHONY

Dated: January 24, 2014.

Maureen Manieri,

Manager Team 103, Examinations Operations—Philadelphia Compliance Services.

[FR Doc. 2014–02672 Filed 2–6–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0059]

Agency Information Collection (Statement of Person Claiming To Have Stood in Relation of a Parent) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 10, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0059'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0059.''

SUPPLEMENTARY INFORMATION:

Title: Statement of Person Claiming to Have Stood in Relation of a Parent, VA Form 21P–524.

OMB Control Number: 2900–0059.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21P–524 is used to gather information from claimants seeking service-connected death benefits as persons who stood in the relationship of the natural parent of a deceased Veteran. The information is used to determine the claimant's eligibility for such benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 31, 2013, at pages 65450–65451.

Affected Public: Individuals or households.

Estimated Annual Burden: 800 hours.

Estimated Average Burden per Respondent: 2 hours.

Frequency of Response: One–time.

Estimated Number of Respondents: 400.

Dated: February 4, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–02623 Filed 2–6–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0654]

Agency Information Collection (Annual Certification of Veteran Status and Veteran-Relatives) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 10, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0654'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0654.''

SUPPLEMENTARY INFORMATION:

Title: Annual Certification of Veteran Status and Veteran-Relatives, VA Form 20–0344.

OMB Control Number: 2900–0654.

Type of Review: Revision of a currently approved collection.

Abstract: VBA employees, non-VBA employees in VBA space and Veteran Service Organization employees who have access to VA's benefit records complete VA Form 20–0344. The individuals are required to provide personal identifying information on themselves and any Veteran relatives, in order for VA to identify and protect benefit records. VA uses the information collected to determine which benefit records require special handling to guard against fraud, conflict of interest, improper influence etc. by VA and non–VA employees.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 15, 2013 at page 68905.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,834 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 14,000.

Dated: February 4, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–02622 Filed 2–6–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the subcommittees of the Rehabilitation Research and Development Service Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Subcommittee	Date(s)	Location
Research Career Scientists	February 20, 2014	* VA Central Office.
Aging & Neurodegenerative Disease	February 25, 2014	VHA National Conference Center.
Psychological Health & Social Reintegration	February 25, 2014	VHA National Conference Center.
Regenerative Medicine	February 25, 2014	VHA National Conference Center.
Brain Injury: TBI & Stroke	February 25–26, 2014	VHA National Conference Center.
Sensory Systems/Communication Disorders	February 26, 2014	VHA National Conference Center.
Rehabilitation Engineering & Prosthetics/Orthotics	February 27, 2014	VHA National Conference Center.
VA–ORD Historically Black College and University Research Scientist Training Program.	February 27, 2014	* VA Central Office.
Career Development Award Program	February 27–28, 2014	VHA National Conference Center.
Musculoskeletal/Orthopedic Rehabilitation	February 27–28, 2014	VHA National Conference Center.
Spinal Cord Injury	March 3, 2014	* VA Central Office.

The addresses of the meeting sites are:

(* Teleconference). VA Central Office, 131 M Street NE., Washington, DC 20002.

VHA National Conference Center, 2011 Crystal Drive, Arlington, VA 22202.

The purpose of the Board is to review rehabilitation research and development applications and advise the Director, Rehabilitation Research and Development Service, and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects.

The subcommittee meetings will be open to the public for approximately one-half hour at the start of each meeting to cover administrative matters and to discuss the general status of the program. Because some of the meetings will be in a Government building, anyone attending must be prepared to show a valid photo ID for checking in. Please allow 15 minutes before the meeting begins for this process. The remaining portion of each subcommittee meeting will be closed to the public for the discussion, examination, reference to, and oral review of the research

applications and critiques. During the closed portion of each subcommittee meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would likely compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

No oral or written comments will be accepted from the public for either portion of the meetings. Those who plan to attend the open portion of a subcommittee meeting should contact Tiffany Asqueri, Designated Federal Officer, Rehabilitation Research and Development Service, at Department of Veterans Affairs (10P9R), 810 Vermont Avenue NW., Washington, DC 20420, or email *tiffany.asqueri@va.gov* at least 5 days before the meeting. For further information, please call Mrs. Asqueri at (202) 443–5757.

Dated: February 4, 2014.

Jeffrey M. Martin,

Office Manager, Regulation Policy and Management, Office of the General Counsel.

[FR Doc. 2014–02628 Filed 2–6–14; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 79 Friday,

No. 26 February 7, 2014

Part II

Environmental Protection Agency

40 CFR Parts 260, 262, 263 et al.

Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 262, 263, 264, 265, and 271

[EPA–HQ–RCRA–2001–0032; FRL–9828–9]

RIN 2050–AG20

Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is establishing new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, Public Law 112–195, which directs EPA to establish a national electronic manifest system (or e-Manifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system. The requirements announced here clarify explicitly that electronic manifest documents obtained from the Agency's national e-Manifest system and completed in accordance with today's regulation, are the legal equivalent of the paper manifest forms (EPA Forms 8700–22 and 8700–22A) that are currently authorized for use in tracking hazardous waste shipments. Upon completion of the e-Manifest system, the electronic manifest documents authorized by this final regulation will be available to manifest users as an alternative to the paper manifest forms, to comply with federal and state requirements respecting the use of the hazardous waste manifest. Users who elect to opt out of the electronic submittal to the e-Manifest system may continue to use the paper manifest to track their shipments during transportation, which then will be submitted by the designated facility for inclusion in the e-Manifest system. EPA recognizes that there will be a period of transition to electronic submittals and the Agency will, as we implement e-Manifest, assess what measures might be effective to expedite the transition from paper manifests to electronic manifests. This final regulation further clarifies those electronic signature methods that the Agency recommends for executing electronic manifests in the first generation of the national e-Manifest system. This regulation also specifies how issues of public access to manifest information will be addressed when manifest data are submitted and processed electronically. Finally, this regulation announces, consistent with the mandate of the Hazardous Waste Electronic Manifest Establishment Act, that the final electronic manifest requirements promulgated today will be implemented in all states on the same effective date for the national e-Manifest system. Authorized states must adopt program revisions equivalent to and consistent with today's federal requirements, but EPA will implement these electronic manifest regulations unless and until the states are fully authorized to implement them in lieu of EPA.

DATES: This final rule is effective as a final agency action on August 6, 2014. However, the implementation and compliance date for these regulations will be delayed until such time as the e-Manifest system is shown to be ready for operation and the schedule of fees for manifest related services has been announced. EPA will publish a further document subsequent to this rule's effective date to announce the user fee schedule for manifest related activities. This document will also announce the date upon which compliance with this regulation will be required and upon which EPA will be ready to receive electronic manifests through the national e-Manifest system, in accordance with 40 CFR 3.2(a)(2).

ADDRESSES: EPA has established a docket for this action under Docket ID No. RCRA–2001–0032. All documents in this docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the Resource Conservation and Recovery Act (RCRA) Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270. Copies cost $0.15/page.

FOR FURTHER INFORMATION CONTACT: For further information regarding specific aspects of this document, contact Richard LaShier, Office of Resource Conservation and Recovery, (703) 308–8796, *lashier.rich@epa.gov,* or Bryan Groce, Office of Resource Conservation and Recovery, (703) 308–8750, *groce.bryan@epa.gov.* Mail inquiries may be directed to the USEPA, Office of Resource Conservation and Recovery, (5304W), 1200 Pennsylvania Ave. NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Who is affected by this rule?

This rule affects approximately 160,000 entities in at least 45 industries that are involved in shipping off-site, transporting, and receiving approximately 5.9 million tons of RCRA hazardous wastes annually (non-wastewaters and wastewaters). These entities currently use between 4.6 and 5.6 million EPA Uniform Hazardous Waste Manifests (EPA Form 8700–22 and continuation sheets EPA Form 8700–22A) to track hazardous waste shipments from the site of generation to sites of treatment, storage, or disposal. These entities include but are not limited to: Hazardous waste generators; hazardous waste transporters; and owners and operators of treatment, storage and disposal facilities (TSDFs). The rule also affects state government agencies with authorized RCRA programs under 40 CFR Part 271, and governmental enforcement personnel dealing with hazardous waste transportation issues, who regularly use data from manifest for compliance monitoring, program management, and other purposes.

Significantly, this rule establishes the legal and policy framework for the national e-Manifest system authorized by the e-Manifest Establishment Act. This rule will allow manifest users to use an electronic hazardous waste manifest system with a goal of replacing the paper manifest forms. Once the national e-Manifest system is available, the use of electronic manifests will be the expected means for tracking hazardous waste shipments, although the Act and our regulations will allow users to currently opt out of the electronic manifest and continue to use the paper forms. We expect the use of electronic manifests to become the predominant means for tracking hazardous waste shipments. As we implement e-Manifest, EPA will assess what measures might be effective to

expedite the transition from paper manifests to electronic manifests, and may take input on fee incentives (e.g., shifting a greater portion of the system development and operating cost recovery to paper manifests) or other means to meet this end. Thus, it is EPA's goal to move to a fully electronic process and to maximize the use of electronic manifests, so that the full program benefits and efficiencies of electronic manifests can be realized as quickly as possible. If you have any questions regarding the applicability of this rule to a particular entity, consult the people listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

1. *Docket.* EPA has established an official public docket for this action under Docket number RCRA–2001–0032. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the official public docket does not include CBI or other information for which disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center (EPA/DC), EPA West, Room 1334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the EPA Docket Center is (202) 566–0270.

2. *Electronic Access.* You may access this Federal Register document electronically through the EPA Internet under the ''Federal Register'' listings at *http://www.epa.gov/fedrgstr/.* This Federal Register also may be accessed from EPA's main manifest Web page at *http://www.epa.gov/epaoswer/hazwaste/gener/manifest/index.htm.* An electronic version of the public docket is available through EPA's electronic public docket and comment, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. Once in the system, select ''search,'' then key in the appropriate docket identification number.

II. Background

A. Proposed Manifest Revisions and Electronic Manifest Standards

On May 22, 2001, EPA published a notice of proposed rulemaking (NPRM) that proposed several major revisions to the hazardous waste manifest system (66 FR 28240). The May, 2001 proposed rule included two distinct types of manifest system revisions: (1) Revisions to the manifest form itself, including the proposed adoption of a standardized manifest form with more consistent procedures for using the manifest form to track waste shipments; and (2) proposed revisions aimed at adopting an electronic manifesting approach that would allow waste shipments to be tracked electronically, thereby mitigating the burdens and inefficiencies associated with the use of paper manifest forms.

With respect to electronic manifesting, the May 2001 NPRM proposed a standards-based, decentralized approach under which EPA would establish and maintain the standards that would guide the development of electronic manifest systems by private sector entities that decided to participate in the system. EPA assumed that multiple electronic manifest systems adhering to EPA's standards might be developed by large generators, transporters, waste management firms, or information technology (IT) vendors desiring to market electronic waste tracking services. EPA further assumed that its role with respect to the electronic manifest would be limited to maintaining the standards that the private developers' systems would adhere to, and evaluating these systems to ensure their compliance with the Agency's standards. EPA did not anticipate or discuss in the May 2001 proposal that the Agency itself would develop a national electronic manifest information technology solution that would centralize and standardize the means for creating, transmitting, and collecting electronic manifests. Though in 2001 EPA did contemplate that the transition to fully electronic systems would take some time to implement, the Agency stated its desire to transform the manifest system quite dramatically from its current paper-based approach to one that supports paperless manifest completion and transmission. [66 FR 28240 at 28267].

In announcing the May 2001 proposed approach to the electronic manifest, EPA proposed standards in 3 distinct areas: (1) Standard electronic data exchange formats for the manifest; (2) electronic signature methods that could be used to execute manifest signatures electronically; and (3) standard system security controls and work flow procedures to ensure the reliable and consistent processing of manifest data by electronic manifest systems, as well as to ensure the availability and integrity of manifest data submitted through the electronic systems. The primary objective of the May 2001 proposed rule was to propose the necessary changes to the manifest regulations so that systems adhering to these standards would produce and retain electronic manifests that would be recognized as legally valid—that is, as valid as the conventional paper manifests signed with ink signatures. The May 2001 proposed rule further proposed regulatory amendments describing the procedures for using electronic manifests, as well as regulatory changes necessary to eliminate impediments in the existing regulations to the use of electronic manifests.

In response to the May 2001 electronic manifesting proposal, EPA received some 64 sets of public comments from affected or interested members of the public. While there was strong and general support for the concept of the electronic manifest, commenters took issue with many aspects of the proposed rule standards and approach. Many of the commenters raised issues and concerns that challenged the premise that a decentralized approach was the most effective means to implement the electronic manifest. Several commenters criticized directly the decentralized approach, maintaining that the proposed approach would bring about the development of several inconsistent systems that would not be able to interoperate with each other. In particular, commenters suggested that inconsistent systems would be of little value to companies that engage in large numbers of inter-company waste transactions. These commenters questioned the cost-effectiveness of an approach that would lead to duplicative, but inconsistent information systems. These commenters suggested that the development of one national system that would process electronic manifests securely and consistently would be a more cost-effective and efficient means for proceeding with the electronic manifest.

Other commenters criticized the decentralized approach more for the rigor and prescriptiveness of the standards that EPA proposed as the

means to guide the development of private systems. Several of these commenters took particular exception to the prescriptiveness of the system security and operational controls that EPA included in the proposal in order to ensure a basic level of consistent and secure operations between systems. These commenters further pointed out that having such detailed standards codified in EPA's regulations might frustrate the ability of electronic manifest systems to adapt to new technologies that would almost certainly be introduced over time.

Finally, several more commenters questioned the Agency's premise that a significant number of private entities would step in to actually develop electronic manifest systems. These commenters emphasized that the cost of developing a private system meeting EPA's standards could be prohibitive for any one company to assume. According to these commenters, participation in the electronic manifest by private firms under the proposed approach might be very limited, thereby negating EPA's assumption that significant numbers of manifests would actually be transmitted electronically.

In summary, commenters on the May 2001 proposed rule generally suggested that one national e-Manifest system would be preferable to the proposed approach, as it would provide a more consistent, secure and cost-effective solution that would be accessible to more users. Overall, the commenters also expressed the view that a national or centralized electronic manifest system would offer greater benefits to both manifest users and regulators, such as one-stop manifest reporting, more effective inspection and enforcement activities by RCRA regulators, the possibility of nearly real-time shipment tracking services, and the possible consolidation of duplicative federal and state systems now in place to collect and manage manifest data and data collected for the RCRA biennial reporting requirements.

EPA was persuaded by these numerous comments to reconsider the merits of the proposed, decentralized approach. We recognized that we could not proceed to a final rulemaking on the electronic manifest without subjecting the electronic manifest options to additional analysis and without conducting additional stakeholder outreach on program options and preferences. As the public comments raised significant substantive issues, EPA decided to separate the form revisions content of the manifest rulemaking from the electronic manifest content. We announced final action on the manifest form revisions on March 4, 2005 (70 FR 10776), while deferring final action on the electronic manifest until the completion of stakeholder outreach and analysis of the options suggested by the commenters and stakeholders. A new paper manifest form, with fully standardized data elements for tracking off-site shipments of hazardous waste, went into effect across the nation on September 5, 2006.

B. May 2004 Stakeholder Meeting

On April 1, 2004, EPA provided notice in the **Federal Register** of its plans to conduct a two-day public meeting with stakeholders on the future direction of the electronic manifest project (69 FR 17145). The meeting was held in Washington, DC on May 19–20, 2004, and was attended by representatives of hazardous waste generators, hazardous waste transporters, and waste management firms, as well as EPA and state agency officials, interested trade organizations, and IT vendors. In conducting this meeting, EPA was interested in identifying alternatives to the decentralized, standards-based approach that we proposed in May 2001. In particular, we were interested in gauging the level of interest in the centralized system approach that commenters suggested in response to the May 2001 proposed rule. In addition to discussing alternative approaches to the electronic manifest, we also engaged stakeholders in focused discussions over the two days on the technical, policy, governance, and funding issues that would need to be addressed were a centralized system to be developed.

We gleaned several key messages from the May 2004 public meeting. First, we learned that there was generally a strong consensus among the affected interests in favor of a centralized, national e-Manifest system that would consistently and securely generate and process electronic manifests. We heard points discussed in favor of both a privately-hosted and an EPA-hosted solution, and even some hybrid approaches, but there was no question that a national system was preferred strongly over the decentralized approach that EPA proposed in May 2001. Second, stakeholders generally agreed that the electronic manifest should be an optional means to track waste shipments and receipts for the regulated RCRA hazardous waste handlers, rather than a technology requirement that would be mandated for the user community to utilize. Third, there was agreement among stakeholders that the electronic manifest should be implemented as a scalable web-based application that could expand perhaps to include additional services, but that the initial implementation should be focused on the core waste tracking functions of the hazardous waste manifest.

However, one of the most significant messages from the May 2004 meeting centered on the acknowledgement of the manifest user community that the development and operation of the e-Manifest system should be funded through service fees. Statements offered by manifest users affirmed that the current paper manifest system gives rise to substantial paperwork burdens, particularly for the heaviest users. The users suggested that they would be willing to pay reasonable service fees as the means to fund the e-Manifest system, if they could also be assured that the collected fees would be used only for the payment of e-Manifest system costs, and not diverted to other program accounts. These users also stated that they expected that any service fee arrangements, including the collection of fees and the reporting of expenditures, would be handled in a very transparent manner so that it may be demonstrated to the manifest user community that they are receiving value for the fees they contribute to fund the system. The full proceedings of the May 2004 public meeting have been posted on the EPA Web site at *http://www.epa.gov/epaoswer/hazwaste/gener/manifest/e-mat.htm*. The proceedings and comments submitted to EPA in response to this meeting are also included in the docket for this action.

C. April 18, 2006 Notice and Request for Comment

EPA found the comments and other input from the May 2004 public meeting to be persuasive. As a result, EPA tentatively decided in November 2004 to pursue the establishment of a national e-Manifest system, if a means could be found to establish such a system on a self-sustaining or fee-funded basis. This represented a change in direction from the decentralized approach that we proposed in May 2001. While a number of commenters suggested a centralized approach in the comments they submitted to EPA in response to the May 2001 proposed rule, EPA had not specifically identified in the earlier proposed rule the centralized approach as an option that was under consideration by the Agency. Therefore, EPA published a notice of data availability (NODA) and request for comment in the **Federal Register** on April 18, 2006 (74 FR 19842), to signal to the public on the rulemaking record that EPA's preferred option was now the

establishment of a national e-Manifest system to be hosted by EPA and funded by service fees that would be paid by those waste handlers who opt to use electronic manifests. The April 2006 notice identified and explained the information that had been placed in the docket on this issue as a result of the May 2004 public meeting, and it offered the public an opportunity to comment on the record on the fundamental issue of whether a centralized e-Manifest system is the approach we should adopt in this final rule. The April 18, 2006 notice further explained that EPA's ability to proceed with the development of the national e-Manifest system (and a final regulation) was contingent upon new legislation being enacted in the interim that would establish EPA's authority to enter into a contract with one or more information technology vendors that would be funded by appropriations and/or the electronic manifest service fees that EPA would be authorized to collect from users of the e-Manifest system for payment of e-Manifest system costs. At the time of the April 18, 2006 notice, EPA lacked explicit statutory authority to collect or retain user charges for the payment of the development and operation costs related to the e-Manifest system. In addition, EPA stated in that notice that it expected to deal with any claims for business confidentiality of manifest data under the existing 40 CFR Part 2 procedures, under which any claim of business confidentiality of manifest data would need to be asserted by a person at the time of submission of an electronic manifest to EPA, or else the claim would be waived.

Comments received in response to the April 2006 notice were highly supportive of the Agency's newly announced preference for the development of a consistent national electronic manifest system. Commenters from the hazardous waste industry expressed strong support for the national e-Manifest approach. These commenters also expressed support for making electronic manifests available to users, at least initially, as an option rather than a mandatory requirement. Several waste industry commenters expressed their continued support for user fee funding of the e-Manifest system, while also expressing concerns that members of the waste industry may want to claim some manifest data to be confidential business information or CBI.

Hazardous waste generators within the private sector and within the Federal sector likewise submitted comments showing generally strong support for a centralized or national system approach to electronic manifesting. The comments of the generators generally supported the idea of electronic manifests being an option to paper manifests, while a few commenters indicated that electronic manifest use should be mandatory for all. While there was generally strong support among generators for the program direction announced in the April 2006 notice, a few generators also expressed concerns that the overlapping requirements imposed by the Department of Transportation's (DOT's) hazardous materials shipping paper might make the use of electronic manifests less attractive, and that the new system could create unintended consequences, such as unanticipated burdens, data security issues, access issues for responders, and compliance issues when the system is down or data are lost.

Members of the hazardous waste transportation industry expressed general support for the national system direction as well, but an association representing domestic truckers qualified its support with concerns about coordination with the DOT shipping paper, and concerns that hazardous waste transporters should not be the entities bearing user fee expenses. A trade association representing domestic railroads expressed support for the electronic manifest system, particularly if it were able to import all shipment data directly into the rail industry's existing electronic waybill system, and transmit the data directly between generators and waste management facilities, so that the railroads would be relieved of all requirements to process paper manifests.

State comments on the April 2006 notice also generally supported the concept of a national electronic manifest system. State comments emphasized that it was important that the new system be able to address both Federal RCRA and non-RCRA or state-only wastes subject to the manifest requirements, and that the system be able to accommodate State facility and generator ID numbers, and state specific waste codes. Most significantly, the states emphasized that the system should be established to incorporate data from electronic manifests and from those paper manifests that continue in use. This would enable a unified national data system that included all manifest data, and avoid the need to maintain dual tracking systems for electronic and paper documents. The state commenters generally favored establishing the electronic manifest as an option for users to choose, although there was a minority view stating that use of electronic manifests should be mandatory at least for some facilities. States also favored the proposal to fund the e-Manifest system through the collection of user fees. A few state commenters indicated that it was not clear how EPA intended the new system to deal with several waste types, such as used oil, universal wastes, and wastes generated by conditionally exempt small quantity generators (CESQGs). Finally, the state comments on confidentiality of information adopted a position strongly at odds with industry's position on CBI, as several states indicated that it is their policy to treat manifest data as public information and disclose it freely to the public.

D. February 26, 2008 Notice and Request for Comment

While the April 2006 notice elicited many comments supporting a national e-Manifest system, and supporting the optional use of electronic manifests, the record generated by the 2006 notice impressed EPA that we needed to give more attention to two issues: (1) The concern that an optional electronic manifest could give rise to dual electronic and paper systems, and (2) the conflicting positions expressed by industry and state commenters on addressing CBI claims for manifest data. Therefore, EPA issued another notice of data availability and request for comment specific to these issues in the February 26, 2008 **Federal Register**, 73 FR 10204.

In the February 2008 notice, EPA indicated its desire to establish a unified electronic data system that would collect data from all manifests. We requested public comments on our preferred approach that would require the designated facilities named on any paper manifest to submit the top copy of the manifest to the e-Manifest system operator within 30 days of receipt of the waste shipment. We discussed how this requirement could be satisfied by mailing the paper copy to the system operator, or, by transmitting an image file and perhaps a data file in lieu of mailing a paper copy. This would enable the system to enter data from all paper manifests into the national data repository that EPA would establish with e-Manifest. In connection with the submission of paper manifests or paper manifest data to the e-Manifest system, EPA further indicated that it would charge an appropriate service fee to cover the processing costs involved with collecting paper manifests and processing their data. 73 FR 10204 at 10207.

With respect to the CBI issue, EPA proposed in the February 2008 notice a

categorical determination that the information contained in individual manifests is essentially public information that cannot be the subject of a CBI claim. We requested public comment on this determination. Id. at 10208. However, with respect to the aggregate data from the multiple manifests or reports that might be produced by querying the system, EPA acknowledged that there was a concern within the hazardous waste industry that industry members might try to use the national system to gain customer list information about their competitors. Therefore, EPA requested comments on whether the ability to obtain such aggregate data from the system or from EPA under the Freedom of Information Act (FOIA) might give rise to a CBI concern surrounding customer information, and how substantial the competitive harm would be to a company should disclosure occur. In addition to requesting that the industry provide comments that might substantiate their customer list concerns, we further requested comment on what mitigation measures (e.g., redaction) might be adopted in the final regulation should EPA determine that there was a valid concern that CBI would be disclosed to competitors. 73 FR 10204 at 10210.

The comments received in response to the February 2008 notice are summarized in a Response to Comments document included in the record for today's final regulation. Significant comments addressing the proposal to require the collection of paper manifests are summarized in section III.K. of this preamble, while those significant comments addressing the CBI issues raised in the February 2008 notice are summarized in section III.I. of this preamble discussion.

E. Electronic Manifest Legislation

During September 2012, the 112th Congress enacted legislation entitled the Hazardous Waste Electronic Manifest Establishment Act, Public Law 112–195 (hereafter, the e-Manifest Act). This legislation was signed into law by President Obama on October 5, 2012. This legislation was enacted into law expressly to direct EPA to establish a national e-Manifest system, as well as to facilitate the establishment of the e-Manifest system by providing EPA with explicit statutory authority needed to implement the electronic manifest in a self-sustaining manner. Among other things, the e-Manifest Act provides EPA with these new authorities:

- Section 2(g)(1)(A) directs EPA to promulgate final regulations, after consultation with the Secretary of Transportation, authorizing the use of electronic manifests within 1 year of enactment, i.e., by October 5, 2013.
- Section 2(b) directs the Agency to establish an e-Manifest system that may be used by any user within three years from the date of enactment of the Act, i.e., by October 5, 2015.
- Section 2(c) of the e-Manifest Act authorizes EPA to impose and collect reasonable service fees necessary to pay the costs of implementing the e-Manifest system, including any costs incurred in collecting and processing data from any paper manifests submitted to the system, and to deposit these fees into a special revolving System Fund (or Fund) in the U.S. Treasury authorized under section 2(d) for the receipt of these funds.
- Section 2(d)(2)(A) of the e-Manifest Act authorizes the Secretary of the Treasury, upon request by the Administrator of EPA, to transfer to EPA such amounts from the Fund that Congress has appropriated to the Agency to pay the costs incurred in developing, operating, maintaining, and upgrading the e-Manifest system. In accordance with section 2(d)(2)(B) of the e-Manifest Act, such funds will be available to EPA to spend on system related costs without fiscal year limitation.
- Section 2(e) of the e-Manifest Act authorizes EPA, after consultation with the Secretary of Transportation, to enter into one or more performance-based IT contracts, with a term of up to 10 years, under which the contractor(s) would agree to provide electronic manifest related services. The e-Manifest Act provides that a primary measure of successful performance of the contract(s) shall be the development of a system that is performance-based, identifies objective outcomes, and contains performance standards that may be used to measure achievement and the goals to evaluate the success of the contractor(s), taking into consideration that a primary measure of successful performance shall be the development of a system that:
  - Meets the needs of the user community, including states that rely on manifest data,
  - Attracts sufficient user participation and service fee revenues to ensure the viability of the system,
  - Decreases the administrative burden on the user community, and
  - Provides waste receipt data for the RCRA Biennial Report.
- Section 2(d)(3)(A) requires the submission to Congress every two years a report that includes an accounting of the fees collected and expenditures made over the reporting period, as reflected in the system's financial statements.
- Section 2(d)(3)(B) provides for an annual audit by the EPA Office of Inspector General on the fees collected and disbursed under the system, the reasonableness of the fee structure then in place, the level of use of the system by the users, and the success to date of the system in improving the efficiency of waste shipment tracking and in operating the system on a self-sustaining basis.
- Section 2(i) of the e-Manifest Act authorizes appropriations for each of fiscal years 2013–2015 for system start-up activities, with these development costs as well as operation and maintenance costs ultimately being offset by the service fees collected from manifest users under section 2(c) of the e-Manifest Act.
- Section 2(e)(3)(C)(iv) of the e-Manifest Act provides that one of several measures of successful contract performance for the e-Manifest system IT contract shall be the development of a system that provides the waste receipt data applicable to the RCRA biennial reports required under RCRA section 3002(a)(6).
- Section 2(f) of the e-Manifest Act directs EPA to establish within three years of enactment of the law, an Advisory Board [1] consisting of an EPA Chair and eight others, at least two of whom shall have expertise in information technology, at least three of whom shall have experience in using or represent users of the manifest system, and at least three of whom shall be a State representative responsible for processing manifests. The e-Manifest Act requires that the Board meet annually to advise EPA on the effectiveness of the e-Manifest system and to provide recommendations to EPA relating to the system.[2]
- Section 2(g)(1)(B) of the e-Manifest Act authorizes EPA to promulgate regulations which may include such requirements as the Administrator determines to be necessary to facilitate the transition from the use of paper manifests to the use of electronic manifests, or to accommodate the processing of data from paper manifests to the electronic manifest system, including requirements that users of

[1] The Advisory Board is to be known as the Hazardous Waste Electronic Manifest System Advisory Board (also referred to as the System Advisory Board throughout this preamble).

[2] The Advisory Board must be established within 3 years of enactment of the e-Manifest Act, or by October 5, 2015. The establishment of the Advisory Board will be announced in a subsequent notice, and will not be discussed further in this initial regulation addressing the legal and policy framework for the e-Manifest.

paper manifests submit to the system copies of the paper manifests for data processing purposes.

- Section 2(g)(2) of the e-Manifest Act provides that EPA's final regulations (i.e., this rule) carrying out the legislation shall take effect in each state on the effective date specified in EPA's regulation, and that EPA shall carry out the electronic manifest final regulations unless and until the authorized state program is fully authorized to carry out the electronic manifest regulations in lieu of the EPA.
- Section 2(g)(1)(B) authorizes EPA to collect for data processing purposes any paper manifests that continue in use after the implementation of electronic manifests, so that there will be one unified data system managing the data from both electronic and paper manifests.

F. Decision To Establish a National Electronic Manifest System

In order to implement the mandate under section 2(b) of the Hazardous Waste Electronic Manifest Establishment Act, and to respond to the many commenters and stakeholders who urged EPA to implement a national e-Manifest system approach during our prior national meetings and during our regulatory comment periods, EPA is announcing its final decision to establish a national e-Manifest system. EPA currently plans to host the e-Manifest system on the Agency's Central Data Exchange (CDX)/National Environmental Information Exchange Network (Exchange Network) architecture or an equivalent architecture which EPA might establish for the e-Manifest System to support the creation, transmission, and reporting of electronic manifests. The system would also establish for the first time a national repository of manifest data, and a means to efficiently share manifest data with our RCRA authorized state partners and with the public. EPA will initiate soon a procurement action that will lead to the award of a contract(s) to one or more IT vendors to build and operate the e-Manifest system on behalf of EPA. Consistent with the funding mechanism established by Congress in sections 2(c), 2(d), and 2(i) of the e-Manifest Act, the e-Manifest system and the performance based contract authorized under § 2(e) of the e-Manifest Act will be funded by the service fees that will be charged to users of electronic and paper manifests, although the initial system start-up costs will be funded, at least in part, by appropriations that will later be offset by service fees.

We believe that the fee-funded nature of the electronic manifest IT contracting method will incentivize the contractor to develop a system with features that will be sufficiently attractive to users to warrant their participation in the e-Manifest system and their payment of service fees. Therefore, we believe that through the collaborative efforts of EPA, the states, the user community, and the IT contractor(s), an e-Manifest system can be established and sustained over the years by a stable source of funding contributed by the users. Since the fees may also need to be adjusted over time to accommodate fluctuations in usage of the e-Manifest system, or upward or downward influences on system costs, the fee-funded approach should be sufficiently flexible to respond to change. Moreover, as required under section 2(d)(3) of the e-Manifest Act, EPA will prepare the financial statements, accounting reports, and annual audit reports that are prescribed for oversight purposes. This oversight will serve to assure the affected users that the collected service fees are being applied appropriately, that fees collected are sufficient (and not excessive) to cover the costs incurred, and that the program is providing value to the users and the regulatory agencies.

While the establishment of the e-Manifest system announced today will satisfy one of several mandates of the e-Manifest Act, it will also confer substantial benefits. These benefits have always been the key drivers for the e-Manifest project, and they were the main impetus for the Congress to take interest in enacting the e-Manifest legislation. The e-Manifest system should significantly improve the delivery of waste tracking services to the public and the delivery of high quality manifest data to manifest users and to government officials, while substantially reducing the costs relative to the paper manifest system now in place.

Prominent among the non-economic benefits are: (1) Improved access to higher quality and more timely waste shipment data; (2) nearly real-time shipment tracking capabilities for users; (3) enhanced manifest inspection and enforcement capabilities for regulators; (4) more rapid notification and responses to problems or discrepancies encountered with shipments or deliveries; (5) greater access for emergency responders about the types and sources of hazardous waste that are in movement between generator sites and waste management facilities; (6) one-stop manifest copy submission to EPA and to all interested states through the Exchange Network architecture; (7) greater transparency for the public about completed hazardous waste shipments to or from their communities; and (8) new data management possibilities that could ultimately simplify the RCRA biennial reporting requirements [3] and consolidate various federal and state reporting requirements for domestic and transboundary shipments.

EPA anticipates that once fully operational, electronic reporting should yield significant savings over the current paper manifest and will ease the reporting burden. When EPA conducted a 2009 Alternatives Analysis evaluating several e-Manifest system approaches and their relative costs and benefits, we concluded then that a fully operational e-Manifest would produce annual burden hour savings of between 300,000 and 700,000 burden hours, and cost savings exceeding $75 million per year.[4] The Agency believes that there is a sound business and regulatory case for proceeding with the development of an e-Manifest system.

With the promulgation of today's final rule carrying out the requirements of the e-Manifest Act, the Agency will eliminate the remaining regulatory impediments to implementing an electronic manifest. In the discussion that follows, EPA will explain how we intend to implement the national e-Manifest system, and we will explain in greater detail how we will amend the existing regulations so that they support the use of electronic manifests. To achieve EPA's goal of a full electronic reporting system, EPA will develop an e-Manifest system that will support electronic manifests as the expected type of manifest submission but that will allow facilities to opt out of the electronic manifest and submit paper manifests during a period of transition. The Congressional authority provided to the Agency to develop the e-Manifest system allows EPA to include requirements that EPA determines to be necessary to facilitate the transition from the use of paper to electronic manifests or to accommodate the processing of data of paper manifests in

[3] While the integration of e-Manifest and the collection of waste receipt data for the biennial report is included in the Act as one of several measures of successful performance of the e-Manifest IT contract, the details of biennial report integration are not included in today's rule but are being deferred to a later phase of e-Manifest implementation.

[4] While EPA will include more current and detailed estimates of the anticipated costs and benefits from e-Manifest in the Regulatory Impact Analysis (RIA) that will accompany the upcoming Fee Rule, we have included these 2009 estimates as rough benchmarks for the magnitude of burden and cost savings that we believe are likely to result from a fully operational system that is broadly adopted by the user community.

the electronic system [Sec. 2(g)(1)(B)]. Significantly, this rule establishes the legal and policy framework for the national e-Manifest system authorized by the e-Manifest Establishment Act. This rule will allow manifest users to use an electronic hazardous waste manifest system with a goal of replacing the paper manifest forms. Once the national e-Manifest system is available, the use of electronic manifests will be the expected means for tracking hazardous waste shipments, although the Act and our regulations will allow users to opt out of the electronic manifest and continue to use the paper forms. We expect the use of electronic manifests will become the predominant means for tracking hazardous waste shipments. As we implement e-Manifest, EPA will assess what measures might be effective to expedite the transition from paper manifests to electronic manifests, and may take input on fee incentives (e.g., shifting a greater portion of the system development or operating cost recovery to paper manifest submissions) or other means to meet this end. Thus, it is EPA's goal to move to a fully electronic system and to maximize the use of electronic manifests, so that the full benefits and efficiencies of electronic manifests can be realized as quickly as possible.

Today's rule does not by itself impose direct costs or other impacts on the regulated community or on government. This action simply codifies several of the provisions of the e-Manifest Act and authorizes the use of the electronic manifests that will be available when the IT system is developed and operational. EPA will later issue a regulation announcing the user fee schedule for e-Manifest system related activities and the date of availability of the e-Manifest system. When the Agency issues this subsequent e-Manifest fee schedule regulation, EPA will develop a Regulatory Impact Analysis discussing the expected costs, benefits, and other impacts of the e-Manifest system and its implementation.

III. Detailed Discussion of the Final Rule

A. Who will complete and submit electronic manifests?

Any entity that currently completes a hazardous waste manifest (EPA Form 8700–22) or continuation sheet (EPA Form 8700–22A) under federal or state law is expected to complete and submit these documents electronically, unless the entity opts out of the electronic system and submits the paper form, at such time as EPA announces in a subsequent **Federal Register** document that the e-Manifest system is ready to supply, receive and process electronic manifests. The scope of the electronic manifest was discussed in the e-Manifest Act, in which section 2(a) defines the term ''user.'' The statutory term ''user'' is defined to include all hazardous waste handlers (i.e. generators, transporters, or facility owner/operators) that are required to use a manifest under either Federal or state law to track hazardous waste or other material when shipped off-site for management. The statutory term ''user'' is also defined to clearly state that the use of electronic manifests is at the election of the user, and that if a user elects to use a paper manifest, the user may be required to submit a copy of such paper manifest to the system, in accordance with any regulations that EPA may promulgate to require such paper submissions.[5]

EPA is amending 40 CFR 260.10 to include a definition of ''user of the electronic manifest'' to implement this statutory provision. Consistent with the statutory definition, the regulatory definition provides that a ''user of the electronic manifest'' means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that: (1) Is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other material that is shipped from the site of generation to an off-site facility for treatment, storage, disposal, or recycling; and (2) Elects to submit either an electronic manifest form or currently submits a paper manifest (or data from such paper manifest) to the system. The regulatory definition in § 260.10 tracks the statutory definition with respect to tracking waste shipments from the site of generation to the off-site treatment, storage, disposal, or recycling facilities which have been designated to manage the waste upon receipt. In addition, the regulatory definition of ''user of the electronic manifest'' includes language to clarify that the electronic manifest, like the paper manifest form, may also be used to track shipments of rejected wastes or regulated container residues from the site of the rejecting facility (or facility shipping residues) to either an alternative facility or back to the original generation site in the event of a return shipment.

This regulatory definition will also serve to make it clear that the availability of electronic manifests as a means to track waste shipments is no different than the current coverage of the hazardous waste manifest forms. Hazardous waste manifest forms are, with few exceptions, required to accompany all off-site shipments of RCRA hazardous waste. In addition, EPA has also indicated in previous rules that authorized states may require the use of the hazardous waste manifest to track shipments of other waste materials that are not regulated federally as RCRA hazardous wastes, but are regulated more extensively by the authorized state programs and require a manifest under state law (e.g., ''state only'' hazardous wastes, as well as certain state-regulated industrial wastes). The definition of ''user of the electronic manifest'' continues this practice, and makes it clear that persons who are subject to the state programs' more extensive requirements for the use of the manifest form may also use the e-Manifest system to comply with both federal RCRA and these more extensive state requirements.

The definition of ''user of the electronic manifest'' also is intended to clarify that the use of the electronic manifest format is the expected type of manifest submission for the user community, but that EPA will currently allow users to opt out of the electronic system and continue to use the paper system as necessary. EPA requested comment in the April 2006 public notice whether use of electronic manifests should be optional or mandatory for the system users. 71 FR 19842 at 19845 (April 18, 2006). We received numerous comments on this issue from members of the public, and our consideration of this issue is discussed in detail in section III.J. of this preamble. Because of the prominence of this issue, it was also considered by the Congress, which included language in the e-Manifest Act defining a ''user of the electronic manifest'' as one who ''elects to use the system to complete and transmit an electronic manifest format.'' EPA concludes in section III.J. of this preamble that the expected e-Manifest submission is electronic, but the Agency will allow users to opt out and continue to use paper manifests as necessary. We interpret the statutory definition of

[5] Congress required that the e-Manifest system be established as a unified national system for the collection of electronic data from all manifests, whether initiated with the paper forms or with electronic formats. Therefore, the ''user'' definition was drafted broadly to include both users of the new electronic manifest formats as well as those who continue to use paper forms and submit a paper copy to the e-Manifest system per EPA regulations. In either case, the Act defines such persons as system ''users'' and confers authority on EPA to assess a fee for processing the data to the system.

''user of the electronic manifest'' to be consistent with the Agency's determination on this question. Therefore, under this final rule, the use of an electronic manifest format is expected unless paper is requested and used by a waste handler that opts out of the electronic manifest. As we implement the e-Manifest system, EPA will closely monitor the levels of electronic manifest and paper manifest use, and adopt appropriate fee-based or other incentives to promote as complete a transition to electronic manifesting as is possible. It is EPA's goal to maximize the use of electronic manifests by the user community, so that the full benefits and efficiencies of electronic manifests can be realized as quickly as possible.

While the use of the electronic manifest format is expected for users, the final rule clarifies that a system ''user'' includes those persons who continue to use the paper manifest forms after the establishment of the system and who must submit a copy of the paper manifest to the e-Manifest system in accordance with such regulations as EPA may require. The e-Manifest system will collect manifest data from all manifests (paper or electronic) that are initiated after EPA announces the availability of the system for tracking hazardous waste shipments. Those persons (i.e., generators, transporters, or designated facilities) who submit electronic manifests to the system are clearly ''users'' within the meaning of the e-Manifest Act. In section III.K of this preamble, EPA explains that this regulation will require only designated facilities receiving paper manifests to submit one paper copy of each such manifest to the system for data processing. Thus, when this regulation is implemented, it will be the users of electronic manifests and the designated facilities receiving paper manifests that will be covered by this regulation as the ''users'' of the system when they submit their manifests to the system. It is these users who will also be subject to any requirement to pay appropriate fees imposed by the system to recover the system and data processing costs incurred in receiving and processing their manifest submissions. The fee structure will vary for those users who submit electronically and those who opt to submit a paper manifest. Congress authorized EPA to establish a fee structure to include the recovery of costs incurred in collecting and processing data from any electronic or paper manifest submitted to the system.

Use of the electronic manifest system for federal RCRA hazardous wastes is straightforward. In particular, since RCRA hazardous wastes are generally subject to manifest requirements in all states, the e-Manifest system will be available for tracking all off-site RCRA hazardous waste shipments, if all waste handlers named on the manifest choose to participate electronically. The e-Manifest system will also be available to track shipments of certain types of RCRA hazardous waste (e.g., universal waste under 40 CFR part 273 and small quantity generator (SQG) wastes subject to reclamation agreements under 40 CFR 262.20(e)) which may be exempted from the manifest requirements under federal regulation but are subject to the manifest requirements because of more stringent state laws. Similarly, the e-Manifest system will be available to track intrastate shipments of state regulated (or ''state only'') wastes that are subject to a manifest requirement in the state in which the waste is generated and managed, if the generator, transporter, and receiving facility elect to use the e-Manifest system.

EPA recognizes that shipments involving ''state only'' wastes and the use of the manifest may be particularly complicated for interstate waste shipments. In such cases, the waste may, for example, be hazardous under state law and subject to the manifest requirement in the generator's state, but not regulated as hazardous and thus not subject to a manifest requirement in the destination state. In other cases, the interstate waste shipment may not be subject to a manifest requirement until it enters the destination state. These more complex scenarios raise the question of when it is appropriate to track ''state only'' waste shipments with the e-Manifest system.

EPA believes that the definition of ''user of the electronic manifest'' and the nature of the e-Manifest system for manifest users provide the guidance to answer this question. The e-Manifest system is available to track ''state only'' hazardous waste shipments when either the generator state or the destination state (or both states) imposes a requirement under state law to use the hazardous waste manifest to track an off-site shipment of a waste, and all the waste handlers named on the manifest elect to use the e-Manifest system. A receiving facility in a state that does not require the manifest may receive a waste shipment subject to the manifest under the generator state's law. In such a case, the new authority of section 2(h) of the e-Manifest Act requires the receiving facility to complete the facility portion of the applicable manifest, to sign and date the facility certification, and to submit to the e-Manifest system a final copy of the manifest for data processing. Likewise, in the case of a waste that is not hazardous under the law of the generator state, but is a ''state only'' hazardous waste subject to the manifest in the receiving state, the e-Manifest system will be available to track these waste shipments and the receiving facility must close out such manifests through the system as required under section 2(h) of the e-Manifest Act. The e-Manifest system will be available to track these state-regulated waste shipments, if all the waste handlers named on the manifest elect to use the system for manifest tracking purposes. Thus, the scope of use for the electronic manifest is intended to be just as extensive as the scope of use of the current paper forms, with the additional limitation that the generator, transporter, and the receiving facility must all participate in the use of electronic manifests.

EPA emphasizes that the term ''user of the electronic manifest'' is limited to those members of the regulated community who are required to supply or use the manifest in connection with the shipment, transportation or receipt of hazardous wastes. The term ''user of the electronic manifest'' does not cover federal or state regulators, emergency responders, or others who may access the e-Manifest system only to access manifests or manifest data supplied to the system by the users of the electronic manifest.

B. Which documents can be completed and submitted electronically?

The electronic documents that can be completed and submitted electronically under today's final rule are limited to the standard electronic formats adopted by EPA as the authorized substitute for the paper forms currently denoted as EPA Form 8700–22 (Manifest) and EPA Form 8700–22A (Continuation Sheet). This rule *does not* address the submission of any other RCRA-required forms or reports, including forms or reports that frequently accompany manifests, such as notices and certifications required from generators or treaters under the Land Disposal Restrictions (LDR) program (see 40 CFR 268.7), EPA Acknowledgment of Consents to exports under 40 CFR 262.53(f) and 262.54(h), Exception Reports under 40 CFR 262.42, and Discrepancy Reports under 40 CFR 264.72(c). These and other reports or submissions must be submitted in accordance with the requirements and procedures specified in the specific regulations that describe when these reports are required and how one should supply these records or reports. Should the scope of the e-Manifest

system be expanded later to encompass these or other RCRA reporting requirements, EPA will provide notice and opportunity for comment on such change(s) in scope and indicate when we will be prepared to accept the additional reports electronically.

C. For those persons who decide to use electronic manifests, what paper shipping documents may still be required?

While it is the intent of this rule to eliminate as far as practicable the reliance on the preparation and retention of paper records in connection with tracking hazardous waste and state-regulated shipments, EPA cannot, at this time, eliminate all paper documents that are required in the course of transporting hazardous wastes. As we explained in the May 2001 proposed rule (see 66 FR 28268), it will still be necessary to carry a printed copy of the electronic manifest on the transport vehicle during the transportation of hazardous wastes that are subject to the hazardous materials regulations, 49 CFR parts 171–180 (HMR), since DOT requires that a hard copy of a shipping paper be carried on transport vehicles for shipments of hazardous materials, unless otherwise excepted.[6]

It is important to distinguish clearly which wastes are ''hazardous wastes'' within the HMR and therefore subject to the requirement under the HMR to carry a hard copy of a shipping paper on the transport vehicle during transportation. DOT regulations at 49 CFR part 171 define those ''hazardous wastes'' that are subject to the HMR to mean ''any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262.'' 49 CFR 171.8. DOT and EPA interpret this definition to mean that a material must be a federally listed or characteristic hazardous waste under EPA's RCRA Subtitle C regulations, as these wastes become subject to the Hazardous Waste Manifest directly through part 262 and/or the equivalent state law counterparts of authorized RCRA state programs. Therefore, the listed and characteristic hazardous wastes identified in EPA's Subtitle C hazardous waste regulations are the ''hazardous wastes'' that are defined as hazardous materials under 49 CFR 171.8. As the federally identified hazardous wastes are also hazardous materials under the HMRs, it is these federally identified or RCRA hazardous wastes that are subject to the requirement in the HMR to carry a hard copy of a shipping paper on the transport vehicle during transportation. For these federally identified hazardous wastes, EPA is clarifying that a print-out of the electronic manifest satisfies the HMR requirement to carry a shipping paper, provided the print-out is prepared in accordance with the shipping paper requirements of the HMRs. See 49 CFR part 172, Subpart C.

For shipments that involve state-regulated or ''state only'' wastes that are *not* federally listed or characteristic hazardous wastes, the HMR does not apply. While these state-regulated wastes may be subject to a manifest requirement under state law, these wastes are not subject to the manifest under the 40 CFR part 262 or equivalent RCRA authorized state law counterpart regulations. Therefore, state-regulated or ''state only'' wastes are not hazardous wastes within the meaning of the HMR.

While the requirements under the HMR (for RCRA hazardous waste) to continue to carry a printed copy of the electronic manifest on the transport vehicles may appear to frustrate the attainment of a totally paperless manifest system, we have strived in this rule to minimize as far as possible the requirements for carrying and maintaining paper documents. Despite the continuing need to carry this printed copy of the electronic manifest, we believe that there will still be substantial reductions in paperwork burdens and forms/data processing costs for manifest users and regulatory agencies as a result of this final action. Moreover, at such time as DOT amends the HMR to authorize the use of an electronic shipping document to satisfy the accessibility requirement of 49 CFR 177.817(e), the supplying of an acceptable electronic shipping document will satisfy this requirement. EPA will continue to consult with the Department of Transportation to coordinate the electronic manifest with any electronic shipping document that is developed to satisfy the HMRs.

D. What are the major changes from the proposed rule's provisions?

The final rule differs from the May 2001 proposed rule, by adopting a national, centralized e-Manifest system instead of the decentralized approach that we proposed. Because this decision departed from the decentralized approach proposed in May 2001, we published a separate notice in April 2006 requesting comment on this change in direction for the electronic manifest program. As the comments on the April 2006 notice were supportive of this change, we are finalizing this rule so that it is consistent with the centralized system approach, as well as the Hazardous Waste Electronic Manifest Establishment Act enacted in October 2012 to implement such an approach. The change to the centralized electronic manifest approach necessitated a number of changes in the proposed rule provisions that we published in May, 2001. This section of the preamble summarizes the key changes to the regulatory provisions of the 2001 proposed rule.

1. Implementation of Agency-wide Electronic Reporting Rule. Since the proposed rule of May 2001, the Agency adopted a comprehensive rule governing electronic reporting. The Cross-Media Electronic Reporting Regulation (CROMERR), found at 40 CFR part 3, governs, among other things, electronic reporting to EPA. As the electronic manifests will be submitted directly to EPA via the Agency's CDX or other system designated by the Administrator, the submission of electronic manifests will be governed by the provisions of 40 CFR 3.10. Section 3.10(a) provides that a person may use an electronic document to satisfy a federal reporting requirement or otherwise substitute for a paper document or submission that is required or permitted under Title 40 of the Code of Federal Regulations only if: (1) The person transmits the electronic document to EPA's CDX or to another electronic document receiving system designated for the receipt of such documents by EPA, complying with the system's requirements for submission; and (2) the electronic document bears all valid electronic signatures that are required under 40 CFR 3.10(b). Section 3.10(b) requires that an electronic document bear the valid electronic signature of a signatory if that signatory would be required under Title 40 to sign the paper document for which the electronic document substitutes. 40 CFR 3.10. Thus, by developing the national e-Manifest system within the CROMERR legal and policy framework, the Agency achieves consistency with existing EPA electronic reporting regulations. The resulting simplification of the electronic manifest regulatory standards is further explained in the section that follows.

2. Simplification of the electronic manifest regulatory standards. The greatest impact of this final rule on the

[6] DOT was recently directed by statute to conduct a pilot program addressing electronic shipping papers (Hazardous Materials Transportation Safety Improvement Act of 2012, sec. 33005); at this time, it is not clear whether and when this program (HM-Access) will be implemented as a paperless requirement. EPA is consulting with DOT on its progress with the possible transition to electronic shipping papers. At such time as DOT implements an electronic shipping paper, an entirely paperless shipping and tracking document will be possible for hazardous waste shipments.

regulatory provisions for the electronic manifest is a simplification of the standards that will govern the e-Manifest system. The proposed rule of May 2001 assumed the possibility that a number of e-Manifest systems would be developed by private sector entities, such as waste management firms, waste brokers, or IT vendors desiring to market new hazardous waste tracking services. Thus, the proposed rule was developed to include fairly detailed system security, work flow, and interoperability standards that the various private systems would need to adhere to before they could operate. These detailed regulatory standards were intended as a means to ensure some level of consistency, security, and interoperability among the various private electronic manifest systems, in order that electronic manifests could be exchanged freely among the different private systems, and that there would be some assurance of consistent and reliable processing of the manifest data by these IT systems. That is, these standards were developed for the proposed rule approach so that there could be sufficient confidence in data integrity, security and enforceability of the electronic manifests that would result from a decentralized approach.

Since this final rule announces a national or centralized electronic manifest approach, it is no longer necessary to incorporate into regulatory standards so much of the prescriptive detail that was included in the proposed rule provisions on security, interoperability, and work flow. The technical details of system design, operation, and security will be left to the procurement phase of the e-Manifest project, such that it is not necessary to codify these provisions in the regulations. The basic premise of the final rule is that manifest users need only obtain and execute their electronic manifests on the national e-Manifest system that EPA currently intends to host on its CDX portal or other system designated by the Administrator for electronic reporting of manifests. As long as manifest users obtain and execute their electronic manifests through use of the EPA e-Manifest system, apply their ''valid electronic manifest signatures'' as discussed in section III.G. of this preamble, and abide by the conditions of 40 CFR 262.20(a)(3) discussed in section III.H. of this preamble, they will be creating and using valid electronic manifests. Therefore, the detailed Electronic manifest systems and security controls that were included in § 262.26 of the proposed rule are not being codified as part of this final rule.

In particular, as there will be only one national system developed in response to this final rule, and not multiple private systems, it will not be necessary to finalize the system validation requirements that were included in § 262.26(c)(1) of the proposed rule. This proposed provision was intended to provide an assessment and certification of electronic manifest systems by an independent third party with expertise in information security, so that the various privately developed systems under the decentralized approach would be evaluated and assessed for compliance with the proposed rule's system security and interoperability requirements. The national e-Manifest system that EPA will develop in response to this final rule will of course be evaluated and accredited for compliance with applicable internal or government-wide IT policies and standards on information security, and tested for consistent operation with system performance requirements and requirements of the CDX (or other system designated by the Administrator) prior to beginning its production operation. Since federal IT systems are generally subject to applicable federal security standards and accreditation requirements, it is not necessary to codify the proposed rule provisions that required independent assessment of the decentralized private sector systems. Additional information on the information security approach that will be followed in the final rule's electronic manifest approach is discussed in section III.F. of this preamble.

We are also simplifying greatly the provisions on use of the electronic manifest that were included in § 262.24 of the proposed rule. First, the provisions of proposed § 262.24(b) on manifest preparation and signature by ''authorized preparers'' are not being finalized in this final rule. The topic of manifest preparation and the related issue of when it is proper for a preparer of manifests to sign for the generator has been subsumed by the discussion of offeror responsibilities and offeror signatures in the March 4, 2005 final rule on Manifest Form Revisions. Because this area is now fully addressed in the general discussion of offeror responsibilities and offeror certifications that apply to all manifests, both paper and electronic, it is not necessary to codify in this final rule a distinct provision limited to electronic manifesting that would have addressed manifest preparation and preparer signatures. The offeror responsibilities and options for signing manifests are no different for paper manifests and electronic manifests.

Second, the May 2001 proposed rule contained a significant number of detailed regulatory provisions in § 262.24(c)–(g) to address the specific procedures for originating and using electronic manifests. These provisions for the most part duplicated the detailed provisions on use of the paper manifests in proposed § 262.23, with minor adjustments to reflect differences between the paper and electronic systems and work flow. In this final rule, we have departed from the explicit recitation of near-identical provisions for paper and electronic manifests. Instead, in this rule, we cross-reference the paper manifest requirements which apply to electronic manifests. This change in format results in the elimination of much of the redundant content between the provisions on use of the paper and electronic manifests. This change also serves to reduce the complexity of the final rule, as well as to emphasize again that the electronic manifests are considered to be the legal equivalent of the paper forms.

E. What electronic formats are required for electronic manifests?

In section 262.20(a)(3) of the May 2001 proposed rule, EPA proposed an Electronic Data Interchange (EDI) format based on ASC X12 Transaction Sets 856 (Ship Notice/Manifest) and 861 (Receipt and Advice). EPA also proposed an Internet form format that would be developed in the Extensible Mark-up Language (XML). At that time, XML was only coming into being as a data exchange language, but it was already understood as offering many potential advantages as a means to exchange over the Internet documents that contain structured data. Unlike EDI data exchange tools, XML is not bound by rigid semantics, and XML has much more flexibility designed into it to adapt to a variety of applications and computing environments. With XML, a document's content may be ''tagged'' to indicate the role that content plays, and the relationships to other data and content. Given that XML seemed to be emerging as a powerful tool for data exchange, and that it seemed to offer a cost-effective means of exploiting the openness of the Internet as a distribution medium for business and government requirements, we proposed an XML option and included a suggested Document Type Definition (DTD) that we presented for comment. DTDs and ''schemas'' are the agreed tools in XML to define for various transactions, the agreed document structures, the agreed tag identifiers and

relationships, such as the agreed data elements and document contents, and the agreed exchange requirements. In addition, an XML schema, when combined with an XML stylesheet, can be displayed in a web browser, enabling these formats to be used for both data exchange and the design of web forms. Thus, an electronic manifest format based on XML could establish a standard method for both displaying and exchanging manifest data with XML enabled browsers and data base software.

In the May 2001 proposal, EPA requested comment on both the EDI and XML approaches (see 66 FR 28240 at 28277, May 22, 2001). We asked specifically for comments on the feasibility of including an XML format for the manifest in the final rule, and whether it made sense to promulgate both an EDI format and an XML approach. Id. at 28278.

EPA received many comments in support of XML as the data exchange format of choice for defining a standard electronic manifest format for a web-based electronic manifest. These commenters pointed out that a web-based approach using XML for manifest data exchanges would be much more affordable than EDI. Other commenters suggested that a web-based approach using XML would be easier to upgrade with additional features, while other commenters suggested that XML had the greatest prospects as an electronic manifest format, since XML would likely be the standard for the foreseeable future with respect to web-based applications.

On the other hand, four commenters supported EPA's proposed manifest format based on EDI transaction sets and mapping conventions. In particular, comments submitted on behalf of the railroad interests pointed out that the rail industry currently uses EDI protocols for electronic bills of lading, waybills, and other documents used by the railroads in connection with the transport of hazardous materials, using EDI transaction sets and protocols developed by the ASC X12 Transportation Data Coordinating Committee. In their comments, the railroad industry urged EPA to continue to permit the railroads to use their existing EDI approach, and they further suggested that requiring new protocols from the railroads might only discourage the railroads from transporting hazardous waste. However, the railroad industry submitted additional comments in response to the April 2006 notice in which we requested comment on a web-based centralized e-Manifest system. In their 2006 comments, the railroad industry expressed strong support for the centralized approach using an XML schema for data exchange, as long as the Agency was willing to work with the rail industry to ensure the interoperation of the XML schemas with the railroad industry's EDI based system.

Finally, EPA received several comments offering particular advice on how EPA should implement an XML standard format for the electronic manifest. Among these comments, it was suggested that EPA should define the standard for XML usage with the manifest promptly, before the role defaults to the states or external parties. Further, another commenter urged EPA to include in the rule a more up-to-date XML schema specification rather than the DTD that EPA proposed in May 2001, as the schema offered a much richer format. Another such commenter urged EPA to develop the XML schema for the electronic manifest with the involvement of interested stakeholders to ensure that the electronic manifest format is compliant with XML systems under development in other organizations.

EPA agrees with the numerous comments that urged EPA to adopt a web form approach based on XML as the standard electronic format for the electronic manifest. EPA is persuaded that XML schemas and stylesheets, when combined with XML enabled browsers, data bases, and other applications are currently the method of choice for conducting data exchange using the Internet to transfer and manipulate data, such as manifest data among different applications in a distributed computer system environment. We also are impressed that there was much more support for the XML standard format as opposed to the proposed EDI format. We also acknowledge and appreciate the support expressed by the railroad industry for the national electronic manifest approach we discussed in the April 2006 notice, and we will make every effort to work with the rail transporters on capabilities and support needed to enable the rail industry's EDI-based electronic waybill system to exchange data with the e-Manifest system. We announce, therefore, that we are currently adopting an XML schema and style sheet as the electronic format for the electronic manifest, and we are abandoning the EDI format as a separate or alternative format for electronic manifest data transmissions. EPA has previously developed draft XML schemas and style sheets based on earlier iterations of the hazardous waste manifest form. EPA intends that the e-Manifest system development contractor will update the draft XML schemas and style sheets, and that these updates will provide the data exchange format supported by the e-Manifest system.

Because there will be only one national e-Manifest system established under today's final rule, it is not necessary to promulgate as a part of this regulation the electronic exchange format that will be supported by the e-Manifest system. It is EPA's current intent to develop a first generation e-Manifest system that will support an XML schema and style sheet (or other functional equivalent) as the data exchange format for the electronic manifest. The development of the XML schema and style sheet (or functional equivalent) will be included in the performance requirements for the IT contractor selected to build and operate the first generation e-Manifest system. The vendor will be provided with previous draft schemas and style sheets developed for EPA in the past, as well as be tasked to revise the XML schema and style sheet to meet the XML specifications adopted by the World Wide Web Consortium (or other organization or format specified by EPA). In addition, the vendor will consult with other interested organizations, manifest stakeholders, and/or standards setting bodies who may have already undertaken the development of XML schemas for related types of transactions. The e-Manifest system IT vendor will also be tasked to maintain the XML schema and style sheet (or functional equivalent) for the electronic manifest over the period of operation of the system, as it may be necessary to implement changes to the format in response to changes to the XML specifications, stakeholder input, or other regulatory considerations. In any event, EPA is announcing that the first generation e-Manifest system will rely on an XML-based approach as the data exchange format for the electronic manifest, and the XML schema and style sheet (or functional equivalent) supplied by the national e-Manifest system will be the exclusive electronic format recognized by EPA for exchanging manifest data. Should data exchange languages and formats change over time, the exchange language and formats that are then supported under the next generation national e-Manifest system would then become the data exchange methods for exchanging electronic manifest data.

We will also task the e-Manifest system IT vendor to conduct the necessary technical support effort with the rail industry so that the electronic

manifest XML schema may exchange data with the EDI-based electronic waybill system now in place for rail shipments.

F. How will the e-Manifest system address information security?

In the May 2001 proposed rule, EPA proposed the adoption of a general inspection requirement for electronic manifest copies and electronic manifest systems, as well as ten specific types of computer system security controls. These security controls were proposed in order to ensure the authenticity and integrity of electronic manifest data, to avoid repudiation of manifests created on electronic systems, and to ensure the consistent and reliable processing of manifests by the various electronic systems that may have arisen under the proposed rule. These security controls were contained at proposed section 262.26, entitled ''Electronic manifest systems and security.'' Proposed section 262.26(b) specified that electronic manifest copies, as well as the hardware, software, controls, and documentation for these systems, must be readily available for and subject to inspection by any EPA or authorized state inspector. The proposed rule assumed that private entities would develop various electronic manifest systems adhering to EPA's standards, so it was necessary to require inspector access to both the manifest copies and the electronic manifest systems so that EPA could inspect the manifests and the private systems for compliance.

The detailed computer security controls were set out at section 262.26(c) of the proposed rule. The proposal requested comment on the following procedures and system controls:

1. Validation of the computer system by an independent, qualified information systems security professional, including a written assessment and certification that the system meets the required security standards and other specified criteria;
2. The ability to generate accurate and complete records in both electronic and human readable formats which could be made readily available for inspection and copying;
3. The ability to protect electronic records from all reasonably foreseeable causes of damage or corruption (e.g., accidental or intentional erasures or alterations, fire, heat, magnetism, water damage), to ensure the accurate and ready retrieval of electronic records during the entire retention period, and to provide secure back-up copies of records and data recovery in the event of an incident;
4. The ability to limit access to only authorized persons and to use authority checks (i.e., user IDs and passwords) to ensure that only authorized persons use the system;
5. The ability to provide and maintain a secure computer-generated and time-stamped audit trail for independently recording the date and time of operator entries and actions, and to establish a complete and accurate history of each record in the system;
6. Software-based operational system checks and work flow controls which implement and oversee the process for routing electronic manifests to waste handlers in the proper sequence, for providing necessary signature prompts so that manifests are signed in the proper sequence and signature blocks, for protecting data entered by previous handlers from alteration after they apply their signatures, and for ensuring the proper distribution of the manifest;
7. Software-based features which ensure that manifest data appear on displays in a human readable format which waste handlers could readily verify before they apply their electronic signatures, and that the system displays a required warning accompanying signature prompts, to remind the signer of the legal significance of using an electronic signature and the penalties for its unauthorized use;
8. Full interoperability of electronic manifest system features during the time a manifest resides on the system or is exchanged with other participating waste handlers, as well as full interoperability with any other electronic manifest systems with which manifests are exchanged;
9. Establishment of controls on systems documentation that describes how the system operates, how the components are installed and configured, how system security features are implemented, or how the system is maintained; and
10. Establishment of, and adherence to written policies that hold individuals accountable and responsible for actions initiated under their electronic signatures, in order to deter record and signature falsification.

EPA acknowledges that these system security controls were quite detailed, and that if implemented, they would have had considerable impact on any private entities that might have developed electronic manifest systems under the proposed rule approach. However, EPA believed it was necessary to specify such detailed controls, and to validate and certify through written assessments that they had been implemented successfully in order to provide some minimum level of consistency and security in the design and operation of decentralized electronic manifest systems. At the time the proposed rule was developed, there was much concern that the decentralized approach might foster the development of numerous proprietary systems that would be incapable of communicating with each other, and that this approach might result in inconsistent and insecure systems with questionable ability to produce reliable and enforceable data. Therefore, the proposed security and processing controls were intended to ameliorate this concern by addressing what we concluded was a necessary set of controls to define a minimally acceptable level of consistency, data integrity, and system security for the various private systems that might have been developed under the proposed rule.

Many commenters focused on the specificity and detail of the proposed security controls when framing their comments. We received strong and frequent comments criticizing the complexity and prescriptiveness of the electronic manifest proposal, particularly with respect to the proposed security controls. Several industry and state commenters suggested that the proposed security controls overwhelmed the proposal to the extent that users would be deterred from using the electronic manifest. Others pointed out that the security requirements for electronic manifests seemed to set a much higher bar than existed for paper forms signed by hand, and that there should be no more auditing or accountability mechanisms for electronic manifests than there are for paper and ink manifests. Several commenters further argued that EPA should develop performance standards, not prescriptive rules, for electronic manifest systems, while another commenter observed that the decentralized approach itself placed EPA in a dilemma, since the Agency somehow needed to specify technologies and standards enough to ensure universality and compatibility, while also trying to leave the industry enough latitude to determine how best to comply.

Thus, as previously discussed, this concern motivated several commenters to suggest that the decentralized approach itself was flawed, and that a centralized electronic manifest system was the most effective means to satisfy the security and interoperability concerns identified in the proposed rule, while minimizing the software investments of the regulated community. These commenters emphasized that a centralized system would obviate the need for work flow standards, interoperability standards, and third party audits of private systems, as well as alleviating the burden of communicating between state tracking systems.

We received other comments that objected more particularly to the proposed requirement for a third party audit to validate private systems. These

commenters argued that EPA should instead identify acceptable hardware or software, or, describe the criteria that EPA will use to evaluate systems.

Since EPA has decided to adopt a centralized system approach for the e-Manifest system, it is no longer necessary to promulgate regulatory security controls in order to assure a level of consistency and security among various private systems. Thus, we are not codifying the proposed security controls as part of today's final rule. Because there will be one national e-Manifest system developed to host the transmission of electronic manifests, and the system will be operated by EPA through its contractor(s), the system security requirements for the e-Manifest will instead be planned and addressed under the Agency's security planning policies. EPA has concluded that it is far more sensible to develop the e-Manifest system security requirements and controls in this manner than to promulgate regulations that would codify the system security controls.

G. What electronic signature methods are required?

1. *Background.* Section 2(g)(C) of the e-Manifest Act provides that EPA's electronic manifesting regulations ''shall ensure that each electronic manifest provides, to the same extent as paper manifests under applicable Federal or State law, for—(i) the ability to track and maintain accountability of (I) the person that certifies that the information provided in the manifest is accurately described; and (II) the person that acknowledges receipt of the manifest.'' This provision of the e-Manifest Act confirms the objective that EPA announced in the May 2001 proposed rule concerning the electronic signature method: that is, the designation of an electronic signature method that should be no less secure and trustworthy than the conventional handwritten signatures that now appear on paper manifests. See 66 FR 28240 at 28283.

Section 2(g)(C) of the e-Manifest Act refers to the current manifest requirements by which: (1) The generator or offeror of the shipment certifies that the contents of a hazardous waste shipment are fully and accurately described on the manifest; and (2) the transporter(s) and the designated facility subsequently acknowledge or certify to the receipt of the hazardous wastes described on the manifest. Since the beginning of the hazardous waste manifest program in 1980, EPA has relied upon manifest signatures to show the chain of custody of hazardous waste shipments in transportation, and to establish clear lines of accountability among the waste handlers while the waste shipment is in transportation. In the May 2001 proposed rule, we acknowledged that there was a well-established track record and a high level of experience and comfort with using handwritten signatures as evidence in legal proceedings, while there was not the same level of experience and comfort with electronic signature methods. 66 FR at 28283–28284. Nevertheless, the Agency concluded that, as we gained more experience and familiarity with electronic signatures, many of the concerns with their reliability would be resolved. *Id.*

After the publication of the proposed rule in May 2001, EPA issued its final Cross-Media Electronic Reporting Regulation (CROMERR) on October 13, 2005 (70 FR 59848). CROMERR establishes a suite of performance standards for systems that collect electronic documents in lieu of paper documents under Federal environmental programs or under Federally approved, authorized, or delegated environmental programs administered by state, local, or tribal governments. These performance standards are codified at 40 CFR part 3. EPA has decided that it will, as a matter of policy, develop its own electronic reporting systems to meet the same performance standards that apply to state, local, and tribal government programs under subpart C of 40 CFR part 3. As explained by EPA in the CROMERR preamble, the CROMERR rule is intended to improve the efficiency, speed, and quality of regulatory reporting, while at the same time, ensuring ''the legal dependability of electronic documents submitted under environmental programs.'' 70 FR 59848 at 59850. Electronic signatures play a significant part in CROMERR's discussion of the legal dependability of electronic documents. CROMERR includes, in 40 CFR 3.3, a definition of ''valid electronic signature'' which requires electronic signatures to be created with a device (*e.g.,* secret code or private encryption key) that the person signing the document is uniquely entitled to use (*i.e.,* ownership) and that is not compromised at the time of use. This definition of ''valid electronic signature'' further requires that the signatory be an individual who is authorized to sign the document by virtue of their position or relationship with the reporting entity on whose behalf the signature is executed. See also, 40 CFR 3.2000(b)(5). In this way, CROMERR ensures that individuals will be no less accountable for their electronic signatures than they are for their handwritten signatures on paper documents. 70 FR at 59850.

Thus, the May 2001 proposed rule, CROMERR, and the e-Manifest Act are consistent in requiring that electronic manifests be no less legally dependable and defensible than the paper manifests they would replace.

In the May 2001 proposed rule, we proposed two distinct electronic signature methods: (1) A *digital signature,* based on asymmetric (*i.e.,* private key/public key) cryptography; and (2) a *secure digitized signature,* which involves a digitized signature pad, stylus, and software that operate in conjunction to capture one's handwritten signature input. We also solicited comment on the use of Personal Identification Numbers (PINs) or passwords as an electronic signature method for electronic manifests, and solicited comments on how (and if) PINs or passwords could be implemented securely and efficiently as an electronic signature method for electronic manifests. See 66 FR 28240 at 28290–91.

We proposed the digital signature (encryption-based) method, because digital signatures establish the source of the document as the holder of the private encryption key, and they robustly bind the content of a signed electronic document to the signature such that it is impossible for the document to be modified without detection once signed. In our proposed rule, we explained that a digital signature involves the use of private key/public key cryptography, as it relies on the mathematical relationship between a pair of encryption ''keys'' (very large numbers) to execute and verify a signature. A more detailed description of the digital signature technology is presented in the preamble to the May 22, 2001 proposed rule. See 66 FR 28240 at 28284.

As an alternative to the digital signature method, we also proposed in May 2001 a signature method we identified as ''secure digitized signature.'' A ''digitized'' signature is one that is captured electronically on a touch-sensitive signature pad as a pen or stylus travels over the pad. Under the proposed rule, electronic manifests would be signed in the field using a portable digitizing pad that would create a graphical record of the signature. This signature would be logically bound to the manifest record by an encryption process known as a hash function. Because the document binding and signature verification features would promote signature authenticity and data integrity, we referred to this proposed signature

method as a ''secure digitized signature.'' See 66 FR at 28289.

EPA recognized at the time of the proposed rule that both the digital signature and secure digitized signature methods would involve greater hardware and software complexity and cost than the PIN or password method, but these methods also seemed to offer greater authentication strength with respect to identifying uniquely the individual signing an electronic manifest. While we indicated concerns in the May 2001 notice that a simple PIN or password approach based on one secret item of information might not provide sufficient authentication strength and security for the electronic manifest, we were also aware that PINs and passwords are still commonly used in many contexts for electronic authentication, and are popular with users because of their familiarity and relative ease of implementation. Therefore, we requested specific comments from the public on whether there was a practical, secure, and efficient means to implement a PIN-based signature method for the electronic manifest. *Id.* at 28291.

2. *Comment Analysis.* EPA received many comments addressing the electronic signature methods in the proposed rule. Several commenters from state agencies seemed concerned that the level of security and cost associated with the digital signature (encryption-based) method was not warranted in the manifest context. The state-agency commenters expressed some modest support for the secure digitized signature method. However, several other state-agency comments urged strongly that EPA consider a PIN-based electronic signature system for the final rule, as the PIN signature would be easiest to implement, easiest to validate, easiest for signatories to use, and the most cost-effective of the three methods. A view repeated in several state agency comments was that the proposed signature methods placed far more emphasis on security and preventing fraud than the commenters believed was warranted with the hazardous waste manifest. The commenters argued that there is not the level of falsification and fraud being practiced with manifests to warrant the perceived costs and additional burdens of the proposed methods. Those stating this view further suggested that the proposed signature methods did not place sufficient emphasis on the convenience to users, suggesting that the proposed signature methods and their burdens would discourage the use of the electronic manifest system.

EPA also received many comments from the regulated industry on the proposed electronic signature methods. A trade association for waste management firms suggested that a PIN-based system would be sufficient and cost-effective for electronic manifest signatures, suggesting further that the expense and complexity of both of the proposed signature methods were disproportionate to the number of enforcement actions that turn on the authenticity of manifest signatures. We also received numerous comments from the regulated industry suggesting that the digital signature method was too expensive and complex to be deployed in the electronic manifest context. By contrast, we received a number of comments from industry representatives who suggested that a digitized handwritten signature method could be implemented and used successfully for the electronic manifest. These commenters offered that digitized handwritten signatures provide a practical and cost-effective alternative to digital (encryption-based) signatures, and that they have been used successfully in commerce for years. Several commenters preferred the digitized signature because it best mimics the current process for signing paper manifests. In addition, we received several industry comments that echoed the view expressed in state-agency comments that the electronic manifest did not warrant elaborate electronic signature security, with one such commenter suggesting that any security burden imposed beyond that associated with the digitized signature method would act as a deterrent to the use of the electronic system. Finally, we received a comment from an industry trade association suggesting that EPA must clarify in the final rule that a consistent signature method will be implemented in all states for electronic manifests, since manifests are interstate transactions that require consistency in implementation across all the states.

3. *Final Rule Decision on Electronic Signature Criteria.*

i. Introduction. EPA is today promulgating a final rule that is technology-neutral, rather than codifying specific electronic signature methods. Therefore, for the final rule's electronic signature selection criteria, § 262.25 of the generator requirements states that electronic signature methods for the e-Manifest system shall: (1) Be a legally valid and enforceable signature under applicable EPA or other federal requirements pertaining to electronic signatures; and (2) be designed and implemented in a manner that is sufficiently cost-effective and practical for the users of the manifest. These signature selection criteria are explained in detail below, and there is corresponding language included as well in Part 263 (transporters) and in Parts 264 and 265 (for receiving facilities).

We have concluded that this technology neutral approach is appropriate, because as new authentication and signature technologies are identified over the years, the e-Manifest system will be able to adapt to and keep pace with these technology changes. It is also consistent with the Agency's electronic reporting regulation codified at 40 CFR part 3. For today's rule, therefore, EPA is announcing the electronic signature method criteria which EPA will follow as we develop and implement the initial technical design approach for the e-Manifest system, as well as any subsequent refinements adopted in the system's change management process. EPA will consult with our manifest user groups during the initial design phase of the e-Manifest system, and we will continue to collaborate with the user groups and the System Advisory Board [7] after the system is operational as part of the regular oversight and the change management process for the e-Manifest system. A distinct advantage of finalizing this rule with a technology-neutral standard and decision criteria is that the e-Manifest system, through the participation of the user groups and the System Advisory Board, will be able to assist EPA in identifying new electronic signature methods as a part of the normal system design and change-management process. We can also obtain the critical input from the user groups and System Advisory Board members on the various electronic signature methods that might be submitted to these groups for their consideration. This type of input is difficult to obtain through a rulemaking process, but it is essential to the IT system development process.

Second, EPA is also announcing in this preamble section its current recommendations on how the Agency plans to implement electronic signatures for the first-generation of the e-Manifest system. The Agency has concluded that these recommended methods should be acceptable for the initial system design phase, and that they should meet the electronic

[7] Section 2(f) of the e-Manifest Act provides that EPA must establish a 9-member Advisory Board consisting of members selected from EPA, the states, and the regulated industry user community, with the Board to meet annually to evaluate the effectiveness of, and to provide recommendations to EPA, relating to the system.

signature criteria that are codified in the regulation. These recommendations are non-binding, and the e-Manifest system developers may consider and select other legally valid and enforceable signature methods that are recommended during the design phase of the project. After the first generation system is in place, the System Advisory Board and user groups can also recommend the adoption of new technologies and methods as they are demonstrated to be sufficiently strong, effective and feasible alternatives to the first-generation methods ultimately selected during the design phase of the e-Manifest project.

ii. Electronic Signature Selection Criteria. In this section of the preamble, the Agency explains the electronic signature method selection requirements that will guide EPA, in consultation with the IT contractor, user groups, and the System Advisory Board, on the initial design of and any future changes to the electronic signature methods for the e-Manifest system. In the selection of the electronic signature methods for e-Manifest, the Agency is requiring that the signature method(s) shall: (1) be legally valid and enforceable signatures under applicable EPA and other Federal requirements pertaining to electronic signatures; and (2) be designed and implemented in a manner that is sufficiently cost-effective and practical for the users of the manifest, so that the signature methods gain broad user acceptance and encourage user participation in the e-Manifest system.

As of the development of this regulation, the requirement of a legally valid and enforceable electronic signature is governed by EPA's regulatory requirements in CROMERR, which EPA has codified at 40 CFR part 3. In particular, applicable requirements for electronic signatures are governed by the definition of ''valid electronic signatures'' under 40 CFR 3.3 and the related provisions on electronic reporting under Subparts B and D of 40 CFR part 3. Hereafter, therefore, we will refer in this preamble to consistency with CROMERR or CROMERR compliant electronic signatures as the means by which EPA will implement valid and enforceable electronic signatures that will ensure the legal dependability and defensibility of electronic manifests. EPA understands, however, that the CROMERR regulation could be altered or replaced over time by new EPA regulations and/or new Federal requirements pertaining to electronic signatures. Therefore, we have codified in § 262.25(a) the broader language requiring a ''legally valid and enforceable signature under applicable EPA and other Federal requirements pertaining to electronic signatures'' so that the regulation will be broad enough to encompass any changes to EPA rules or Federal law that may augment or supersede EPA's current CROMERR requirements.

a. CROMERR consistency. As discussed above, EPA's current regulatory policy on electronic reporting and electronic signatures is prescribed by CROMERR. The e-Manifest is an example of a system that will provide electronic documents directly to EPA. Therefore, the e-Manifest is subject to the requirements (performance standards) of 40 CFR part 3, Subpart B, addressing electronic reporting to EPA. The CROMERR requirements for State document receiving systems (40 CFR part 3, Subpart D) contain much more specific system requirements than Subpart B's performance standards. Although EPA is not legally bound by the Subpart D standards, EPA intends to comply with the Subpart D standards as a matter of Agency policy. See 70 FR 59848 at 59860. Among the Subpart D standards are the specific requirements for valid electronic signatures under 40 CFR 3.2000(b)(5)(i) and the requirements for identity proofing at 40 CFR 3.2000(b)(5)(vii). The electronic signatures for e-Manifest must be consistent with these CROMERR standards.

b. Cost-effective and practical implementation for users. We believe that any electronic signature method selected for e-Manifest should be designed and implemented so that it will be cost-effective and practical for users. The goal is that the electronic signature methods will be generally acceptable to the user community in order to realize the benefits associated with widespread use of the system. Accordingly, we have specified in the rule that this is a factor that will be considered when EPA is evaluating potential electronic signature approaches.

Since the initial implementation of the manifest system in 1980, EPA's manifest regulations have emphasized the important role of the user community in monitoring their waste shipments as they are tracked with manifests, so that waste quantities and types that are shipped are reconciled with the wastes quantities and types reported as received by designated facilities, and to ensure that waste shipments in fact arrive at the designated facilities within the regulatory timeframes. Given this key role played by the user community in overseeing the manifest system, EPA believes it is important that the user community be able to readily access and utilize the e-Manifest system to prepare and transmit their electronic manifests. We believe that the preparation and transmittal of e-Manifests will greatly enhance the ability of users to track the status of their shipments, to identify and rectify problems with shipments more quickly, and to avoid many of the data entry errors and legibility problems that arise in the paper system. Since the user community inspects and closely monitors the manifests that it creates, the key to leveraging the enhanced tracking and oversight capabilities of the e-Manifest is to ensure that the e-Manifest is readily available to and broadly embraced by the user community. Therefore, it is essential that the CROMERR compliant electronic signature methods adopted for e-Manifest also be practical for the users to implement.

Congress emphasized the importance of broad user participation in e-Manifest in section 2(e)(3)(C) of the e-Manifest Act, which provides that a primary measure of successful performance of the IT system shall be the development of an e-Manifest system that ''meets the needs of the user community,'' and that ''attracts sufficient user participation and service fee revenues to ensure the viability of the system.'' Therefore, as with the other system components that affect the users' experience and ease of use of the system, EPA will consider the impact of available electronic signature methods on the level of use of the system, to ensure that the e-manifest system will be viable and will effectuate statutory objectives that the system be established and operated on a self-sustaining, user-fee funded basis.

4. *Final Rule Recommendation on First Generation System Signature Methods.* Based on the comments received in developing this rule, and on our May 2007 economic analysis of the proposed rule signature options and variants, EPA believes that the first generation system should provide support for either or both the digitized handwritten signature method and/or the PIN/password signature method.[8] The public comments on the proposed rule electronic signature content are summarized above in section G.2. of this preamble. EPA also conducted a detailed economic analysis of the proposed electronic signature technologies and identity proofing methods in May 2007, as we wanted to

[8] While the system would be designed to support both methods, it is intended that each e-Manifest signature would only implement one or the other of the two methods.

understand better how the hardware, software, and support services needed for each signature and identity proofing method would impact the implementation costs for the system and its users, and how these costs might affect the per-manifest user fee that would be imposed to recover the costs of administering the system.

EPA agrees with those commenters who suggested that an electronic signature method based on a PIN/password approach can meet our enforcement needs while simultaneously enjoying a high degree of user acceptance. We have also concluded that the digitized handwritten signature approach would likely enjoy a high degree of user acceptance, and we will be evaluating any peer reviewed studies so we can determine whether or not this approach can be forensically validated. Therefore, EPA is announcing that for the first generation e-Manifest system, the Agency will recommend the PIN/password electronic signature method as described in today's rule. We also expect to deploy the digitized handwritten signature method in the first generation system if the validating studies demonstrate its forensic reliability; however, we will allow the deployment of this method on an interim basis (with some paper/ink signature requirements still applicable) pending the results of the studies.

The Agency does not intend at this time to support the proposed digital signature method (based on asymmetric encryption and a public key infrastructure or PKI). Our May 2007 analysis revealed that the projected cost of implementing the proposed digital signature method with a public key infrastructure or PKI would likely be three to four times the projected costs of implementing either the PIN/password method or digitized signature method. Because of the far greater costs associated with PKI, and the comments that criticized the complexity of this signature method, EPA has determined that it will not initially provide support for PKI in the implementation of the e-Manifest system. However, this should not be taken to mean that the Agency has ruled out the digital signature alternative entirely, as we recognize that technology changes and updated cost projections that may appear before the system build is complete could alter our conclusions regarding the cost-effectiveness of this technology.

EPA believes that the two signature methods recommended for use can be adapted to the electronic manifest business process for two distinct communities of electronic manifest users. We believe that the digitized handwritten signature method may be attractive to hazardous waste transporters and hazardous waste management firms that want to implement the electronic manifest across their enterprises by bringing mobile computer equipment (with digitizer pads or integrated signature devices for collecting signatures) to the sites of their generator customers, and tracking their hazardous waste pick-ups, their transportation on company vehicles, and their delivery of hazardous waste shipments to their company's permitted or interim status facilities. For those that would engage in electronic manifesting independently of such an enterprise-level implementation, either the digitized handwritten signature method or the PIN/password signature method could be available to sign electronic manifests. Our rationale for recommending these first generation methods is explained for each method below in sections G.5. (digitized handwritten signature) and G.6. (PIN/password) of this preamble.

5. *Digitized Handwritten Signature.*

i. Recommended Approach for CROMERR Compliance. The Agency is announcing that it now has tentative plans to implement a digitized handwritten signature method as one of the two methods of electronic signature that may be supported by the first generation e-Manifest system. As explained in more detail below, our plans for implementing this method are tentative at this time, because our ability to recommend one or more of these products is dependent on there being available such products of sufficient quality to meet our authentication needs, including support for any enforcement actions involving the manifest. While our initial literature searches and discussions suggest to us that such products may be available and sufficient for these purposes, we cannot make a final determination on the quality and suitability of these products until we obtain peer reviewed studies indicating the reliability of this signature technology in providing the forensic evidence that an expert witness (i.e., a federal document examiner) could rely upon if called to testify in any civil or criminal litigation involving a disputed signature. EPA expects that vendors of these products who wish to qualify their digitized handwritten signature products for use with e-Manifest could obtain or participate in the necessary studies that demonstrate their products' reliability in helping to verify authentic signatures or to identify non-authentic signatures.

Aside from the need for the reliability studies for these signature products, we found that there is considerable support for this signature method in the prospective user community. In particular, we found there to be support for this method in the public comments on the May 2001 proposed rule. We further note that this electronic signature method has been widely implemented by package delivery services and various retail or government establishments as a means to collect signatures for credit transactions, for drivers' license and insurance policy applications, and to document the receipt of medical prescriptions or other goods.

EPA is also persuaded by the findings of our May 2007 economic analysis of electronic signature methods. This analysis revealed that the handwritten digitized signature method was among the least expensive to implement of the electronic signature methods we analyzed, despite the fact that this method entails a more significant initial investment by users or sponsoring companies in the signature pads and software necessary to collect the signatures. We estimated the 5-year average annual cost of implementing this method to be about $0.5 million to $1.5 million, which can also be expressed as an incremental cost of between $0.13 and $0.39 per electronic manifest. Assuming there are digitized handwritten signature products that can be shown through peer reviewed studies to collect reliable forensic evidence for enforcement actions, then the Agency believes this signature method can be implemented consistently with CROMERR requirements. Further, since this method also appears to be cost-effective and acceptable to the manifest user community, EPA tentatively concludes that the digitized handwritten signature method should be an acceptable method for the first generation e-Manifest system.

As we discussed in the May, 2001 proposed rule, the digitized signature method that we proposed and now continue to evaluate and pursue for the first generation e-Manifest system would be captured as a dynamic signature (not a replay of a copy), and the signature would be bound to the manifest document content by a hash function to prevent unauthorized alterations to the signed content. The Agency anticipates that this method, if demonstrated by peer reviewed studies to be reliable, would be deployed primarily by those persons, including hazardous waste transportation companies or hazardous waste management companies, who choose to

implement the electronic manifest across their company's operations with mobile equipment that they would bring to generator sites and carry on their transportation vehicles. The mobile equipment would accompany hazardous waste shipments in the same manner that the paper forms currently accompany waste shipments. The mobile equipment would enable hazardous waste management companies to access the e-Manifest system and to track the movement of their generator customers' waste shipments to their companies' permitted or interim status facilities. However, generators and independent hazardous waste transporters who frequently create or handle manifests may also choose this signature method even in the absence of enterprise-wide deployment, because the initial cost of signature pads and software should be greatly outweighed by time savings, reduced paperwork costs, and customer satisfaction.

As with handwritten signatures executed with ink on paper, digitized handwritten signatures may be described and recognized by the shape and form of the letters, loops, and other signature attributes that are recorded by the device. Thus, we expect that a digitized handwritten signature will present signature attributes that are, in combination, unique to a particular individual. We are also aware that there are some digitized signature pads and their supporting software which are capable of measuring the ''signature dynamics'' (e.g., speed, pressure, acceleration, sequential coordinates) of the signature act and maintaining a record of these forensic measurements that can be compared with other signature samples or exemplars. There are now a variety of digitized handwritten signature hardware and software products on the market, and based upon the Agency's examination of a few products' specifications and literature, EPA believes that at least some of these products may be able to record and process the handwritten signature images and attendant signature dynamics with sufficient detail and reliability so as to permit a trained federal document examiner or other expert handwriting analysts to reliably authenticate a signature. However, as we noted above, we cannot make a final determination on the quality and suitability of these products until we obtain the peer reviewed studies indicating the reliability of this signature technology in providing the forensic evidence necessary to authenticate a signature.

EPA believes that the high quality digitized signature products that may be suitable for the e-Manifest are those that have been or will be designed with enhanced forensic evidence capture, measurement and analytical capabilities, and that will enable handwriting experts and professional document examiners to give reliable expert opinion evidence on the authenticity of the digitized handwritten signatures in any civil or criminal litigation in which the signature authenticity may be in dispute. Thus, EPA anticipates that the digitized handwritten signatures could be used and proven in litigated cases in much the same manner that conventional paper manifest signatures are used and proven in these cases. In particular, we anticipate that the use of high quality digitized signature products with the e-Manifest will allow the Agency to collect sufficient forensic evidence [9] surrounding these signatures to either demonstrate that the signature is authentic, or, rebut any effort by the signatory to repudiate their digitized handwritten signature. Thus, we will continue to pursue and evaluate the digitized handwritten signature method so that we can confirm or repudiate the belief that there generally may be the same level of legal dependability for electronic manifests signed with digitized handwritten signatures as there is now for paper manifests (or images of paper manifests) and their handwritten signatures.[10]

We anticipate that validating peer reviewed studies will demonstrate that high quality digitized handwritten signature products produce valid electronic signatures for purposes of CROMERR. In this instance, the handwritten signature image data and the collected forensic evidence would constitute the ''electronic signature device'' for purposes of CROMERR. We also anticipate that validating peer reviewed studies will also demonstrate that the high quality digitized handwritten signature devices successfully capture and record information that is both unique to the signatory and sufficiently immutable that the resulting signature may operate similarly to a biometric for purposes of CROMERR. Since a digitized handwritten signature does not rely on a secret PIN or password code, CROMERR does not require a digitized handwritten signature to implement a second authenticating factor to show that it has not been compromised. Furthermore, as these signatures are in their nature handwritten signatures that will be authenticated based on their unique forensic evidence similar to conventional ink signatures, it should not be necessary to establish one's ownership of a digitized handwritten signature through a separate identity proofing process any more than it is necessary to engage in identity proofing of conventional handwritten signatures.[11] EPA anticipates that the validating peer reviewed studies will demonstrate that with the appropriate implementation and technology, a digitized handwritten signature can verify or authenticate the identity of an individual in the same way that handwritten signatures on paper are authenticated, that is, by their appearance and by the forensic evidence surrounding their execution.

In order for digitized handwritten signatures to function as dependably as handwritten signatures executed with paper manifests, it is critical that this signature method be implemented with high quality digitized signature pads and software. Rather than codifying the performance and quality requirements for these devices in this final regulation, EPA will specify performance requirements in the procurement documents that will address the e-Manifest system acquisition. Based on our current understanding of the capabilities and features of digitized signature products, EPA is exploring and will seek to validate products that have these or similar characteristics:

[9] In 1994, Congress amended the Hazardous Materials Transportation Act (HMTA) to provide that an electronic image of a shipping paper may be retained by an offeror or carrier, in lieu of the paper record, as the legal record to be made available for inspection by enforcement agencies. See 49 U.S.C. 5110(e), added by Public Law 103–311, Title I, Sec. 115 (August 26, 1994). The hazardous waste manifest is a Hazardous Materials shipping paper, and EPA is required by statute to be consistent with the Hazmat law in developing our transportation requirements, such as the manifest regulations. In 1996, EPA/OSWER announced a policy allowing hazardous waste facilities under specified conditions to retain scanned and retrievable image files of paper manifests in lieu of retaining their paper copies. EPA believes that high quality digitized signature products can create electronic signatures with evidentiary strength that exceeds that of the ''flat image'' manifest signatures that are now accepted under the paper manifest system.

[10] The digitized handwritten signatures should improve signature quality by ensuring that a consistent quality signature is retained for all collected manifest signatures, regardless of the order in which the manifest was signed. Many paper manifest signatures today are carbon copy signatures of very uneven quality or legibility.

[11] Moreover, since there is no showing required currently to establish that one signing a paper manifest is authorized to sign manifests for the entity that he or she represents, this rule does not require a separate identity proofing to establish the relationship of the owner of an electronic signature device to a particular entity.

• They produce handwritten signatures that may be captured and displayed with a sufficiently high resolution, e.g., at least 300 dots per inch;

• They collect forensic data, e.g., all three signature (x, y, and z) coordinates, time of signature, acceleration, or pressure, etc., and retain these data as a part of the signature record;

• They record all signature input data at a sufficiently high frequency to characterize accurately each signature act, e.g., at least 100 samples or reports per second;

• They can execute, on average, many individual signatures (e.g., 100,000) between failures, where failure involves the loss of any pixels in the signature image;

• They employ a ''hash'' function to digitally attach the signature to the data that are signed, so that alterations to the document contents can be detected;

• They are supported by software that can analyze the forensic signature measurements captured with each electronic signature, and that allows a trained, professional forensic document examiner to use the measurements and analysis to compare a given electronic signature with a signature exemplar submitted by the named signatory;

• They are supported by peer-reviewed studies which show that the technology has been thoroughly tested, that the known or potential error rate of the technology has been established and is acceptable, and that the technology reliably collects, processes, and interprets the forensic data from handwritten digitized signatures; and

• The forensic signature measurements and analyses performed by the software, and the comparisons of digitized handwritten signatures and exemplars conducted by a trained, professional document examiner, will enable a professional document examiner trained in the technology to provide expert opinion testimony, with a high degree of confidence, that a questioned digitized handwritten signature is or is not the authentic signature of the signatory.

ii. Interim Approach to Implementation. As discussed above, for the digitized signature method to be implemented as a fully CROMERR compliant and valid electronic signature, there must first be completed the peer reviewed studies showing the forensic reliability of this signature technology. However, in the event that EPA or others are not able to complete the necessary studies prior to the implementation date of today's rule, EPA may allow the deployment of this method on an interim basis (with some paper/ink signature requirements) pending the results of the studies.

Under such an interim implementation, EPA would accept the deployment of digitized signature pads and/or digital pens that simultaneously capture an ink signature. We are aware of several existing products with this capability. One paper copy of the manifest would be executed for each shipment with the original ink signatures of all the hazardous waste handlers, while the digitized signatures would simultaneously be collected and associated with the electronic manifests that would be distributed and retained by the e-Manifest system. At the end of the waste shipment transaction, the designated facility would retain the one paper copy with the original ink signatures among its operating records for at least three years, just as designated facilities currently retain a final paper manifest copy among their records. The designated facility would retain this paper copy securely and make it available for inspection and enforcement purposes by state or federal inspectors. Thus, during the interim period of implementation, the one paper copy with ink signatures would remain the copy of record for all enforcement actions involving that manifest. In the event of an enforcement action where a manifest signature is at issue, the paper copy would be produced for enforcement officials, and the ink signatures on this stored copy would be authenticated by document examiners in the same manner that such ink signatures are currently authenticated in enforcement actions. The digitized signature images captured on the electronic manifest copies in the system could be relied upon by e-Manifest users for all other purposes. Since civil and criminal enforcement actions would continue to rely on enforcing the paper manifest copy with its handwritten ink signatures, the effect of this interim solution is to defer full CROMERR compliance with respect to e-Manifest until the program is ready to implement a fully paperless system that would rely on the authentication of the digitized signatures in enforcement actions.

While this interim solution might appear to be inconsistent with the goal of a fully paperless manifest, EPA emphasizes that after the implementation of the e-Manifest system, DOT's HMR will continue to require hazardous waste transporters to carry a hazardous materials shipping paper (i.e., the manifest) on transport vehicles. So, e-Manifest users would still be required for the foreseeable future to produce one paper copy of the manifest in order to comply with these existing DOT shipping paper requirements. Since there will need to be one paper copy of the manifest carried on the transport vehicle in any case for DOT's purposes, the use of this one paper copy to simultaneously record enforceable ink signatures under this interim solution will not result in additional paperwork being supplied. Moreover, most of the paperwork reduction, greater efficiency, and data quality enhancement benefits of the electronic manifest will still be realized even with the execution and retention of this one paper manifest copy as an enforcement copy of record.

We anticipate that this interim signature method could be used until such time as EPA is able to identify specific digitized signature products that have been tested and found through peer reviewed studies to meet the forensic reliability standard. During the interim period, however, certain digitized signature products could be deployed, and the peer reviewed studies could be set up to take advantage of the data developed using several such products under a test protocol that would enable us to identify the high quality digitized handwritten signatures that could stand alone as enforceable and legally valid electronic signatures without any paper copy back-up.

To address the use of digitized handwritten signatures (or other electronic signature methods) during this interim period pending the completion of the tests (and peer reviewed studies) that would demonstrate the signature method's legal dependability or practicality, we have included appropriate regulatory provisions in this final rule. These special procedures will provide that the one printed copy of the manifest that is required by EPA and DOT regulations to be carried on transport vehicles shall in such cases of electronic signature tests be signed in ink by the generator, transporter, and designated facility owner or operator. At the end of the shipment, the printed copy bearing all the original ink signatures shall be retained by the designated facility among its records, and made available to federal and state RCRA inspectors to support their compliance monitoring and enforcement activities. These special procedures are codified for generators at 40 CFR 262.24(f), for transporters at 40 CFR 263.20(a)(7), and for owners or operators of designated facilities at 40 CFR 264.72(i) and 265.72(i). These procedures are sufficiently flexible to apply over the life cycle of the system to the use of any electronic signature method that would benefit from a pilot or demonstration

test before a decision is made to fully implement the method as a legally valid and enforceable electronic signature.

6. *PIN or Password Electronic Signature.*

i. Introduction. In addition to the digitized signature method discussed above, EPA recommends PIN and password-based electronic signatures for the first generation e-Manifest system. As with the digitized signature method discussed above, the PIN or password signature must also activate a hash function or equivalent technology, so that the electronic signature will be bound to the document content, and any data alterations attempted after signature may be detected.

The main advantage of the PIN/password signature for these signatories is that a signature can be applied through any keypad-enabled device that can access the e-Manifest. EPA understands that mobile devices with digitizer pads may not be available or attractive to all manifest users. We believe that the PIN/password electronic signature method provides a reasonable alternative for these prospective manifest users.

EPA received many public comments on the May 2001 proposed rule urging the Agency to implement a PIN/password signature approach for the e-Manifest, as these users believed that PINs or passwords would be more cost-effective for users than those methods that required the purchase and use of peripherals, such as digitizer pads and the software needed to operate them. PINs and passwords are commonly implemented as an authentication approach in many electronic systems, and they are fairly easy to implement and validate. The technical basis for executing and validating a PIN or password signature is well established, and there is no need for studies to establish their technical reliability. Moreover, the May 2007 economic analysis of electronic signature methods confirmed that PIN/password signatures were fairly inexpensive for the electronic manifest community, with average costs between $.50 to $.96 per manifest. However, as previously noted, our analysis concluded that PINs and passwords may not be as inexpensive a signature method as the digitized handwritten signature over the life cycle of the system, since PINs and passwords are frequently lost or forgotten, and help desk support or self-service password management software may be required to reset them.

While PINs/passwords have these drawbacks, the Agency believes that PIN/password-based electronic signatures can be implemented for the e-Manifest system in a manner that is both consistent with the CROMERR standards and at a cost that would not discourage use of the system. Manifest users have commented that PINs and passwords would be readily accepted by many prospective e-Manifest users, and our May 2007 economic analysis confirms that this signature method may pose acceptable costs, despite the help desk and other management costs associated with PINs and passwords.

ii. CROMERR Identity Proofing Requirements. By adopting the standards set forth in CROMERR, today's rule requires that the identity of those who would sign electronic manifests with a PIN or password electronic signature must be established with legal certainty. Section 3.2000(b)(5)(vii) of CROMERR addresses identity proofing by adopting a performance standard that requires that electronic reporting systems have a process for determining with legal certainty the ownership of an electronic signature device and the relation of the signatory to the entity on whose behalf he or she signs an electronic document. 70 FR 59848 at 59872. This provision of CROMERR requires that a system provide evidence sufficient to prove the device owner's identity and relation to an entity, particularly in the context where the signatory may have an interest in repudiating their own signature or their relationship to the entity on whose behalf the signature is executed. While § 3.2000(b)(5)(vii) of CROMERR does not specify how this performance standard is to be met [12], the rule does require that, at a minimum, the identify-proofing process must involve access to a set of descriptions that apply uniquely to an individual in question and refer to attributes that are durable, documented, and objective. Id. Such descriptions must be capable of being shown to uniquely identify the individual without having to depend on one such as a signatory who may want to repudiate their identification. Id. Alternatively, a subscriber agreement within the meaning of 40 CFR 3.3 may be collected to satisfy CROMERR identity proofing requirements.

iii. CROMERR Second Authentication Factor. CROMERR requires that any electronic reporting system collect evidence that demonstrates that an electronic signature device (such as a PIN or password) was not compromised at the time of use. When the electronic signature consists of a PIN or password, this feature of CROMERR operates to require a second authenticating factor that is collected contemporaneously with the signature to demonstrate with legal certainty that the PIN and password were not compromised at the time of use. We discuss below two approaches that we believe may be appropriate for the e-Manifest.

We should note that EPA evaluated several technology-based second authenticating factors. Our economic analysis of electronic signature and authentication methods concluded that the use of some currently available hardware tokens or biometric devices could triple or quadruple the per-manifest cost of signing electronic manifests with a PIN or password. We believe that the addition of these costs to the PIN/password signature implementation costs could discourage use of the system by the more cost-sensitive members of the prospective user population. Therefore, we have chosen, at the outset, to employ second authenticating factors for PINs or passwords that require no additional hardware. Again, this should not be taken to mean that the Agency has forever ruled out all such technology-based approaches to reducing the vulnerability of a PIN/password signature to compromise. Should other methods relying on biometrics, hardware tokens, or other technologies be identified that are inexpensive, effective, and acceptable to the user community, they certainly would merit consideration for the e-Manifest system. Likewise, other non-technology methods that rely on business process adjustments or management controls, and that are effective in reducing the vulnerability of the PIN/password signature to compromise, may also be suitable if they meet the requirements of today's rule and CROMERR.

a. *Personal Question Challenge as Second Authenticating Factor.* One approach that EPA currently allows under CROMERR as a second authenticating factor for PIN/password signatures is to present the signatory with a challenge question each time he or she enters their PIN or password to execute a signature. Under this approach, the PIN/password electronic

[12] Section 3.2000(b)(5)(vii) describes three identity proofing methods that have been deemed acceptable for electronic reports that are submitted to EPA or state systems. These accepted methods under CROMERR include: (1) The vetting and verification by a disinterested individual of a person's identifiers or attributes that are contained in that person's identity credential (e.g., a driver's license, passport, or financial account), with at least one such identity credential being a government issued credential; (2) a method of determining identity that is no less stringent than the vetting of an identity credential by a disinterested individual; and (3) the collection of either a CROMERR ''subscriber agreement'' or a certification from a ''local registration authority'' that such an agreement has been received and securely stored. 40 CFR 3.2000(b)(5)(vii).

signature can be sufficiently strengthened if the signatory successfully answers a challenge question from a set of questions for which the signatory has provided pre-arranged answers. Since only the actual signatory would likely be able to successfully provide both the required PIN/password and the correct answer to a personal challenge question, this approach can provide significant added protection against signature fraud and repudiation. In administering the CROMERR regulation, EPA has approved several systems that implement the use of personal challenge questions as a second authentication factor for PIN/password signatures. EPA's experience with these systems indicates that there should be at least 10 candidate questions made available to a user at the time of registration, although we recommend a longer list of at least 20 such questions to give the registrant a better chance of finding several questions that he or she can answer from memory. In any case, under this method in the past administration of CROMERR, EPA has required that registrants select and answer five of the candidate questions at the time of registration with the system. Thereafter, when the user enters his or her PIN/password electronic signature, he or she will be presented with one of the five selected challenge questions, which the system will choose at random. The entry of the correct response to the challenge question satisfies the CROMERR requirement for a second factor to strengthen the PIN/password signature.

The personal question challenge is recognized as a CROMERR compliant second authentication factor, and this method is therefore available for the e-Manifest system as a means to strengthen PIN/password electronic signatures. However, EPA has some concerns that this method of implementing a PIN or password signature may present difficulties for e-Manifest users, particularly for hazardous waste generators. There are about 139,000 RCRA hazardous waste generators (and many more state-regulated waste generators), many of whom may decide to use electronic manifests, and many of these generators are small entities that may ship hazardous waste infrequently, e.g., no more than two or three times per year. Since these generators will have infrequent contacts with e-Manifest, we are concerned that these generators will have difficulty recalling both their passwords and personal question responses from memory. Manifest signatures occur in the context of a live, commercial transaction, and the signature data will likely be entered on mobile devices brought to the generators' sites. Since the use of electronic manifests will be the default, the possibility that many generators could have difficulty executing both their passwords and personal question responses successfully may cause these users delay and frustration that could result in their continued reliance on paper manifests. To mitigate this possibility, we are also recommending an alternative method to the personal question challenge that users may find more suited to the manifest business process. This alternative may be used to satisfy CROMERR's requirement for a second authentication factor for PIN/password signatures for electronic manifests. It relies on a certification by a signature witness to strengthen the PIN/password signature. This method is explained in the preamble section below.

b. *Signature Witnessing as the Second Authenticating Factor for PIN/Password-Based Electronic Signatures.* The ''witnessed signature'' approach takes advantage of a unique feature of the manifest business process—that is, that manifests are typically signed by one party to the manifest (*e.g.,* the generator) in the presence of another party to the manifest (*e.g.,* the initial transporter). Manifests are signed by the generator when they are certifying to the transporter that the hazardous waste shipment is properly described and marked, and in proper condition for transportation. They are signed by transporters and designated facilities to acknowledge the receipt of the hazardous waste from the prior handler.

For the witnessed signature approach, EPA will require a witness's certification of the signature to reduce the vulnerability of the PIN or password to compromise. Signature witnessing will take place as follows. First, the waste handler signing the manifest will present their government-issued photographic identification (*e.g.,* driver's license, passport, or State-issued photo ID) to the witness. The witness will be expected to examine the name and picture contained in the photo identification, and to verify that the claimed identity of the signer is consistent with the information contained in the driver's license or other photo identification. To ensure that this identity check is performed, the system will prompt the witness to enter the last five digits of the identification number included on the presented credential (*e.g.,* the last five digits of the signer's driver's license number) and the witness will certify that this check was done. Second, EPA will rely upon the live witnessing of the signer's PIN or password signature act [13] as the distinct second authentication strengthening factor. The system will collect the evidence of both the signer's signature act and the facts attested to in the witness's certification, and the collection of this evidence is sufficient to satisfy CROMERR insofar as establishing that each electronic signature was valid at the time of signature. See 40 CFR 3.2000(b)(5)(i). A signature affixed to the e-Manifest in the presence of a witness with distinct interests to the signer is highly unlikely to be compromised, as the signer understands at the time of signature that the witness could testify against the signer should the signer later attempt to repudiate his or her signature. Because of the manner in which the signature witnessing process is conducted—with direct in-person contacts between the signatory and the witness at the time of signature, with reliance of the witness on a government issued identity credential of independent origin that includes a photo of the signatory, and with the certification statement of the witness that includes the durable and objective evidence (the driver's license number fragment)—this signature witnessing process also satisfies CROMERR's requirement for identity proofing under 40 CFR 3.2000(b)(5)(vii)(B). In this regard, while the interests of the generator and transporter in the waste transaction may be adverse to or distinct from each other rather than a ''disinterested'' relationship, EPA believes that the vetting of the generator's representative identity by the transporter's representative with each signature act is no less stringent than the one-time identity proofing by a disinterested party contemplated by 40 CFR 3.2000(b)(5)(vii)(A).

EPA believes that the witnessed signature approach can be implemented without excessive cost or complexity at the sites where hazardous wastes are shipped and delivered. EPA recommends this signature process for the first generation e-Manifests, because it does not depend on any authentication technology that is more sophisticated than a keypad device for entering the signer's and witness's PINs or passwords and the signer's license number data.

[13] It is the witnessing of the signature act, and not the actual PIN or password, that is intended here. Obviously, PINs and passwords are intended to be secrets, so the signer must not disclose his or her PIN or password to the witness during the signature ceremony.

EPA believes that the witnessed signature approach to strengthening a PIN/password signature will be most useful for executing the electronic signatures of hazardous waste generators. On the other hand, transporter and designated facility personnel who interact frequently with e-Manifest should have little difficulty recalling their PINs or passwords, or supplying the answers to their personal challenge questions. Thus, the witnessed signature approach we recommend here could be restricted to the strengthening of generator signatures, while transporter and designated facility personnel sign electronically with their PIN/passwords and respond to their personal question challenges for the 2nd authenticating factor.

When restricted to generator signatures, the witnessed signature approach would operate in the following manner. At the time of a hazardous waste pick-up by the initial transporter at a generator's site, the generator's representative would produce his or her government-issued picture ID (e.g., driver's license) to establish his or her identity to the transporter representative's satisfaction. The transporter's representative would check the license or other credential to ascertain that the identity claimed by the generator's representative is consistent with the presented credential. The generator and the initial transporter would then each sign the e-Manifest with their respective PINs or passwords in the other's presence. When the generator signs the generator's certification on the e-Manifest, the generator is merely completing the normal generator's/offeror's certification statements. When the initial transporter's representative signs with his or her PIN/password, the transporter representative's PIN/password signature both acknowledges the receipt of the hazardous waste from the generator, and certifies to witnessing the generator's signature, to checking the generator's identification, and to entering the last 5 digits of the generator representative's license number or other credential as evidence of the proofing ceremony. The generator and transporter each sign the electronic manifest once with their respective PINs or passwords, but the transporter's PIN/password signature carries the additional certification language indicating that the transporter vetted the identity of the generator.

While the above example would restrict the use of the witnessed signature approach to generator signatures that are witnessed by transporters,[14] it is conceivable that the method could be used for other waste handler signatures as well. For example, the generator could similarly certify to witnessing the initial transporter's signature, and a transporter delivering hazardous waste to the designated facility could witness the signature of the designated facility using the same type of credential vetting and certification approach described above for the generator's signature. The witness in each case shall also enter the last 5 digits of the signatory's driver's license number (or other credential number) as a part of the witness certification. If the identity claimed by the signer is not consistent with the identification credential produced by the signer, the witness should not certify to the witnessing of the signature and should not participate further in the e-Manifest transaction.

To support the witnessed signature approach and its required certifications, the e-Manifest system's electronic signature module would be designed to prompt witnesses for the certifications and to collect the necessary certifications and license (or other credential) number data independently of the manifest form elements. The advantage to this is that the e-Manifest format would not itself need to be revised to accommodate this approach, and the same e-Manifest format that is supplied for e-Manifests signed with the digitized signature method or other e-signature methods could be used for PIN and password signatures.

EPA generally believes that the witnessed signature approach to PIN/password signatures will be more practical for the manifest user community to implement in a first generation system than other available technology-based second factor approaches that we have evaluated. We have also determined this signature method to be CROMERR-compliant, and we believe that this method can be implemented in a manner that is inexpensive and not excessively burdensome for the manifest users.

EPA emphasizes that the electronic signature methods described here for the first generation e-Manifest system are not intended to preclude consideration of other electronic signature approaches that are CROMERR compliant, nor is the description in this preamble of the witnessed signature approach intended to rule out other CROMERR compliant approaches for implementing a second authentication factor[15] for the PIN or password signatures. The first generation methods described here are those for which we now have sufficient information[16] to enable us to conclude that they are consistent with CROMERR and otherwise well-suited for the manifest business process.

H. Requirements for Obtaining and Using the Electronic Manifest

Under the May 2001 proposed rule, EPA proposed to modify existing § 262.20(a) so that it would present both a paper form option under proposed § 262.20(a)(2) and an electronic manifest format option under a new provision that we proposed in § 262.20(a)(3). Under proposed § 262.20(a)(3), EPA proposed authorizing the use of all electronic manifests that were: (1) Used in accordance with the proposed electronic manifest use requirements in proposed § 262.24; (2) signed in accordance with the proposed electronic signature requirements in proposed § 262.25; and (3) generated and maintained on electronic systems which met the proposed security requirements in proposed § 262.26. If all of these conditions were met, then proposed § 262.26(a) further clarified that these electronic manifest copies would be considered the legal equivalent to paper manifest copies bearing handwritten signatures, for the purposes of satisfying any of the RCRA regulatory requirements pertaining to hazardous waste manifests. See 66 FR 28240 at 28304.

Based on the comments received in response to the May 2001 proposed rule as well as the comments submitted in response to the April 18, 2006 NODA, EPA is finalizing the provisions of § 262.20(a) to reflect the changed approach to the electronic manifest that we have adopted since the May 2001 proposed rule was announced. Thus, in this final rule, § 262.20(a)(1) imposes a requirement that all off-site shipments of hazardous waste[17] must be

[14] Whether the witnessed signature approach might be used only in connection with generator signatures or used more extensively is a system design issue that EPA will determine after consultations with stakeholders and the IT contractor(s) developing the system.

[15] As authentication technologies mature and become more mainstream or cost-effective, authentication technologies based on tokens and biometrics may be found to meet the selection criteria.

[16] As discussed previously, we are tentatively concluding that the digitized handwritten signature method may be CROMERR-compliant and suitable for e-Manifest, but a final evaluation of this method will depend on one or more of these products being shown to be reliable through peer-reviewed studies.

[17] This regulation does not affect or alter existing RCRA regulatory exemptions from the manifest requirement, e.g., the exemption for conditionally exempt small quantity generators at 40 CFR 261.5; the exemption for small quantities of hazardous waste reclaimed under reclamation agreements per

accompanied by a manifest, which may be satisfied under § 262.20(a)(2) by preparing and using the current paper forms (EPA Forms 8700–22 and 22A) for the manifest and continuation sheet, or, by preparing and using the electronic manifest format described in § 262.20(a)(3) of the final rule. Rather than specifying either an EDI format or an Internet Forms format such as we discussed in § 262.20(a)(3) of the proposed rule, the final rule requires simply that generators must obtain and complete in accordance with § 262.20(a)(3) the requirements of the electronic manifest format supplied by EPA's national e-Manifest system that the Agency will establish and host in accordance with the e-Manifest Act. As discussed previously in section III.E. of this preamble, EPA currently intends to develop and maintain a schema and stylesheet in XML (or functional equivalent) to support the presentation and exchange of manifest data on the web-based e-Manifest system.

Under § 262.20(a)(3) of this final rule, if electronic manifests are obtained, completed, and transmitted on the national e-Manifest system in accordance with this section's requirements, and signed electronically using the ''valid and enforceable electronic signature'' required under 40 CFR 262.25, then these electronic manifests shall be considered the legal equivalent of paper manifests signed with conventional ink signatures. Thus, this final rule authorizes the use of all electronic manifests that are obtained, completed, signed, and transmitted through the national e-Manifest system in accordance with the requirements of § 262.20(a)(3). Wherever the existing regulations require a manifest to be supplied, signed, used or carried with a hazardous waste shipment, the execution of an electronic manifest on the national e-Manifest system shall be deemed to comply with these requirements to obtain, sign, carry, or otherwise use the hazardous waste manifest.

Because electronic manifests will be directly reported to EPA, the submission of electronic manifests on the national e-Manifest system are currently governed by the provisions of 40 CFR 3.10, which addresses direct reporting of environmental information to EPA through EPA's CDX portal or other system designated by the Administrator. Therefore, compliance with the 40 CFR 3.10 requirements for direct electronic reporting to EPA is required under § 262.20(a)(3) of this final rule as one of the conditions that must be met to obtain and execute a valid electronic manifest.

The requirements for direct electronic reporting of compliance information to EPA were announced in the final CROMERR rule, 70 FR 59848 (October 13, 2005). This rule provides a consistent legal and policy framework for electronic reporting to EPA under the Agency's various environmental programs that are codified in Volume 40 of the Code of Federal Regulations. For all electronic documents that are submitted directly to EPA, the requirements of CROMERR § 3.10 state that in order for electronic documents to be considered the legal equivalent of paper submissions, the electronic document must be transmitted to the EPA's CDX or other system designated by the Administrator and bear all valid electronic signatures that are required. CROMERR also provides that, if the corresponding paper document is one that must bear a signature under existing regulations, then the electronic document must bear a ''valid electronic signature.'' 40 CFR 3.10. We discussed the ''valid electronic signature'' requirement of CROMERR in the context of our discussion of electronic signature selection criteria above in section III.G. of this preamble.

By providing a consistent, national e-Manifest system that will be accessed through EPA's CDX electronic reporting portal or other system designated by the Administrator, EPA is thereby providing a straightforward means for establishing electronic manifests that will be the legal equivalent of the current, hand-signed paper manifest forms. By tying the e-Manifest to the CDX or other system designated by the Administrator, and by developing this final rule consistently with the CROMERR legal framework for electronic reporting to EPA, the requirements for the use of electronic manifests are more straightforward under this final rule than under the decentralized approach to the electronic manifest that we proposed in May 2001. Electronic manifests that are obtained, completed and transmitted in accordance with § 262.20(a)(3) on the EPA's e-Manifest system, and that are signed with valid electronic signatures as described in 40 CFR 262.25, are deemed by this rule to be valid manifests for purposes of RCRA. The primary purpose of this final rule is to clarify that electronic manifests that are obtained, executed, and signed in this fashion are authorized for use as legally valid manifests for all RCRA purposes. While, as explained previously, one printed copy of the electronic manifest must be carried on the transport vehicle during the transportation of federally regulated hazardous wastes, the electronic format is considered a fully equivalent substitute for the use of the manifest paper forms (EPA Forms 8700–22 and 8700–22A).[18] The electronic formats so obtained and completed shall meet all requirements in RCRA for supplying, completing, signing, sending, retaining[19] or otherwise dealing with a hazardous waste manifest. In particular, electronic manifests supplied and executed on the e-Manifest system shall be just as admissible as the paper manifest forms in civil, criminal, or administrative proceedings where manifests may be offered as evidence.

EPA has included definitions in 40 CFR 260.10 to clarify the relationship between the electronic manifest and the e-Manifest system on which electronic manifests are obtained, completed, and transmitted. The term ''electronic manifest'' (or ''e-Manifest'') refers to the electronic format of the hazardous waste manifest that is obtained from EPA's national e-Manifest system, and that is the legal equivalent of EPA Forms 8700–22 (Manifest) and 8700–22A (Continuation Sheet). The term ''Electronic Manifest System'' or ''e-Manifest System,'' on the other hand, refers to EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted and distributed to users of the electronic manifest and to regulatory agencies.

I. Public Access to Electronic Manifest Data

1. *Introduction.* EPA proposed two distinct options in separate public notices (April 18, 2006, 71 FR 19842 and February 26, 2008, 73 FR 10204) to solicit comments from the public on whether manifests submitted to the e-Manifest system should be eligible for treatment as CBI. In the April 18, 2006 public notice and request for comment,

40 CFR 262.20(e); or the exemption for universal waste shipments in 40 CFR Part 273.

[18] This statement applies in instances where the electronic manifest is signed with an electronic signature that has been determined to be legally valid and enforceable. As discussed in section G.5.ii. of this preamble, if a signature method is used on an interim or pilot basis pending testing, a single paper copy of the manifest will be required to be carried with the shipment to collect the ink signatures of waste handlers, and to be retained by designated facilities.

[19] This regulation does not address retention of electronic manifests beyond the 3-year record retention period required of paper manifests. EPA is aware that some manifest users now choose to retain manifests for longer periods or indefinitely for a variety of reasons. When the System Advisory Board is formed, EPA will discuss with stakeholders if the system should provide extended records retention or archiving (with an appropriate fee for that service) or if other extended storage options are available.

EPA included a general discussion of the Agency's conceptual approach to the design and operation of the e-Manifest system. We stated that we would develop the system so that it would support, as far as possible, the provision of reliable manifest services. We also stated that we would adopt the necessary measures and controls that were necessary to comply with EPA and federal policies protecting information security, privacy, and CBI. 71 FR 19842 at 19847. We also summarized the existing procedures for submitting and obtaining determinations of CBI claims under the 40 CFR part 2 regulations. As a part of this discussion, we suggested further that any CBI claims that might arise in connection with the e-Manifest system would need to be asserted at the time of the submission of the electronic manifest to the system, or the claim would be waived. *Id.* At 19847–19848. At the time we issued the April 2006 public notice, we believed that it was appropriate to plan for the consideration of any CBI claims for manifest data within the context of the 40 CFR part 2 procedures, as well as the more specific provision applicable to RCRA information at 40 CFR 260.2(b). The § 260.2(b) regulation provides that CBI claims respecting information required under the Subtitle C hazardous waste regulations will be addressed in accordance with the Part 2 standards and procedures, and further requires that a RCRA CBI claim must be made at the time of submission of the information to EPA, or the claim will be waived.

EPA received several public comments on the CBI related statements contained in the April 2006 NODA. A state-agency commenter presented the view that nothing in the e-Manifest system should be allowed to be withheld from public disclosure as CBI, since the manifest is on its face a document that is shared with and viewed by several entities in its normal use. On the other hand, a large waste disposal and treatment company and a trade association of hazardous waste treaters and disposers offered comments supporting the view that some manifest data might be claimed as CBI. These commenters were especially interested in protecting customer information from being mined from electronic manifests by competitors. The industry members commenting in April 2006 seemed to be most concerned that the availability of this information electronically would enable competitors to obtain more immediate and efficient access to their customer information.

Because of continuing questions that had been raised regarding the handling of manifest data, and whether these data should be entitled to CBI protection, the Agency requested further comment on public access and competitive harm issues in a NODA and request for comment that was published in the **Federal Register** on February 26, 2008. EPA explained that it had evaluated the public access/CBI issue more closely as it prepared for the development of the e-Manifest system, and announced that it had determined to categorically exclude individual hazardous waste manifests from CBI coverage. The effect of the new policy is that EPA made a categorical determination that it would not accept any CBI claims that might be asserted in the future in connection with the processing, using, or retaining of individual paper or electronic manifests.

EPA announced its proposed decision to establish a new categorical policy for addressing CBI claims for individual hazardous waste manifests for a couple of reasons. First, the public notice explained EPA's belief that any CBI claim that might be asserted with respect to individual manifest records would be extremely difficult to sustain under the substantive CBI criteria. 40 CFR part 2, Subpart B, and 40 CFR 260.2. We stated that as manifests are shared with several commercial entities while they are being processed and used, a business concerned with protecting its commercial information would find it exceedingly difficult to protect its individual manifest records from disclosure by all the other persons who come into contact with its manifests. 73 FR 10204 at 10208. Second, we explained that much of the information that might be claimed by industry commenters to be CBI is already available to the public from a number of government and other legitimate sources, because a large number of states now require the submission of generator and/or TSDF copies of manifests to state data systems, and the data from these manifests are often made publicly available through state Web sites or reported and disclosed freely in federal and state information systems. For these reasons, among others, we stated that manifest records and data contained in them should not be subject to CBI claims, as the information is to a significant extent available from other sources.

The February 2008 NODA also acknowledged that the waste management industry was concerned that the aggregation of manifest records and data contained in them in one national system may enable competitors to obtain more immediate and efficient access to their customer information, and thus, potentially create competitive consequences not experienced under the current paper system. The public notice further stated that we had little information available at that time on whether states have generally withheld or disclosed aggregate data, as information provided previously by the states did not disclose any pattern of states withholding or releasing such data. Therefore, the public notice also requested comment on whether aggregate manifest data requests should similarly be categorically excluded from CBI coverage, or, whether aggregate data requests merited special handling (e.g., redacting information), because of the possible efficiency with which aggregate data might be mined for competitive purposes from the national system. In addition, we specifically requested comment from the waste management industry on how substantial the harm would be to companies' competitive position if aggregate data were released in response to a FOIA request. 73 FR 10204 at 10209.

2. *Comment Analysis.* State and waste industry commenters generally agreed with EPA's position that CBI protections would not apply to requests for individual manifests, since an individual manifest could not itself disclose a customer list. However, there was strong disagreement between the industry and state commenters on whether to apply CBI protection to aggregate manifests or data compilations developed by querying the system.

Several state commenters indicated their general support for the position that aggregate manifest data should not be protected as CBI. The states with manifest tracking programs tend to freely disclose their manifest data to the public. One such commenter (NYDEC) indicated that it does not and never has honored CBI claims for manifest information. The commenter stated that manifest data should not be eligible for treatment as CBI, whether the data are submitted on paper or electronically. Another state commenter emphasized in its comments that anyone with relational database experience could already generate significant customer list information by downloading RCRA biennial report files that are now available from EPA, and by examining shipment data reported through the biennial report by large quantity generators.

Another commenter representing State governments (The Association of State and Territorial Solid Waste Management Officials or ASTSWMO) stated that, based on information that it has collected, most States do not honor

CBI claims for manifest information. The commenter stated that most states it contacted have indicated that they do not afford CBI protection to either individual manifests or aggregated data, and these states thus believe that neither individual nor aggregate manifest data should be subject to CBI protection under our federal policy. Another state agency commenter (MIDEQ) also stated its agreement with the policy that neither individual nor aggregate manifest data may be claimed as CBI. The commenter indicated that this state does not honor CBI claims for any manifest information. However, one state agency (Ohio EPA) indicated that manifest data probably would be subject to CBI protection in that state. The State indicated that, based on the fact that most of its facilities currently claim business confidentiality for their similar customer identification information submitted with these facilities' hazardous waste annual reports, it is expected that they would likewise claim CBI protection for their manifest submissions to Ohio.

Industry commenters generally did not support a categorical policy that would exclude aggregate manifest data from CBI protection. A trade association for the waste industry (The Environmental Technology Council or ETC) explained that the ability to efficiently aggregate manifest data through the e-Manifest system would pose significantly different concerns relative to the more substantial effort required to assemble a customer list under the current paper-based system. The commenter emphasized that the creation of a useful customer list from the existing paper manifests is exceedingly expensive and time consuming, and that the information that could be obtained under the paper system would be incomplete and of significantly less value than the aggregated data that could possibly be obtained through querying a nationwide e-Manifest system. A competitor able to obtain this information at minimal expense could obtain an unfair competitive advantage.[20] For this reason, these industry commenters supported the idea of EPA redacting customer information before disclosing aggregate manifest information pursuant to a FOIA request.

The commenter also stated that all of its member companies currently treat customer lists as ''valuable and confidential'' information within the meaning of FOIA and that courts have generally assumed great competitive harm would result from their disclosure.[21] In addition, the commenter disagreed with the Agency's suggestion that requesters could obtain much of this aggregated manifest data from those states that have adopted less protective CBI interpretations, arguing that some states (e.g., CA) have specific statutory protections for customer lists, and that state courts have been more protective of such business information.

Finally, a Federal sector generator (the Department of the Navy) raised another concern based on anti-terrorism and security considerations, that is, that the ability to data-mine the e-Manifest system might pose opportunities to obtain information on the types and locations of hazardous wastes.

3. *Legal Authority and States' Experience With Handling Manifest Data.* In this section of the preamble, EPA will first summarize the existing authorities and procedures that govern CBI under federal law. We will summarize as well how manifest records have been handled for more than 20 years by the states, which have had significant involvement with collecting manifest records and applying their records laws over the years to the collection of many millions of manifest records.

i. *Legal Authority.* The Federal Freedom of Information Act, 5 U.S.C. 552(a), section 3007(b) of RCRA, and EPA regulations implementing the Freedom of Information Act and RCRA section 3007(b) generally mandate the disclosure to the public of information and records in the possession of government agencies. However, there are nine categories of information that may be exempt from disclosure, and one such category of information (Exemption 4) is for ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' 5 U.S.C. 552(b)(4). EPA has adopted regulations at 40 CFR part 2, Subpart B, to address the handling of claims respecting the confidentiality of business information.

Under these statutes and regulations, ''business information'' means information which pertains to the interests of a business, was acquired or developed by the business, and which is possessed by EPA in a recorded form. 40 CFR 2.201(c). Such business information may be claimed by an ''affected business'' to be entitled to treatment as CBI if the business information is a ''trade secret'' or other type of proprietary information which produces business or competitive advantages for the business, such that the business has a legally protected right to limit the use of the information or its disclosure to others. *Id.* at § 2.201(e).

Under 40 CFR 2.204 and 2.205, there are procedures specified for EPA to develop interim and final determinations to resolve CBI claims submitted by affected businesses. The interim and final confidentiality determinations are governed by the substantive criteria in 40 CFR 2.208. Pursuant to § 2.208, EPA must find that the business information that is the subject of a claim is entitled to CBI treatment if:

a. The claim has not been withdrawn or waived;

b. The business has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information, and that it intends to continue to take such measures;

c. The information is not, and has not been, reasonably obtainable without the business's consent by other persons (other than governmental bodies) by use of legitimate means; and

d. No statute specifically requires disclosure of the information and the business has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.

ii. *States' Experience With Manifest Records.* RCRA-authorized states with manifest collection and tracking programs have had much more experience than EPA in addressing the public availability of manifests. Based on information developed from a survey of state programs conducted by ASTSWMO, and other available information, it appears that the 20 or more states with manifest collection and tracking programs generally treat manifests as publicly available records. Some states have broad public records laws that mandate the availability of all manifest records, while other states have public records laws with CBI provisions similar to the federal authorities discussed above. Of the nine states that responded to the ASTSWMO survey, only one state (Ohio) opined that waste facilities in that state might be expected to claim CBI for manifest submissions, as several TSDFs in the state had asserted CBI claims with respect to similar data submitted as a part of the state's Hazardous Waste Annual Report. A second state stated that although it does not now collect manifests, if it were to obtain these records and there were CBI claims involved, it would refer these confidentiality claims to the state's legal office for resolution of the claim.

[20] In a subsequent clarifying comment, the ETC attempted to quantify the harm that would result, by asserting that if just 1% of a large member company's business were lost to competitors, the resulting financial loss could be in the range of $7 million to $9 million.

[21] *Greenberg* v. *FDA, 775 F.2d 1169.*

The remaining seven states that responded to the ASTSWMO survey explained that manifest records would not qualify for CBI treatment under their states' public records laws. Several of these states make their manifest records freely available on state Web sites or by compact disk to anyone who requests them. These methods of fairly general public disclosure have not generated significant controversy among the waste facilities doing business in these states. Other states explained that because manifests are by their nature shared with numerous commercial entities and perhaps emergency responders while they are being completed and used, it would be extremely difficult to protect the confidentiality of the data, and, therefore, difficult to sustain a CBI claim. Similarly, several states in their ASTSWMO survey responses emphasized that manifest records and data can be obtained quite readily from a variety of legitimate means, including requests to other states, or by accessing summary data available from state or federal hazardous waste information systems.

In 2008, we requested clarifications from the five states (IL, MI, NJ, NY, and OH) that commented previously to either the April 2006 NODA or the February 2008 NODA. Although we received a number of comments from state regulatory agencies, the previously submitted state comments did not differentiate clearly between individual manifests and aggregate data when discussing state policies. Thus, we could not ascertain whether the states which stated that they generally released manifests upon request were also releasing aggregate manifest data upon request. The purpose of the 2008 comment clarification was to flesh out better whether these states are: (1) Already releasing aggregate manifest data in response to public requests; or (2) imposing any CBI related limitations on the information they will disclose in response to such a request. We also asked these states to explain whether they allow CBI claims for information submitted for the states' hazardous waste reports, because we are aware that a previous state survey had indicated that some states allow CBI claims for their Hazardous Waste Reports.[22] Since similar information linking waste management firms and their generator customers could be made available from both the states' Hazardous Waste Reporting systems and from their manifest data systems, one would expect consistent policies regarding CBI coverage for customer information.

Based on the requested clarifications, two states (NJ and NY) may directly or indirectly make aggregate data available to the public upon request. The New Jersey Department of Environmental Protection (NJDEP) makes aggregated data available for a fee, unless the requestor downloads the data from their public internet Web site. The NJDEP does not impose any CBI related limitations on the information they disclose in response to public requests for aggregate data. The New York Department of Environmental Conservation (NYDEC) makes manifest data available in text format on their department Web site. If manifest information can be queried from their state database system, then it is provided for a fee to the requestor of the queried information. The Michigan Department of Environmental Equality (MIDEQ) does not conduct queries to generate aggregate lists for FOIA requestors. Manifest data, however, is available on a MIDEQ public internet Web site, but not in a manner to easily produce aggregate lists. The other two states (IL and OH) do not provide hazardous waste manifest record data to the public but they do provide hazardous waste report data.

In the case of Hazardous Waste Report data, four states (IL, MI, NJ, and NY) generally do not treat any data in these reports as CBI. The NYDEC has granted CBI claims, however, for certain information contained in hazardous waste reports, but has never granted a CBI claim based on manifest data contained in a report. The IL EPA makes manifest data available through hazardous waste reports, but does not allow CBI on any of its Hazardous Waste Report data. The OH EPA is the one state that does allow CBI claims for its Hazardous Waste Annual Reports.

4. *Final Rule Decision for Individual Manifests.* Based on the information now available to EPA, we have concluded that information contained in individual hazardous waste manifest records, including any individual electronic manifests that may be submitted and collected electronically through the e-Manifest system, is essentially public information and therefore is not eligible under federal law for treatment as CBI. The effect of this decision is that EPA is making a categorical determination that it will not accept any CBI claims that might be asserted in the future in connection with processing, using, or retaining individual paper or electronic manifests. This decision will apply prospectively from the effective date of this final rule—that is, 180 days after the date of publication in the **Federal Register**, because the Agency has not previously announced this position and thus it would be unfair or inappropriate for the Agency to release such information, particularly for those companies that have previously made such a claim. Thus, it will not impact any CBI claims or any determinations made in the past by EPA in resolving manifest-related CBI claims. Our rationale is explained in the following paragraphs.

First, we believe that any CBI claim that might be asserted with respect to individual manifest records would be extremely difficult to sustain under the substantive CBI criteria of 40 CFR part 2, Subpart B and of 40 CFR 260.2, because they must be shared with several commercial entities while they are being processed and used, and must be made available to emergency responders. A business that still desires to protect commercial information would find it exceedingly difficult to protect its individual manifest records from disclosure by all the other persons who come into contact with its manifests. For example, a business desiring to protect commercial information in the manifest context would need to enter into and enforce non-disclosure agreements or similar legal mechanisms with all its customers and other third parties and affected interests who might also be named as waste handlers on its manifests or who otherwise might be expected to come into contact with its manifests.

Second, as many states now require the submission of generator and/or TSDF copies of manifests, and the data from these manifests are often made publicly available or reported in federal and state information systems, it is apparent to EPA that many manifest records and the information on them linking waste management firms and generators or transporters are already available from a number of states and other legitimate sources. We did not find any significant history or record of current state practices withholding individual manifests from disclosure on account of customer information, with the narrow exception of a California statute that applies only to certain state-regulated (not RCRA) wastes and the

[22] In August 2004, an official with the Ohio EPA surveyed the states on their Site ID, manifest tracking, and Hazardous Waste Reporting requirements. As part of the 2004 survey, 44 States responded to the question ''Do you allow CBI claims on the Hazardous Waste Report?'' The responses to this question from the 44 respondents was evenly split between states that would allow and states that would not allow CBI claims for their Hazardous Waste Report data.

disclosure of transporter/customer information.[23]

Since the states have had far more experience than EPA with the collection and disclosure of manifests, EPA is persuaded that the states' policies in this area are entitled to some deference. Several state programs now deny CBI treatment to data contained in manifest records,[24] while other states have indicated to EPA that they routinely disclose manifest records to the public. EPA has concluded that among the States that collect manifest copies, it has been the general practice among these states for more than 20 years to disclose manifest data without CBI limitations. Our information on state practices suggests that free disclosure has been the predominant practice for dealing with data from individual manifest records among these states, and there have not been significant objections raised by members of industry to those states' disclosure practices. EPA is not persuaded that it should reverse this long-standing policy among those states by adopting a Federal policy that conflicts with the prevailing state laws and policies on this issue.

Finally, we note that the comments submitted by members of the regulated industry in response to the February 2008 notice generally conceded the point that individual manifests and the data included in them should not be the subject of CBI claims. These commenters agreed that individual hazardous waste manifests are basically treated as public information.

For these reasons, we believe that individual manifest records and the data contained in them should not be subject to CBI claims, since they are not entitled to protection as CBI in nearly all states that collect hazardous waste manifests. Since many manifests are available to the public without restriction in a significant number of states, EPA has determined that data from individual manifests cannot be claimed to be confidential under Federal information law. Therefore, we have codified in 40 CFR section 260.2(c)(1) this categorical policy that the data included in individual hazardous waste manifests cannot be the subject of CBI claims. This policy will apply prospectively to electronic and paper manifests, and to domestic and transboundary shipment manifests.

5. *Final Rule Decision With Respect to Aggregate Manifest Data.* As mentioned previously, industry and state commenters did not agree on the CBI policy that should apply to aggregate manifest data. While we understand industry's comments and concerns regarding the potential harm to a company's competitive position if aggregate data from multiple manifests could be obtained efficiently from EPA through the system or under a FOIA request, we are not persuaded by the comments that EPA should treat aggregate manifest data obtained from the system as confidential business information. The e-Manifest system is being developed so that electronic manifests and data are available to the authorized states at the same time they are available to EPA. We now understand from state comments and from state responses to surveys and requests for clarification that among the states that collect and track manifests, the policy of many of these states is not to recognize any CBI claims when processing requests from the public for aggregate manifest or waste receipt data. We identified some 21 states from questions or surveys addressing state policies with respect to processing requests for data from both state manifest tracking systems and state waste receipt information managed in the states' annual report data systems. Thus, a large amount of aggregate information, including information on facilities and their generator customers, would be available from many of these 21 states without CBI restrictions. These states' disclosure policies will still apply after states begin to acquire their manifest data from the e-Manifest system. Since a substantial amount of aggregate data could be obtained by the public through these states, EPA is not convinced that it should accord such information confidential status under federal information law.

We would also note that EPA cannot objectively determine whether a particular system search or FOIA request would entail the disclosure of a company's customer list. EPA requested comment in the February 2008 notice to help us determine how many manifests or how much aggregate information should be involved in a search or an aggregate record before CBI concerns would be triggered. We received no comments to help us with this determination, other than comments from industry relying on a ''mosaic'' theory to support their argument that the e-Manifest system could disclose CBI. The mosaic theory is premised on the notion that information already available to a requestor, when combined with information it might obtain from the government, may in total amount to a customer list. The problem posed by this argument is that EPA cannot possibly know how much customer information a particular requestor already has available from other sources, or whether a relatively small or large amount of additional information is needed from e-Manifest to enable that requestor to assemble a full customer list. The mosaic theory does not provide EPA with any practical or objective basis for recognizing CBI in the e-Manifest system.

As we explain above—the states' current and long-standing policies generally favoring disclosure of all manifest data, the availability of much of this aggregate information from State data systems and the RCRA Biennial Report, and the difficulty of identifying objectively when a customer list would be disclosed to a competitor—do not support the policy of treating aggregated manifest data as CBI in the manner advocated by the regulated industry. Therefore, our final rule decision is to categorically exclude aggregate manifest data obtained from the e-Manifest system from CBI coverage.

While EPA is categorically denying CBI treatment to both individual manifests and to aggregate manifest collections or reports obtained in response to data queries or FOIA requests involving manifest data, EPA recognizes that manifest information in its possession may not be ready for general release to the public. Manifest preparers and waste handlers responding to manifests need sufficient time to address discrepancies or exceptions related to hazardous waste shipments and to verify and correct data

[23] Hazardous waste transporters that are authorized by CA to use CA's consolidated manifesting procedures must submit quarterly reports to the CA EPA Department of Toxic and Substances Control (DTSC). The consolidated manifesting procedures apply to non-RCRA/CA hazardous waste or to RCRA hazardous waste that is not subject to the federal manifest requirements. The CA Health and Safety Code § 25160(d) prohibits the disclosure of the association between any specific transporter and specific generator. The list of generators served by a transporter is deemed to be trade secret and confidential business information for purposes of Section 25173 and Section 66260.2 of Title 22 of the California Code of Regulations. CA freely discloses information from RCRA hazardous waste manifests.

[24] In January of 2007, the MI state representative on EPA's E-Manifest Final Rule Work Group disseminated a survey on behalf of ASTSWMO, through the Hazardous Waste Program Operations Task Force, to interested states in order to request information about their state manifest requirements, including the requirements for public access/CBI to manifest records. Eight states responded on how they currently treat or might treat manifest data as CBI. Responses from the eight states are as follows: One state (NY) denies CBI treatment to manifest records; One state (OH) allows TSDFs to claim CBI on their annual waste report; Four states (ID, OR, SC, CT) do not give CBI treatment to manifest data reported on quarterly or annual reports; and Two states (FL, MI) indicate that they would not give manifest data CBI treatment. In addition, three states (MD, NJ, PA) that participated on the regulatory work group, but were not included in the ASTSWMO survey, indicated that their state would not treat any manifest data as CBI.

recorded on their manifests. Until such time as these corrections can be made and manifest data can be verified and finalized, manifest data will be considered ''in process.'' To that end, unless otherwise required by federal law, we are extending the amount of time that manifest data will be considered ''in process.'' EPA will make manifest information in e-Manifest available on-line 90 days from the date hazardous waste is delivered to the designated facility.

EPA indicated in our prior notices that it would not directly disclose manifest data that are ''in process'' or unverified to other manifest users or to other members of the public. We indicated that live or in process manifests would only be accessible by those waste handlers named on the manifests, as well as by regulators and emergency responders. We also proposed in the February 2008 notice that we would not directly disclose manifest data to the public for at least 60 days after the start of a waste shipment, as this period would provide the necessary time for the shipment to be delivered, for exceptions and discrepancies to be resolved, and for manifest data to be verified or corrected. 73 FR 10204 at 10209 (February 26, 2008). Commenters on this proposal noted that 60 days may not be a sufficient amount of time in several instances for manifest data to be verified and corrected. These commenters stated that it could take several months for manifest data to be verified and corrected, and one commenter noted delivered wastes may be stored for as long as a year under the RCRA Land Disposal Restrictions before the containers are opened and the wastes are verified before treatment. We also received comments indicating that there are hazardous waste shipments that could pose national security concerns if shipment information were to be made directly available to the general public during transportation and this information were to fall into the hands of those who might use these materials to do harm to other persons or to the homeland.

Thus, in response to comments stating that our proposed 60-day time period for verification and correction of in process or incomplete manifest data was insufficient, and to respond to comments addressing the security concerns with waste shipments that are in process, we are adopting in this final rule our decision to amend 40 CFR 260.2(c)(2) to state that manifests are considered to be in process and subject to correction and verification for a period of 90 days.

This 90-day period for correction and verification of waste shipment information will be measured from the date of receipt of the waste by the designated facility, rather than from the date of the start of transportation. Until this 90-day period has passed, unless otherwise required by federal law, manifests are not considered complete and final documents and will not be disclosed directly to the public via on-line access to the e-Manifest system. During this period of restricted direct, on-line access to manifest data, the manifest information in the system will be fully available to regulators and to emergency responders. These in process manifests would also be available to local governments or police agencies that have been delegated inspection or program implementation responsibilities by their States. Hazardous waste handlers will also have direct access to those manifests on which they appear as the named handlers of waste shipments.

Therefore, this final regulation announces a 90-day period measured from the date of receipt of hazardous waste shipments by the designated facility during which only regulators, emergency responders, and the waste handler entities named on particular manifests will have direct on-line access to manifest data. EPA will not provide the general public with direct, on-line access to these data during this 90-day period, but will make such information available to the public to the extent required by other Federal law, e.g., the Freedom of Information Act or FOIA. After the 90-day period of restricted access has passed, the Agency intends to provide full direct, on-line access by the public to all manifest data in the system.

EPA emphasizes that the policy reflected in this regulation of restricting access to data for 90 days from the date of receipt of waste by the designated facility is limited to EPA in its role as the federal custodian of data in the e-Manifest system data repository. Since authorized states will receive electronic manifests and data simultaneously with EPA, this federal policy does not affect the states' policies on disclosure of manifest data under their public information laws. States that wish, for example, to disclose manifest data to the public more immediately after the receipt of hazardous waste shipments are free to do so under their public information laws, and these states may continue to do so once this regulation is in effect.

J. Will electronic manifests be optional or mandatory for users?

1. *Background.* In the April 18, 2006 NODA in which EPA announced that a national e-Manifest system was the preferred regulatory option, the Agency solicited comments on whether the use of the e-Manifest system should be mandatory.[25] 71 FR 19842 at 19845. We heard a number of users at the 2004 stakeholder meeting urge EPA to develop an electronic manifest as an optional tracking tool for manifest users, while maintaining a paper option for some small businesses that may not have the economic incentive to invest in electronic manifest capabilities. While EPA will procure the applications and IT services to support electronic manifesting on the CDX and Exchange Network architecture (or other appropriate system), EPA understands that manifest users will still need to make initial investments—to provide or acquire the computers or portable front-end devices and network access for entering data to the e-Manifest system, to integrate the e-Manifest system with their existing data systems, etc.—before they can leverage the savings that will arise from electronic manifesting. Large volume users of manifests will likely realize the greatest net savings and therefore possess the greatest incentives to be early adopters of the e-Manifest system. Moreover, we anticipate that the larger transporters and waste management facilities (RCRA TSDF firms) would be the entities most likely to participate in the initial phases of e-Manifest system implementation, and that these larger entities will likely bring the portable technology to many of the small businesses and generator sites that they service as their customers. EPA expects that electronic manifest use will increase over time, and that users will be motivated primarily by the economic savings and convenience of electronic submission. Additionally, as more users join the e-manifest system the cost of maintaining a paper system will fall on a smaller and smaller group of paper users, likely resulting in ever-increasing fees for paper submissions.

On the other hand, EPA has also heard views expressed by some that it would be advantageous to mandate the use of electronic manifests. A mandatory electronic manifest may create a more certain environment for the IT vendors that choose to bid on the

[25] EPA solicited comment on this issue before the enactment of the statute, which provides that the use of electronic manifests be at the election of the user. We believe it is appropriate to discuss the comments received on this issue, and our responses to those comments in this section.

e-Manifest system procurement, and it would eliminate the concern among some state officials that an elective electronic manifest would result in disparate systems, in which some manifest data are received electronically through the e-Manifest system, while the remainder of manifest data would still exist on paper forms and would need to be processed manually. This would increase the cost of operating the E-manifest system. Further, there is much merit to the point that a mandatory electronic manifest will expedite and maximize the realization of economic savings and other benefits that will result from electronic manifesting. Clearly, if the electronic manifest were mandatory, it would be much easier to integrate manifest and RCRA biennial reporting, as the collection of electronic manifest data could replace the current process under which a separate set of Waste Receipt forms are collected from RCRA TSDFs for the biennial report. Therefore, we solicited comment on the merits of a mandatory versus optional electronic manifest.

2. *Comment Analysis.* EPA received a number of comments from the regulated community and from authorized state agencies on the issue of an optional versus mandatory electronic manifest. Among the regulated community commenters, we received 10 comments addressing this point. Nine of the ten industry comments favored an optional E-Manifest system for users, although three of these comments suggested that EPA might consider moving to a mandatory system after two to three years. Only one industry commenter recommended without qualification that the use of electronic manifests should be mandatory for all users.

Among the industry comments favoring retaining the paper manifests, the points frequently raised in these comments were: (1) Small generators would lack the computer resources and would find that the needed IT investments would not be outweighed by cost savings, (2) the paper option would be a useful backup in the event the electronic system went down, (3) users might want to pull out of the e-Manifest system should they find the electronic manifest fees to be unreasonable, (4) the elective nature of the electronic system would incentivize the IT vendor to develop the best e-Manifest system at the lowest cost, and (5) the view that some companies may choose to continue to use paper manifests out of concern for information security issues and data confidentiality issues with the electronic system. The commenters who advocated a transition to mandatory use after two or three years supported their position with the comments that a two to three year period of optional use would give users time to prepare for the electronic system and for the system to prove itself. Such an approach would also signal that the program would not require the costs and implementation issues from a dual paper and electronic system to be borne permanently.

Among state-agency commenters on the April 18, 2006 NODA, there was more of a split of opinions on the question of whether the use of electronic manifests should be optional or mandatory. Of nine states that commented on this issue, five commented without qualification that users should be able to choose filing an electronic manifest, primarily on account of the burden that these state commenters perceived would fall unreasonably on small businesses if the system use were mandatory. Only one state agency commented unequivocally that e-Manifest system use should be mandatory for all users, so that RCRA regulators could avoid having to maintain dual tracking systems to host the electronic and paper form data, which is more expensive. On the other hand, three other states argued for a targeted approach to mandating e-Manifest system use. For example, one state asserted in its comments that designated facilities (waste receiving facilities) should be required to submit data electronically for all the waste they receive. This comment and similar comments from states favoring mandatory use of the e-Manifest system were more focused on mandating electronic reporting of waste receipt data by designated facilities than on the more specific issue of whether the use of the e-Manifest system should be mandatory for originating electronic manifests and tracking waste shipments electronically on a cradle-to-grave basis. On a somewhat different note, another state maintained in its comments that designated facilities should be required to use the e-Manifest system for shipments they receive from conditionally exempt small quantity generators (CESQGs). Still, another state with a large generator base and substantial experience with its current electronic data reporting system suggested a similar targeted requirement that would focus mandatory e-Manifest system use on large quantity generators (LQGs) or other targeted audience, unless excused for good cause, while allowing others to choose to use the e-Manifest system.

3. *EPA Decision on Optional* vs. *Mandatory Use.* EPA is committed to moving toward full electronic reporting. EPA is persuaded by the points raised by the majority of commenters who supported the position that users should be able to choose the electronic manifest as the expected means of tracking hazardous waste shipments, while also allowing facilities the chance to opt out of the electronic manifest system and submit paper manifests. EPA will seek to transition to a full electronic system. EPA will accommodate the concerns of these commenters raised in 2006 and currently allow paper submissions as this electronic transition is underway. Congress provided EPA the authority in the e-Manifest Act [2(g)(1)(B)] to include requirements that EPA determines are necessary to facilitate the transition from the use of paper manifests to the use of electronic manifests, or to accommodate the processing of data from paper manifests in the electronic manifest system. Under this authority EPA will move toward its goal of a fully electronic system but allow for a period of transition to accommodate paper users who opt out of an electronic filing. Significantly, this rule establishes the legal and policy framework for the national e-Manifest system authorized by the e-Manifest Establishment Act. This rule will allow manifest users to use an electronic hazardous waste manifest system with a goal of replacing the paper manifest forms. Once the national e-Manifest system is available, the use of electronic manifests will be the expected means for tracking hazardous waste shipments, although the e-Manifest Act and our regulations will allow users to currently opt out of the electronic manifest and continue to use the paper forms. We expect the use of electronic manifests will become the predominant means for tracking hazardous waste shipments. As we implement e-Manifest, EPA will assess what measures might be effective to expedite the transition from paper manifests to electronic manifests, and may take input on fee incentives (e.g., shifting a greater portion of the system development or operating cost recovery to paper manifest submissions) or other means to meet this end. Thus, it is EPA's goal to move to a fully electronic system to maximize the use of electronic manifests, so that the full benefits and efficiencies of electronic manifests can be realized as quickly as possible. This position is consistent with § 2(a)(5)(B) of the e-Manifest Act, which directs that the use of the electronic manifest system to obtain electronic manifest formats shall be at the election of the users. EPA agrees that there may be some businesses, particularly, small

businesses, that initially will not have the willingness or economic incentive to participate in the e-Manifest system. Over time though, paper based reporting will become less economical particularly with the potentially higher user fees associated with the processing of paper manifests. While many small businesses may be able to participate in the e-Manifest system through the efforts of the transporters or designated facilities with whom they contract for transportation or disposal services, this outcome initially should be influenced by market factors rather than mandated. EPA agrees that there are some businesses that interact with the manifest infrequently for tracking relatively small quantities of hazardous waste. These businesses may for a time need to continue to use the paper manifest form with which they are familiar and comfortable. In addition, while EPA agrees that a complete set of electronic waste receipt data from designated facilities would be advantageous, we also believe that this objective can be attained through other means. The proportion of manifests completed electronically should increase over time through competitive forces and fee incentives so that the amount of effort expended collecting and processing paper manifests should become less significant. As more users join the e-manifest system, the cost of maintaining a paper system will fall on a smaller and smaller group of paper users, potentially resulting in ever-increasing fees for paper submissions.

As EPA explains below in section III.K of this preamble, upon implementation of the e-Manifest system, EPA will require TSDFs to submit one final copy of their remaining paper manifests to EPA rather than to the authorized states for processing. These paper manifest copies will be processed centrally and the system operator will enter the data from these forms into the e-Manifest system. Thus, a complete set of designated facility data on hazardous waste receipts can be obtained in this manner without initially mandating a transition to the use of electronic manifests. The interests of the state commenters in obtaining a complete set of electronic data will be realized, although with much less efficiency than with everyone using the electronic manifests.

Therefore, as we prepare for the initial implementation of e-Manifest, this final rule implements the e-manifest as the expected tracking document for the manifest users in the RCRA regulated community, while allowing users to opt-out and continue to use the paper system as necessary. We have codified the definition of ''user of the electronic manifest'' in 40 CFR section 260.10 consistent with the definition of ''user'' in the e-Manifest Act, so that it is clear that users can choose to use the electronic manifest or opt out and continue to use the paper manifest forms.

While EPA believes that giving users the choice to use the electronic manifest format is consistent with the statutory definition of ''user'' discussed above, the Agency emphasizes that it is our goal to promote the use of electronic manifests by the user community to the maximum extent possible. EPA is adopting policies (e.g., the E-Enterprise Initiative) across its environmental programs that would establish electronic reporting as the means of submitting reports to the Agency. Significantly, this rule establishes the legal and policy framework for the national e-Manifest system authorized by the e-Manifest Establishment Act. This rule will allow manifest users to use an electronic hazardous waste manifest system with a goal of replacing the paper manifest forms. Once the national e-Manifest system is available, the use of electronic manifests will be the expected means for tracking hazardous waste shipments, although the e-Manifest Act and our regulations will allow users to currently opt out of the electronic manifest and continue to use the paper forms. We expect the use of electronic manifests will become the predominant means for tracking hazardous waste shipments. As we implement e-Manifest, EPA will assess what measures might be effective to expedite the transition from paper manifests to electronic manifests, and may take input on fee incentives (e.g., shifting a greater portion of the system development or operating cost recovery to paper manifest submissions) or other means to meet this end. Thus, it is EPA's goal to move to a fully electronic system so as to maximize the use of electronic manifests, so that the full benefits and efficiencies of electronic manifests can be realized as quickly as possible.

In section II.F of this preamble, we summarized the various economic and non-economic benefits of electronic manifesting, such as substantial paperwork cost savings and burden reductions for manifest users and states; the greater accountability that will likely result from nearly real time tracking capabilities, the much improved data quality from the manifest creation and editing aids that will be available in an electronic system; greater inspection and oversight efficiencies for regulators who can access manifests more readily with electronic search aids; greater transparency for and empowerment of communities with more accurate information about completed waste shipments and management trends; the savings and efficiencies of consolidating duplicative federal and state waste data reporting requirements with one-stop reporting, and the possible savings and efficiencies from integrating manifest and RCRA biennial reporting.

Witnesses representing the hazardous waste industry commented that mailing costs, for one company, alone are close to $1 million per year and EPA estimates that the labor costs alone for creating, handling, and processing the paper manifests are somewhere between $193 million and $769 million annually. The witnesses had not made their own independent estimate of the cost associated with the existing system but did say: ''we do believe based on our own experience that the current system is quite labor intensive and, therefore, costly.'' [David R. Case, Executive Director of Environmental Technology Council, June 21, 2012 before the Subcommittee on Environment and the Economy; Frederick J. Florjancic, CEO and President of Safety-Kleen, September 28, 2006 Subcommittee on Superfund and Waste Management]. These benefits should allow users and states to shift resources from data management activities to those more targeted at their business activities and at improving waste management and addressing any noncompliance issues. These shifts in focus will in turn contribute to increased levels of compliance, greater public awareness of local and national waste management trends, and a more level playing field for the regulated community. For the first time in the more than 30 years of hazardous waste regulation under RCRA, EPA, the States, and the public will have available a complete set of national data on all manifested shipments of hazardous waste.

When EPA originated the manifest program in 1980, it declined to collect copies of manifests for domestic waste shipments, believing that the burden of collecting and processing millions of manifests would overwhelm the Agency. Indeed, witnesses representing the hazardous waste industry commented that the paperwork burden of paper manifests is so significant that 22 states currently do not accept paper manifests [David R. Case, Executive Director of Environmental Technology Council, June 21, 2012 before the Subcommittee on Environment and the Economy; Frederick J. Florjancic, CEO and President of Safety-Kleen,

September 28, 2006 Subcommittee on Superfund and Waste Management] With the transition to the electronic manifest, EPA will be able to collect and manage more efficiently the manifests from all the nation's hazardous waste movements.

We discuss in more detail the projected qualitative impacts of the electronic manifest in section VI of this preamble. There will clearly be substantial cost and burden hour savings as well from e-Manifest, which EPA will evaluate in more detail when we announce the fee schedule and implementation date for the e-Manifest system. Any resulting savings, as well as the non-economic benefits discussed here for the electronic manifest, would clearly be maximized if the use of electronic manifests could be promoted and incentivized so that use approaches 100%.

EPA will monitor closely the metrics of electronic manifest use over time. While the electronic manifest is the expected submission format, as we transition toward full use of electronic manifests, users will be allowed to opt out and continue to carry and use paper manifests for tracking their hazardous waste shipments during transportation, and to submit paper manifests to the system. As suggested by the e-Manifest Act, we will explore fee-based and other incentives to promote the greater use of electronic manifests, particularly among hazardous waste transporters and designated facilities, as they will likely have the greatest impact on the volume of electronic manifest use. Moreover, to the extent that paper manifests continue to be used by some during the course of tracking the transportation of waste shipments, we will work with the designated facilities that receive these shipments to ensure that the data from the paper manifests is reported to the national system in an electronic data transfer. In this way, we believe that we can accomplish, in a fairly short time, nearly 100% of manifest data being received by the system electronically. Initially, by pursuing both objectives—maximizing electronic manifest use at the front end of the manifest process and maximizing electronic reporting of data from paper manifests at the back end of the process—we believe that we can eliminate the most burdensome aspects of collecting and processing paper manifests in the system, with the ultimate goal of 100% electronic manifests.

K. How will remaining paper manifest forms be submitted and processed?

1. *Background.* One of the key assumptions underlying the electronic manifest is that the users of the manifest (i.e., those subject to manifest requirements), as well as the state regulators who collect and make use of manifest data, will realize substantial benefits and paperwork burden reductions as more manifests are completed and processed electronically. Indeed, the major savings associated with use of electronic manifests arise when we can eliminate or reduce the steps of manually completing, carrying, mailing, and filing manifest forms, as well as eliminating or reducing the steps needed to transpose data between legacy data systems and paper forms, and the steps needed to then re-key data from the paper forms back into the companies' or states' tracking systems after manifests have been finalized.

Under the approach to electronic manifest use announced in this rule, it is EPA's goal that over a period of several years, the use of electronic manifests will become the predominant means of tracking RCRA hazardous waste shipments. The incidence of paper form use may be initially greater for state-regulated or non-RCRA wastes subject to the manifest, as many of the generators of non-RCRA wastes tend to be smaller generators who may initially let the larger generators begin use of the e-Manifest systems before trying it or be dependent on the larger generators providing equipment. As noted above, in the early years the numbers of paper forms that remain in the manifest system will surely be greater than as the system matures. One of the outcomes of maintaining dual electronic and paper manifest submissions is that this system will be costlier to maintain and may result in higher user fees. Additionally, as more users choose the electronic manifest, the cost of maintaining a paper system will fall on a smaller and smaller group of paper users, potentially resulting in ever-increasing fees for paper submissions.

Commenters on the April 2006 NODA emphasized the importance of this issue. Industry commenters generally supported elective use of electronic manifests, but they also questioned whether the resulting dual paper and electronic systems would generate complexity and burden that would frustrate the transition to electronic manifests and thus undermine the Agency's and industry's savings projections. State-agency commenters on the April, 2006 NODA offered strong comments indicating that their support for electronic manifesting was contingent upon there being implemented a means to ensure that a complete set of manifest data would be established. According to these commenters, a centralized system that did not also contain the data from paper manifests would not present a complete picture of all RCRA and state regulated wastes. Such a system would not be useful, for example, for biennial reporting purposes, and would result in states having to maintain duplicative processes and systems to collect and track the data from the remaining paper forms. Thus, both industry and state commenters urged EPA to develop the final rule so as to mitigate the effects of a dual paper and electronic manifest system.

EPA considered several options to reduce the negative impacts of dual systems. The alternatives we considered were all aimed at simplifying the process for collecting paper forms, and at ensuring that the data collected from both electronic manifests and paper forms could be efficiently processed so that a comprehensive set of manifest data would be available to users and regulators. One option considered was for the authorized states to continue to serve as the collection point for paper manifests, while all electronic manifests would be collected centrally by the national system and distributed to states through their Exchange Network nodes or equivalent on the system. In order to establish a composite set of data, states would then be required to conduct any quality assurance on the paper form data, key-in the data according to a specified file format, and then upload the verified data to EPA at some regular frequency so that it could be merged with the electronic manifest data collection. While this would continue the current scope of manifest reporting as defined by current state copy submission requirements, it would not produce a complete set of data, as the manifests from states that do not now collect manifests would be omitted.

As a second option for addressing the dual systems issue, EPA considered requiring all manifests now subject to state requirements for submission of manifest copies to be instead submitted to the e-Manifest system operator for collection and data processing. Quality assurance steps and data entry would be conducted consistently by e-Manifest system personnel, and a fee for this service would be collected to recover the paper and data processing costs. However, this option would be as limited as the first option insofar as continuing to collect only the same scope of generator and designated facility manifests as are now collected under existing state requirements for the submission of manifest copies.

EPA considered still a third option, under which only the designated facility

would be required to submit to the e-Manifest system its final copy of the paper manifests that continue in use after implementation of the e-Manifest system. In addition, the designated facility would pay an associated user fee for the data processing services performed by the system. Under this option, generators and transporters would not be required to submit their copies of paper manifests to the e-Manifest system. However, state-tracking programs that decide to continue to collect generator copies of manifests could do so under their state law requirements, as this option would only affect the collection of the designated facility copies by EPA. This option would, however, require the collection of paper manifests from designated facilities in all states, so, unlike the other two options, this third option would provide a complete set of paper manifest copies from all designated facilities.

2. *Solicitation of Comment on Collection of Designated Facility Copy.* Because this third option proposed a new federal record collection requirement that was not discussed in prior regulatory documents, EPA presented this option for public comment in the February 2008 NODA.[26] Comments received by EPA in response to the NODA discussion of this issue generally supported the proposal to require a final copy of the manifest (or the data and image from this copy) to be submitted to the system operator by the designated facility.

3. *Final Rule Decision.* Based on the comments received, and the commenters' desire to not have dual manifest systems, EPA has decided to adopt the approach of the third option for this final rule. This requirement also implements section 2(g)((1)(B) and section 2(c)(1) of the e-Manifest Act, which, respectively, confers discretion upon EPA to promulgate a regulation requiring that users of paper manifests submit paper copies to the e-Manifest system for data processing purposes, and authorizes EPA to collect a reasonable fee from users for the costs incurred in collecting and processing the data from any paper manifests. Therefore, we are implementing an e-Manifest system that will be structured so that electronic submissions will be the expected submission format, but that will allow users during a transition period to opt out of the electronic system by submitting a paper manifest, which will be received by the e-Manifest system for data processing purposes.

Under today's regulation, the designated facility must send to the e-Manifest system the top copy (Page 1 of the 6-page set) of the paper manifest form within 30 days of delivery of the hazardous waste shipment. The copy could be mailed to the e-Manifest system, or EPA may authorize the designated facility to transmit an image file to the EPA system so that the system personnel could key-in the data from the image files to the data system. Alternatively, the designated facility may be able to submit both the image file and a file presenting the manifest data to the system in image file and data file formats acceptable to the e-Manifest system operator and supported by EPA's electronic reporting requirements. The data file submission may be subject to quality assurance checks, and the regulated entity would be responsible for responding to and correcting errors identified from this check before a submission is accepted for processing by the e-Manifest system. This latter alternative could result in much more timely receipt of the manifest data by the system, and avoid the need for manual data entry activities by the system operator. EPA is codifying these requirements for designated facilities to submit final paper copies or their data at 40 CFR 264.71(a)(2)(v) and 265.71(a)(2)(v).

For paper copies mailed to the system by designated facilities, the e-Manifest system operator would create or obtain an image file of each such manifest, and store it on the system for retrieval by state or federal regulators. The e-Manifest system operator would also key-in or extract the federal- and state-regulated waste data from these copies to the e-Manifest system. EPA could extract any data regarding RCRA hazardous wastes for inclusion in its data systems, while the states could pull off data from the system concerning RCRA and state-regulated wastes for processing in the states' own tracking systems. The designated facility would be required to pay a fee to the system operator for processing the data from these final copies of the paper forms, and the fee would vary with the type of submission (mailed copy, image file, or image plus data file), as these submission types will likely present a different level of effort insofar as the processing steps required to enter the form data into the system. The fees for these and other e-Manifest system services will be determined later by EPA, and published in a distinct regulatory document prior to the implementation of the e-Manifest system.

EPA believes that this approach provides the most efficient solution to the dual paper/electronic systems problem during the transition to an electronic manifest system. It simplifies manifest copy submission for the designated facilities, which will only need to provide facility copies or data to one location—the national e-Manifest system—rather than supply copies to the many state agencies that now collect manifest copies. Further, it focuses the federal collection effort on the final designated facility copies of the form, which provide the best accounting of the quantities and types of wastes that were actually received for management. By providing a means to collect a complete set of waste receipts data from RCRA TSDFs (the merged set of paper and electronic manifest data), it also provides EPA with the means to modify biennial reporting by TSDFs of waste receipts data with a much simpler approach that relies upon the designated facility data reported to the e-Manifest system. As states will be connected to the e-Manifest system through the Information Exchange Network or alternate system, they can download the image files or the data keyed from paper manifests from this central processing service, just as they will be able to obtain the data and presentations of electronic manifests from the XML schemas and stylesheets transmitted on the e-Manifest system. Finally, as EPA will be able to assess appropriate fees for the paper processing and data entry activities necessary to process the data from paper forms and enter them into the e-Manifest system, the actual costs of providing these services will be recovered. Since we expect that electronic manifests will be much more efficient to process than paper forms, the differential fees that are established for paper and electronic manifest processing will likely operate as an additional incentive for the transition to electronic manifests.

Therefore, while EPA is clarifying in this rule that the use of the electronic manifest *format* is expected for members of the regulated community (with the opportunity to opt out), designated facilities will be required by this final rule to interact with the e-Manifest *system,* whether the electronic manifest format or the paper manifest form is used. EPA's decision to collect the final copy of paper manifest forms (or their data) from designated facilities and to process centrally the data from

[26] EPA solicited comment on this issue prior to the enactment of the 2012 statute, which confers on EPA the discretion to require the collection of a paper copy of the manifest for data processing purposes. Thus, we are implementing this discretionary authority with the decision announced here.

these paper forms means that these designated facilities will be required to interact with the e-Manifest system in one of two ways when submitting their manifests. Facilities that elect to use the electronic manifest format will submit their electronic manifests to the e-Manifest system, as the system will be designed for the very purpose of distributing electronic manifests among the users and regulatory agencies while the electronic manifests are being obtained, completed, and transmitted electronically on the e-Manifest system. On the other hand, facilities that choose to use the paper manifest forms rather than electronic manifest formats will physically carry and complete the paper manifest forms in the conventional manner that has been the norm since the hazardous waste manifest form was introduced in 1984. However, in lieu of sending a final paper manifest copy directly to the destination state (when required by the destination state), this final rule will require the facility to send Copy 1 of all the paper manifests (or an image and data file) to the EPA's e-Manifest system operator. Thus, the designated facilities will be required to submit a final manifest copy to the e-Manifest system, either in a supported electronic format or as a paper copy, and to pay any associated user fees. In other words, the use of the electronic manifest format will be the expected manifest format for tracking hazardous waste shipments, unless the waste handler chooses to opt out and uses paper manifests under this final rule. However, with respect to designated facilities the submission of either a completed paper or electronic manifest to the EPA system operator will in every case be required. Once this requirement is effective, and all final copies (electronic or paper) from designated facilities are being submitted directly to the EPA e-Manifest system operator, the states will obtain their final manifest copies and data from the e-Manifest system through their nodes on the Environmental Information Exchange Network.

L. Can I use e-Manifest if some waste handlers choose not to participate?

1. *Background.* In the May 2001 proposed rule, EPA recognized that there would be times when an electronic manifest could not be passed to or executed by all the waste handlers involved in a waste shipment, because one or more waste handlers might lack the technology or the capability to participate in the e-Manifest system. In the proposed rule, EPA suggested that for electronic manifesting to be effective, the receiving facility (the designated facility) must be able to receive and process electronic manifests, and that either the generator or transporters should also have the capability to create and transmit the electronic manifest. See 66 FR 28240 at 28272.

In particular, at the time of the proposed rule, EPA was of the view that electronic manifesting would still be beneficial if at least the generator and designated facility could exchange manifest and tracking information, since the manifest data entry, record keeping, and the very important function of verifying the receipt of wastes (or reporting discrepancies) between the generator and the designated facility could still be conducted electronically, as might any reporting of manifest data by generators or designated facilities to authorized states. Thus, we discussed in the proposed rule a procedure whereby the generator and receiving designated facility could conduct electronic manifest exchanges among themselves and their states, while allowing any non-participating transporters to continue to sign and retain a paper copy that would be marked up to show the unique tracking number assigned to the transaction by the e-Manifest system. *Id.* The proposal further suggested that a check box or other notation could be entered on the electronic manifest to indicate when the transporter took delivery of the waste, and to indicate that the transporter signed and retained a paper copy of the manifest. *Id.*

Similarly, we discussed what we considered to be a common situation where individual generator sites would not have their own on-site technology capability to participate in the e-Manifest system, but would participate in the e-Manifest system through the portable technology devices (e.g., a mobile computer) brought to the generator sites by a transporter or waste management facility participating in the e-Manifest system. In the latter instance, there would in fact be participation in the electronic manifest transaction by all the waste handlers, but the generators themselves would not need to obtain or use their own equipment in order to engage in electronic manifesting. *Id.* at 28273.

2. *Comment Analysis.* The proposed rule's discussion of electronic manifesting procedures for those cases where not all the waste handlers could participate electronically generated several comments from members of the regulated community and from state agencies. A commenter from the steel industry voiced support for this aspect of the proposal, as it would allow steel industry generators and designated facilities to begin using electronic manifests promptly, without having to wait for transporters to participate. Several other industry commenters stated in their comments that EPA needs to provide additional guidance to address the cases where transporters cannot participate in the electronic system. These commenters asked for particular clarification of such points as: (1) whether generators and designated facilities would be required to retain paper copies of manifests signed in ink by non-participating transporters; and (2) how would the electronic manifest record note that such a transporter's signature is on file and recorded on a hard copy manifest?

State commenters joined with the industry commenters that the final rule should describe more clearly what would be required of waste handlers or states when one or more waste handlers do not use the electronic manifest. One state commenter also voiced a strong objection to the suggestion in the proposal that an electronic copy of a manifest could be submitted to a state without all the transporter signatures being included on the electronic manifest.

3. *Final Rule Decision.* After considering all the comments and the manual processing steps that would be required to support the proposed rule approach, EPA is not adopting the proposed rule approach under which non-participating transporters could sign and retain paper manifest copies, while other handlers participated through the electronic manifest. This final rule instead specifies that the electronic manifest format can be used for tracking waste shipments only when it is known at the outset of the waste shipment that all waste handlers named on the manifest can participate electronically. Under the final rule, it is of course permissible for generators lacking their own electronic equipment to participate in the electronic manifest through use of a transporter's or designated facility's equipment, and, likewise, a transporter engaged in a waste pickup or delivery may use a participating generator's or designated facility's equipment to conduct electronic manifesting. However, if at the outset it is known that a generator, transporter, or designated facility named on the manifest cannot or will not participate in the electronic manifest, then the shipment is ineligible for the electronic manifest, and the standard paper manifest must be used to track the shipment in the conventional manner.

EPA considered an approach whereby non-participating transporters would be accommodated by requiring the

generator to supply sufficient printouts of the electronic manifest for all non-participating transporters. We considered specifying in this rule detailed procedures calling for the various paper copies to be manually signed and dated by the non-participating transporters. These procedures would also have required information to be entered on the paper copies regarding electronic signatures, including the names of the persons signing the manifest electronically, the date of these electronic signatures, and the notation ''signed electronically'' in the paper copies' signature fields. We considered this approach, because we wanted the paper copies to present a complete log of the transportation history of the shipment, including the signature information, so that the entire record of the waste shipment could be preserved by merging the data from paper copies with the electronic manifest data for the shipment.

In the end, however, we decided not to adopt this approach for the final rule because we concluded that the various manual processing steps that would be necessary to sustain the tracking process would be too complex and burdensome to be justified. The manual processing steps and their burdens would likely exceed any savings that would arise from the shipment being tracked partially with the electronic manifest. In order to maintain full accountability for these shipments, it would have been necessary to supply another paper copy for the designated facility, so that the facility could forward this copy to the e-Manifest system for data processing purposes. This approach would have placed an additional responsibility on the EPA system to manage the paper copies mailed to the system for processing, and to merge the data from the paper copy with the electronic manifest record previously entered into the system. Finally, we identified potential enforcement issues with this approach, as the complete shipment record would consist of both electronic and paper components, neither of which could be relied on by itself for a full accounting of the shipment.

EPA proposed the partial electronic and manual process for non-participating waste handlers because we believed that this approach would enable many more manifests to be initiated electronically in the system and also would enable designated facilities to verify their waste receipt data electronically and to transfer the data to EPA and state data systems. While the effect of this decision is likely to exclude some waste shipments from being tracked with the electronic manifest, we believe that the final rule will be much more practical and straightforward to implement. The Agency prefers to see the technical barriers to transporters' participation reduced, so that more transporters will participate in the electronic manifest, rather than establishing a complex process that may only perpetuate the use of paper-based tracking procedures by these transporters.

This final rule requires the use of the paper manifest form in all instances where it is known at the outset of a waste shipment that one or more of the waste handlers named on the manifest will not participate in the electronic manifest, unless one of the parties can provide access to the electronic manifest system to other parties involved in the transaction through hand-held or other technology. This requirement is codified in the generator requirements at 40 CFR 262.24(c).

However, there may also be instances in which a manifest is initiated electronically, but a situation develops, after transportation has begun, under which the manifest cannot be fully completed electronically. For example, the e-Manifest system may go down or become unavailable to users after the waste has been delivered to the initial transporter. Similarly, a transportation vehicle may break down while the waste shipment is in transportation, and it may be necessary to substitute another transporter or another vehicle that does not participate in e-Manifest. For these and like situations, therefore, it is necessary for the final rule to establish procedures for the manual completion of manifests that are initiated electronically, but, for whatever reason, cannot be completed electronically.

For these unfinished electronic manifests, it is the responsibility of the waste handler in possession of the waste at the time the electronic manifest becomes unavailable to obtain a pre-printed manifest from a registered printer, or, reproduce sufficient copies of the printed manifest carried on the transport vehicle to comply with the DOT's HMR. If the electronic manifest becomes unavailable before the waste is delivered by the generator to the initial transporter, then the simple back-up solution for the generator is to obtain and complete the manifest using a pre-printed manifest obtained from a registered manifest printer. The back-up paper manifest is then completed and used by the generator and other handlers in the same manner as any other paper manifest. This requirement is set out at § 262.24(e) of the generator requirements.

If, however, the electronic manifest becomes unavailable after the generator has delivered the waste to the initial transporter, then the transporter then in possession of the waste must follow different procedures. These special procedures for ''replacement manifests'' are codified at § 263.20(a)(6) of the transporter regulations.

In such cases, the transporter in possession of the waste must reproduce sufficient copies of the paper copy that is carried on the transport vehicle (which copy becomes the ''replacement'' manifest) and complete all further tracking requirements with the replacement manifest. This transporter should produce enough copies so that the transporter in possession of the waste and all subsequent handlers named on the manifest will be able to keep a paper copy for their records. He or she must also produce two additional copies that will be delivered with the waste to the designated facility. One such copy will be sent to the generator by the designated facility, in accordance with normal manifesting procedures for paper manifests. The final copy must ultimately be forwarded to the e-Manifest system by the designated facility for data processing. The transporter must also make notations in Item 14 (the Special Handling or Additional Information Item) indicating that the copies are a replacement manifest for an electronic manifest that could not be completed and the tracking number of the electronic manifest that the replacement manifest replaces.

EPA recognizes that the transporter responsible for producing these copies may not be able to reproduce the paper copies at the very moment that he or she is aware that the electronic manifest is no longer available for the shipment, but the copies must be produced before the waste handler obtains the signature from the next transporter or the designated facility to which the waste shipment is being delivered.

From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest will be completed and managed just as it would be completed and managed with the standard paper manifest form. However, as the printed copies will lack carbon paper and thus will not enable printed impressions to be passed through to all remaining copies, the transporters and owner/operators entering signatures or other information on the printed copies will need to sign and enter their other information individually on all printed manifest copies in their possession. As

the custody of the waste is transferred to subsequent waste handlers, the subsequent handler will sign all the printed copies to acknowledge receipt from the delivering handler, and the delivering handler will keep one such signed copy for its records.

At 40 CFR 264.72(g) and 265.72(g), we have promulgated the special procedures applicable to designated facilities that receive replacement manifests that accompany hazardous waste deliveries. In such cases, the designated facility must likewise sign the remaining printed copies at the time the waste shipment is ultimately delivered to the designated facility. Upon signing the remaining copies to acknowledge the receipt of the waste (or to note discrepancies), the designated facility must provide one copy to the delivering transporter, must keep one copy for its records, and must, within 30 days of receipt of the waste, send one copy to the generator and submit an additional copy to the e-Manifest system for data processing.

EPA believes that these procedures for replacement manifests will be sufficient for completing the tracking of waste shipments for those irregular and infrequent circumstances where the manifest is initiated electronically but cannot be completed electronically.

M. Manifest Corrections

It is likely that errors will be made on manifests and continuation sheets as there will be up to 5.6 million manifests a year with up to 278 data fields per shipment (manifest plus continuation sheet). The types of errors that occur most frequently (based on experience with the paper manifest) include nonexistent EPA ID numbers because of transposed numbers, incorrect dates (past or future), missing required data fields, such as quantity, units of measure, or waste codes (state or RCRA), reported units of measure that are not appropriate for the waste stream, and errors in the proper shipping name.

We expect that the number of errors requiring correction will be much less when the e-Manifest format is used, as the online system will provide pre-shipment verification for accuracy and completeness of all required fields. We also intend to include in the system features such as drop down menus to aid in the selection of data items, the ability to save and revise previously completed manifests, and the ability to pre-populate manifests based on saved templates and user profiles. While the number of errors should be reduced with these electronic aids, we will still need to design an e-Manifest system with the capability for generators, transporters, or designated facilities to make those corrections that were not prevented by the pre-shipment verification process or the other electronic aids. This process may require correcting each manifest separately or could allow block corrections of a set of manifests with the same error in waste code, EPA ID number, or other like field. EPA and members of the manifest user community will discuss the performance and design requirements for addressing errors and corrections as we plan for the procurement action that will lead to the development and operation of the e-Manifest system.

The larger e-Manifest data system will also include data obtained from paper manifest forms and submitted to the e-Manifest system in either image or paper form. These paper format manifests will not have any pre-creation edits and may have more errors that need correction. States that currently collect paper manifests and enter the data from these forms into electronic databases have experienced high levels of manifest errors. California, for example, estimates that up to 60% of manifests have some errors. The most serious errors compromise the use of the data for such purposes as waste stream analysis, revenue collection, and enforcement. If manifest data are to be useful for these purposes as well as for other purposes, such as streamlining the biennial reporting process, then the accuracy of manifest data must be improved. For this to occur, it will be necessary to establish a process for manifest corrections.

Persons providing data on a manifest have an obligation to provide and submit accurate information. When data errors are discovered before, during or after a hazardous waste shipment, the errors should be corrected. EPA, states and the e-Manifest stakeholder groups will coordinate to develop processes regarding corrections and notifications when previously submitted manifest data are changed. The states will continue to have a critical role in identifying errors and correcting them.

IV. EPA's E-Manifest System Implementation Planning

A. Introduction

Under the e-Manifest Act, EPA is required to establish the national e-Manifest system through a performance-based contract within 3 years of enactment of the e-Manifest Act, that is, by October 2015. This is a very ambitious undertaking [27] that will involve a great deal of outreach with our stakeholders (which has already begun) as we plan for system implementation. For example, during the 2nd through 4th quarters of Fiscal Year 2013, EPA began its procurement activities related to e-Manifest by conducting market research with IT vendors to determine vendor capabilities and the availability of existing systems and components that could be useful to the development of e-Manifest. We also conducted system requirements meetings during February–March 2013 in Washington, DC, Chicago, and Denver, in order to elicit from stakeholders their preferred system functionalities and requirements. This information was quite useful in the development of Requirements Analysis and Alternatives Analysis documents, which EPA will use to guide its evaluation of system design alternatives and to develop more current benefit and cost estimates for the various system design options.

While the details of the e-Manifest system design and development will be fleshed out during the system planning and acquisition phases, we intend that the e-Manifest system will support the following high-level functions:

1. Electronic Manifest Creation:
- Support for all manifest data elements,
- Support for several user interfaces, including mobile device interface,
- Support for templates or other manifest creation short-cuts, and
- Support for edit checks, pull down lists, and other aids to improve data quality.

2. Manifest Format and Communications Standards:
- Data exchange standard (e.g., XML schema or equivalent) to enable data exchanges with industry and state data management systems, and manipulations of data,
- Presentation standard to enable e-Manifest display that is faithful to appearance of the paper form,
- Standardized communications protocols for transmissions between handler devices and system, and
- Data exchange between e-Manifest and the railroad industry's electronic waybill system, to facilitate shipments of hazardous waste by rail.

3. Document and work flow management:
- Work flow must support for ''chain of custody'' tracking of each hazardous waste shipment,

[27] The provision of e-Manifest services by October 2015 will be a challenge for EPA not only on account of the ambitiousness of the project and statutory schedule, but also because of the uncertainty whether sufficient funding will be available to seed the system development in only 3 years.

• Completion of manifest data elements and signatures in proper sequence without errors,
• Preservation of copies of record for key shipment statuses,
• Management of work flow by mobile applications while manifests reside on mobile devices, and
• Synchronization of mobile devices with Central System after off-line operations.

4. Electronic signatures and compliance with EPA's CROMERR Rule:
• ''Valid and enforceable electronic signatures'' per this Rule and CROMERR, and
• Identity proofing as required.

5. Manifest data reporting:
• Standard reports and customized queries.

6. Manifest data access for states:
• Distribution of electronic manifests to states through the National Environmental Information Exchange Network.

7. Development of national manifest data repository:
• Repository to manage data from both electronic and paper manifests.

8. Standard processing of final copy of paper manifests from TSDFs:
• Imaging of final copies,
• Data import or data entry into national data system, and
• Quality checks and error reports for data import files.

9. Electronic payment and collection of user fees.

B. What system architecture will be used for hosting e-Manifest?

EPA will determine the preferred system architecture as we complete our Requirements and Alternatives Analyses, and determine the most practical and cost-effective means for fielding the e-Manifest services. One option that EPA will explore is the hosting of the e-Manifest system on EPA's Central Data Exchange or CDX, which is EPA's designated gateway through which environmental information electronically enters the Agency. CDX is also the point of presence, or node, through which data are exchanged with the states, tribes, and other trusted partners. The CDX receives data, authenticates users securely, transforms the data from submitting organizations, archives the data, and provides that data to EPA's national systems and to States though their Exchange Network nodes. The CDX supports data exchanges with target systems using web services, and it supports a variety of reporting formats. Before a decision can be made on the e-Manifest hosting architecture, we will also evaluate non-CDX alternatives that provide similar services. The provision of e-Manifest services will require significant availability [28] as well as 24/7/365 service reliability. The development and implementation of the e-Manifest system pose novel challenges and opportunities for EPA and the user community, so we will want to select a hosting environment that can support all e-Manifest services and provide all necessary technical support most effectively and reliably.

C. How will EPA notify users that EPA is ready to implement electronic manifesting?

As stated previously, the performance requirements and detailed technical standards governing the design and operation of the e-Manifest system will be developed during the procurement action and system design rather than as a part of this final rule. We plan to award a contract to a vendor or vendors to develop and operate a national e-Manifest system that will be accessed through the Agency's CDX or an alternative hosting portal. After the vendor develops the e-Manifest system, it first must be evaluated and accredited for compliance with applicable internal and federal IT policies and standards on information security and privacy, and tested for consistent operation with system performance requirements before beginning its production operation. Therefore, once the evaluation process is complete, EPA will announce in a separate **Federal Register** document that the e-Manifest system is available to supply and process electronic manifests. This document will also publish the delayed compliance and implementation date on which e-Manifest services will commence in all states, the fee schedule for electronic manifest and paper manifest submissions, and the arrangements for submitting those paper manifests that remain in use after the announced compliance and implementation date of e-Manifest.

V. State Implementation and Effective Date

A. Background

The issue of State Implementation of the electronic manifest involves two distinct considerations: (1) what are the impacts of RCRA state program authorization requirements on the authorized states' ability to implement and enforce the electronic manifest requirements announced in this final regulation; and (2) what are the impacts of CROMERR requirements insofar as requiring CROMERR-related authorization or approval of states' document receiving systems for electronic reporting. For the latter approval process, for example, CROMERR provides that where states choose to allow electronic reporting, they must modify their electronic reporting programs to demonstrate compliance with CROMERR's performance standards for electronic reporting programs at 40 CFR 3.2000.

With respect to the CROMERR authorization of states' electronic reporting programs, there are no such approval requirements resulting from this federal regulation. This regulation implements the e-Manifest Act's mandate calling for the establishment by EPA of a national e-Manifest system for submitting and transmitting electronic manifests. With the implementation of this regulation and the national e-Manifest system, there will be no role for states insofar as establishing their distinct or alternative electronic manifest reporting systems. States will collect manifests and data from the national e-Manifest system, but the entire submission and reporting process that will give rise to electronic manifest copies of record will occur on the national system. As there will be no CROMERR related approval requirements for states resulting from this regulation, the remainder of this section addresses the RCRA state program authorization requirements resulting from this regulation.

In the May 2001 proposed rule, EPA identified as a significant issue the question of whether RCRA authorized states should be required to adopt the electronic manifest as a component of their authorized programs. See 66 FR 28240 at 28299. As EPA explained in the May 2001 proposal, the more precise question was whether program consistency standards under RCRA section 3006 and our regulation on manifest program consistency codified at 40 CFR 271.4(a) and (e) required states to adopt the electronic manifest. Under RCRA section 3006, an authorized state program must be consistent with the Federal Subtitle C program and with other authorized state programs. Moreover, as for a state's manifest requirements, EPA's regulations at § 271.4(a) and (e) addressing program consistency explain that a state's manifest system is inconsistent if it does not meet EPA's requirements or if it unreasonably

[28] EPA and stakeholders will discuss the service availability metric as a performance requirement as we begin system design planning. The cost of the system will be influenced by the service availability metric, and of course, under any such performance metric, there will need to be maintenance windows provided.

impedes the free movement of hazardous waste. With respect to the electronic manifest, the Agency was concerned in May 2001 that if some states chose not to adopt the electronic manifest, there could result a patchwork of states that would accept or not accept electronic manifests as valid substitutes for the paper forms. The patchwork effect itself might unduly burden the free movement of waste among the states or might even frustrate the development and successful implementation of the electronic manifest by an IT vendor. *Id.*

Despite these concerns, EPA tentatively decided in the May 2001 proposed rule *not* to mandate the adoption by states of the electronic manifest requirements in authorized state programs. We explained in the proposal that we believed that there were strong practical and business influences that would promote the adoption of the electronic manifest by the states, without a mandate from EPA. *Id.* However, EPA requested specific comments on how electronic manifesting should be implemented among the various authorized states. The Agency further intimated that it could decide in the final rule to mandate adoption of the electronic manifest by the authorized states, if the Agency were persuaded that implementation of the electronic manifest as an elective program component for states would produce the patchwork effect or other consistency problems that would unduly burden the free movement of waste in commerce. *Id.*

In addition, the May 2001 proposed rule also noted that the electronic manifest would not be considered a ''shipping paper'' within the meaning of DOT's HRM. See 49 CFR 172.205. This interpretation results in a different outcome for electronic manifests than for the paper manifest form. With respect to the paper manifest form, the RCRA manifest form is accepted by DOT as a hazardous materials shipping paper. As a further result of this interpretation, DOT hazardous materials law preempts states from requiring the use of different manifest forms or requiring additional information to be carried with waste shipments. 49 U.S.C. 5125(b)(1)(C). Further, when EPA and DOT announced changes to the paper manifest form, such as we announced on March 4, 2005, we explained that consistency in the use of hazardous materials shipping papers requires that the revised manifest form must be implemented in all states on the same effective date. Therefore, the discussion of consistency in implementation of the electronic manifest in this final rule requires EPA to decide: (1) whether authorized states must adopt the electronic manifest to maintain consistent authorized programs; and (2) whether the electronic manifest must be implemented in all states on the same effective date and, if so, what authority EPA is relying upon to support this position.[29]

B. Comment Analysis

Among the regulated industry, this issue generated perhaps the strongest and most consistent response. Industry commenters expressed the view in no uncertain terms that the electronic manifest would not succeed unless all states are required to adopt the electronic manifest requirements as a component of their RCRA authorized state programs. Several industry and federal facility commenters stated bluntly that the regulated industry would not make either the capital or manpower investments needed to support the electronic manifest unless they had reasonable assurances that electronic manifests would be recognized as valid in all states. In addition, industry comments supported the view that without a policy requiring the uniform adoption of the electronic manifest by the states, there would be serious burdens imposed on the free movement of waste from a patchwork of states both accepting and not accepting the validity of electronic manifests. Because of this possible outcome, one waste management facility suggested in its comments that EPA use its ''consistency'' rule under 40 CFR 271.4 to establish in its final rule that authorized state program consistency requirements must extend to requiring all authorized states to adopt the electronic manifest in order to maintain their program authorization.

Among state agency commenters, there were several strong comments suggesting that the electronic manifest should not be a mandatory component of authorized state RCRA programs, at least at the outset of the electronic manifest program. These comments emphasized that the states are in varying stages of development in terms of deploying electronic business in government at the state level. The state commenters also focused on the start-up costs, training, the demands on state personnel, and the resources that would be required among the states to maintain the capability to interact with the e-Manifest system. In addition, several state agency commenters suggested that EPA explain in more detail the implications of states not adopting the electronic manifest requirements. For example, these commenters opined that the Agency needed to describe the implications and procedures when waste shipments were hauled from a state that recognized the validity of electronic manifests to a state that has not adopted the electronic manifest regulation. In addition, several state commenters requested that EPA clarify whether the regulated community could begin to use the electronic manifest before each state has adopted its electronic manifest regulations.

C. Final Rule Decision

Because of the critical nature of this issue to the likelihood of success of an e-Manifest system, the issue of consistent electronic manifest implementation among the states was addressed by specific language included in the e-Manifest Act. Under section 2(g)(2) of the e-Manifest Act, any regulations promulgated by EPA to authorize and implement the electronic manifest shall take effect in each state as of the implementation date that EPA specifies by regulation. That uniform date is not specified in this regulation, but will be announced by EPA in a separate regulatory document that the Agency will publish prior to the implementation of the system. Moreover, section 2(g)(3) of the e-Manifest Act provides that EPA shall carry out the federal electronic manifest regulations promulgated under the e-Manifest Act in each state unless the state program is fully authorized to carry out such regulations in lieu of EPA.

Therefore, in accordance with the provisions of the e-Manifest Act, there will be no patchwork effect among the states insofar as their electing to either adopt or not adopt state regulations adopting the electronic manifest regulations and recognizing the validity of electronic manifests. Under the terms of the legislation, the electronic manifest regulations will be effective in all states and the system will be implemented federally by EPA in all states on the same implementation and compliance date until the state programs are fully authorized for their program revisions adopting the electronic manifest regulations under state law. These provisions have the effect of establishing a federal/state

[29] EPA's solicitation of comment on this issue was before the enactment of the e-Manifest Act, which now clearly mandates that the e-Manifest regulations will take effect in all states on the effective date specified by EPA's regulation. While this issue was determined by the statute, we nevertheless believe it is appropriate to discuss the comments we received on this question and responses to those comments.

relationship for electronic manifest implementation that is very similar to the type of relationship that was required by Congress for the Hazardous and Solid Waste Amendments Act (HSWA) of 1984, which addressed, among other things, the requirements for corrective action for hazardous waste releases, and restrictions on the land disposal of hazardous wastes.

As EPA promulgated federal regulations addressing the HSWA mandates for corrective action programs and the land disposal restrictions (LDRs) during the late 1980's and the early 1990's, these new requirements were implemented initially in all states by EPA. As the states became authorized for the HSWA program revisions, implementation and enforcement responsibility for these program elements shifted to the RCRA authorized state programs. Thus, we expect a similar federal/state implementation pattern to develop with respect to the electronic manifest, with EPA initially implementing and enforcing the electronic manifest federally in all states, and with the states assuming these responsibilities as they obtain authorization for their electronic manifest program revisions. The electronic manifest requirements imposed under the e-Manifest Act are required to be consistently implemented in the states under section 2(g)(2) of the e-Manifest Act, and EPA will implement the federal requirements under section 2(g)(3) of the e-Manifest Act until the States obtain final authorization for the e-Manifest regulations that are consistent with the federal requirements, as required by 40 CFR 271.4(c). Therefore, for state authorization purposes, the requirements imposed under the e-Manifest Act supersede any requirements under state law that are less stringent than EPA's e-Manifest requirements, and they also supersede any requirements that are non-uniform or inconsistent with EPA's e-Manifest requirements.

This policy of consistency with respect to the implementation of the e-Manifest regulations applies with equal force to the electronic signatures implemented in accordance with this regulation. EPA is aware that numerous states have adopted electronic signature laws applicable to documents signed electronically in the respective states. These state laws take various forms, with some requiring specific signature technologies, others imposing performance standards, and others modeled on the e-Sign Act of 2000.

EPA has concluded that the electronic signatures that are used in connection with electronic manifests executed through the national e-Manifest system require the same consistency in implementation as the other standards and procedures affecting the creation and use of electronic manifests. A national system would be unworkable if different electronic signature methods had to be applied depending on the requirements imposed by the states that might be generator states or destination states for different hazardous waste shipments. EPA has evaluated electronic signatures in this regulation for their compliance with EPA's electronic signature policy for the CROMERR regulation, which has as its goal to ensure that electronically signed manifests have the same legal dependability and validity as the paper manifests that have been recognized as valid for many years under federal and state law. Therefore, the electronic signatures adopted for the e-Manifest shall be implemented consistently in all states on the implementation and compliance date of the e-Manifest regulation.

Moreover, the section 2(g) provisions of the e-Manifest Act render moot the need to clarify how the manifest would work when waste is hauled between a state that has adopted the electronic manifest and a state that has not. While states that have not adopted the electronic manifest regulations will not be able to enforce electronic manifest regulatory violations under their state laws, the electronic manifest will be valid and effective in all states regardless of any one state's adoption and authorization status. As the manifest will be effective in all states on the same date established by EPA, the regulated community can begin to use the electronic manifest with confidence after the start-up date announced by EPA. The implementation and compliance date for the e-Manifest will be determined and announced in a subsequent **Federal Register** document, after EPA has determined that the system, the states, and user community are ready to transmit and receive electronic manifests.

EPA has included new language in 40 CFR 271.3, 271.4, and 271.10 to codify the provisions of the e-Manifest Act that address the consistency implications and state authorization requirements for the electronic manifest. Section 271.3(b) has been amended by adding a new paragraph (b)(4), which implements section 2(g) of the e-Manifest Act, by stating that any requirement applicable to the content or use of electronic manifests, and imposed under the authority of the Hazardous Waste Electronic Manifest Act: (1) Shall take effect in each state having a fully authorized state program on the same date as such requirement takes effect in other states; (2) shall supersede any less stringent or inconsistent provision of a state program; and (3) shall be carried out by EPA in an authorized state except where the state has received final authorization for state program revisions implementing the electronic manifest requirements under state law.

Section 271.4(c) has been amended to state explicitly that the consistency that is required of authorized state hazardous waste manifest programs extends explicitly to the electronic manifest. States' authorized programs must allow the use of the electronic manifest as an option for tracking hazardous waste shipments, and their regulations must recognize the validity of electronic manifests as defined in 40 CFR 260.10 of this regulation.

With respect to 40 CFR 271.10, which addresses state program requirements for generators, several amendments were made to accommodate the electronic manifest and ensure consistency in the use and implementation of the electronic manifest. First, § 271.10(f)(1) has been amended to clarify that the states' manifest programs must require the use of the paper or electronic manifest formats as required by § 262.20(a) of this regulation. The revised language of this paragraph further clarifies that no other manifest form, electronic format, shipping document, electronic signature requirement, or information other than that required by federal law may be required by the state to travel with the shipment, or to be transmitted electronically, or used with an electronic manifest, as a means to track the transportation and delivery of hazardous waste shipments. Second, the text of paragraph (f)(3) of this section has been amended to provide that state programs must require that all hazardous waste generators ensure that all wastes offered for transportation are accompanied by a manifest form or are tracked by an electronic manifest, except as provided in existing sub-paragraphs (f)(3)(i) and (f)(3)(ii). Finally, paragraph (h) of § 271.10 was amended to clarify that just as the states must consistently follow the federal manifest format for the paper forms (Forms 8700–22 and 8700–22A) and the instructions for these forms, the states must also follow the electronic manifest format and instructions to be supplied by EPA's e-Manifest System.

EPA is not amending at this time the provisions of § 271.10(h)(2), which currently provide that either the generator state or the consignment state

to which waste is manifested, or both, may require that paper copies of the manifest form be submitted directly to the state. As discussed in section III.K. of this preamble, EPA has determined that at such time as the e-Manifest system becomes operational, the requirement for designated facilities to supply paper manifest copies directly to states will be replaced with a requirement for designated facilities to submit their paper manifest copies to the e-Manifest System for data processing, although we would note that states could still require the collection of generator copies as a component of state programs under state law. Since the date on which this requirement will become effective has not yet been determined, and is contingent upon the readiness of the e-Manifest system and upon EPA's determining how best to schedule the collection of the facility copies by the System, the current provisions of paragraph (h)(2) will remain unchanged and effective until EPA announces the schedule for the receipt of facility copies and then amends these provisions accordingly.

In addition, 40 CFR 271.11 is amended to provide new language to address the consistency requirements for state program requirements applicable to transporters. Specifically, we are amending § 271.11(c)(1) to clarify that the states' transporter regulations must require transporters to carry the paper manifest forms or one printed copy of the electronic manifest during transport, except as provided in this section for shipments by rail or water. The one printed copy of the electronic manifest must be carried on the transport vehicle as a means to inform emergency responders of the shipment contents and hazards in the event of an incident with the vehicle during transport. This requirement will remain in place for as long as DOT requires a paper shipping document to be carried on transport vehicles for access by emergency responders under 49 CFR 177.817(e).

EPA is not promulgating at this time any substantive changes to 40 CFR 271.12, dealing with state program requirements for hazardous waste management facilities. We are eliminating, however, a parenthetical statement addressing electronic manifests in current § 271.12(h), which suggests that electronic manifesting would be subject to distinct requirements in paragraph (i) of § 271.12, rather than the Agency's electronic reporting requirements of 40 CFR part 3. This language was added at a time when it was presumed that the electronic manifest would be a distinct electronic report that operated outside of EPA's electronic reporting regulations at 40 CFR part 3. Since this regulation announces that the e-Manifest will be a national system whose users will be subject to the Part 3 requirements for electronic reporting to EPA, the parenthetical statement is no longer accurate and is confusing. Therefore, it has been removed from this section.

In addition, we are not currently amending § 271.12(i), which addresses the distribution of signed manifest copies by designated facilities. As we discussed in section III.K. of this preamble, when the e-manifest system is ready to be implemented, EPA will announce a schedule by which facilities will submit a final paper manifest copy to the e-Manifest system for processing, rather than submit them to authorized states. At such time as EPA determines its schedule for making the e-Manifest System available for use and for receiving facilities' paper copies, we will amend paragraph (h) of § 271.12 to clarify that state programs must provide for the submission of these facility copies to the e-Manifest System.

VI. The Projected Economic Impacts of the Electronic Manifest

In attributing any monetary cost and benefits of the final rule, the Agency had to determine if today's action, which codifies the statutory requirements authorizing the use of electronic hazardous waste manifest as a means to track off-site shipments of hazardous waste, imposes any direct impacts to the government, including state governments or the regulated community. As such, the Agency determined that today's rule simply establishes the legal and policy framework for the national e-Manifest system and does not independently impose or realize any direct monetary costs or benefits. The e-Manifest option will only become available when EPA develops and implements this new electronic system and establishes a program of fees to be imposed upon users of the e-manifest system. A subsequent rulemaking will establish the schedule of user fees for the system and announce the date on which the e-Manifest will be implemented and available to users. A Regulatory Impact Analysis will accompany that rule, and will analyze the effects of that rule in conjunction with this e-Manifest rule which establishes the framework.

Nevertheless, we would note that in drafting a 2009 Alternatives Analysis conducted by EPA as part of the capital planning process for e-Manifest, we determined that the majority of the benefits would result from a reduction in the administrative costs of using and processing the paper manifest, including the paper work burden of completing, carrying, mailing and filing the paper manifest copies, and the other manual processes involved with scanning manifests or keying data to and from the paper forms and the data systems that support industry users and state agencies.

Using information from the ICR (OMB Control No. 2050–0039, EPA ICR No. 801.16), EPA determined that the administrative costs are reduced by 25% as a result of the e-Manifest system. In the 2009 Alternatives Analysis, we developed cost and savings estimates for a design alternative that involved mobile devices accessing our web based national system. For this design alternative, we estimated there to be two distinct categories of annual manifest administrative costs: (1) About $109 million in Federal manifest administrative costs, and (2) about $ 150 million in State manifest administrative costs. We also included cost estimates of about $23 million per year for the administrative costs of complying with the RCRA biennial reporting requirements, as e-Manifest will be developed to integrate with biennial reporting after initial system implementation. These annual administrative costs total to about $297 million. When these costs are factored by the 25% reduction rate estimated for this e-Manifest design option, the cost savings for e-Manifest amount to $74.2 million per year.[30] We estimate that there will be annual administrative burden hour savings of between 300,000 and 700,000 hours, at the time the e-Manifest is implemented. While we anticipate significant net savings to the users once e-Manifest is implemented, we do not have an estimate of the net savings at this time, because we have not yet conducted the procurement process for the system and thus cannot determine the system costs. Therefore, our 2009 analysis supports our testimony to Congress in June 2012 that e-Manifest cost savings will approximate $75 million annually. The Agency will present more current and detailed cost and benefit estimates when we develop the Regulatory Impact Analysis for the Fee Rule.

We would note that part of the reason for establishing an electronic tracking system for hazardous waste shipments

[30] This is likely a conservative estimate, as it does not include the additional cost savings likely to result from the greater efficiencies with which existing data systems operated by industry users and states will be able to exchange data with the e-Manifest system, relative to manually keying data from paper forms.

is that such tracking can be conducted in a more cost-effective manner, and thus, we would expect reduced costs and paperwork processing burdens to the regulated community, as well as to the regulators in the long run, recognizing that there may be some upfront costs that these entities may bear. We also expect that there will be more timely access to manifest data and shipment information, and improved quality to the data that is shared among users, regulators, and their data management systems.

VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and 13563: Improving Regulation and Regulatory Review

This final rule, ''*Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests,''* primarily codifies new statutory provisions that authorize the use of electronic manifests for tracking hazardous wastes. Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is considered a ''significant regulatory action,'' because it may raise novel legal or policy issues. Accordingly, the EPA submitted this action to OMB for review under Executive Order 12866 and 13563 (76 FR 3821, January 21, 2011). Any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The regulatory changes to the manifest system announced in this Final Rule do not change the information collected by the hazardous waste manifest, nor the scope of the wastes that are now subject to manifesting. The adoption of the electronic manifest changes the manner in which manifest information will be collected and transmitted. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations for manifest completion, transmittal, and recordkeeping for hazardous waste generators at 40 CFR part 262, Subpart B, for hazardous waste transporters at part 263, Subpart B, and for TSDFs at parts 264 and 265, Subpart E under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2050–0039. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

This rule merely provides the legal and policy framework for the electronic tracking of off-site shipments of hazardous waste. The use of e-Manifests cannot occur until EPA establishes the e-Manifest system, which the e-Manifest act requires EPA to establish within three years from the statute's date of enactment. The Act was signed into law in October 2012, which means that the system for electronic manifesting of hazardous waste shipments authorized by this rule should be available by October 2015. EPA is taking action now to meet the statutory deadline, but unknown variables (e.g., funding contingencies for e-Manifest system development) could delay the actual deployment of the system. Therefore, until EPA announces in a subsequent **Federal Register** document that the e-Manifest system is available for use, hazardous waste generators, transporters, and treatment, storage, and disposal facilities (TSDFs) must continue to comply with the current paper-based manifest system and use the existing paper manifests forms (i.e., EPA Forms 8700–22 and 8700–22A) for the off-site transportation of hazardous waste shipments.

C. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq., generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This rule does not change existing requirements for manifesting hazardous waste shipments. It merely authorizes the use of electronic manifests at such time as the system to receive them is built and operational. Small generators of hazardous waste will either participate in the electronic manifest through the involvement of the transporters or facilities that service their wastes, or, they will continue to use paper manifests. Likewise, small transporters or small treatment, storage, or disposal facilities may elect to continue to use paper manifests, although there could be competitive pressure on those small transporters or facilities that continue to supply paper manifest to their customers.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. Today's rule, however, does require RCRA authorized state programs to recognize the electronic documents that can be completed and submitted electronically under today's final rule as the authorized substitute for the current paper forms (i.e., EPA Form 8700–22 (Manifest) and EPA Form 8700–22A (Continuation Sheet)). Thus, authorized states that currently use information systems to track manifest data will need to modify their information systems in order to receive specific electronic manifest data from the national e-Manifest system.

E. Executive Order 13132: Federalism

This final rule does not have federalism implications. It will 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. Thus, Executive Order 13132 does not apply to this rule.

F. Executive Order 13175: Consultation With Tribal Governments

This final rule does not have tribal implications, as specified in Executive Order 13175. It does not impose any new requirements on tribal officials nor does it impose substantial direct compliance costs on them. This rule does not create a mandate for tribal governments, nor does it impose any enforceable duties on these entities. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not present environmental health and safety risks or impacts to children, and because it does not affect the level of protection provided to human health or the environment. Today's rule still requires that hazardous waste be subject to the manifest requirement, although it could be in electronic format or paper format.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This final rule does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment, and because it still requires that hazardous waste be subject to the manifest requirement, although it could be in electronic format or paper format.

K. Congressional Review Act

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). This rule will be effective August 6, 2014.

List of Subjects

40 CFR Part 260

Environmental protection, Exports, Hazardous materials transportation, Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

40 CFR Part 262

Environmental protection, Electronic reporting requirements, Exports, Hazardous materials transportation, Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

40 CFR Part 263

Environmental protection, Electronic reporting requirements, Hazardous materials transportation, Hazardous waste.

40 CFR Part 264

Environmental protection, Electronic reporting requirements, Hazardous waste, Packaging and containers, Reporting and recordkeeping requirements, Security measures.

40 CFR Part 265

Environmental protection, Electronic reporting requirements, Hazardous waste, Packaging and containers, Reporting and recordkeeping requirements.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Electronic reporting requirements, Hazardous materials transportation, Hazardous waste, Reporting and recordkeeping requirements.

Dated: January 13, 2014.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

■ 1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921—27, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

Subpart A—General

■ 2. Section 260.2 is revised to read as follows:

§ 260.2 Availability of information; confidentiality of information.

(a) Any information provided to EPA under parts 260 through 266 and 268 of this chapter will be made available to the public to the extent and in the manner authorized by the Freedom of Information Act, 5 U.S.C. section 552, section 3007(b) of RCRA and EPA regulations implementing the Freedom of Information Act and section 3007(b), and part 2 of this chapter, as applicable.

(b) Except as provided under paragraph (c) of this section, any person who submits information to EPA in accordance with parts 260 through 266 and 268 of this chapter may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in § 2.203(b) of this chapter. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in part 2, Subpart B, of this chapter except that information required by § 262.53(a) and § 262.83 that is submitted in a notification of intent to export a hazardous waste will be provided to the

U.S. Department of State and the appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality. However, if no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to the person submitting it.

(c)(1) After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700–22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700–22A), or an electronic manifest format that may be prepared and used in accordance with § 262.20(a)(3) of this chapter.

(2) EPA will make any electronic manifest that is prepared and used in accordance with § 262.20(a)(3), or any paper manifest that is submitted to the system under §§ 264.71(a)(6) or 265.71(a)(6) of this chapter available to the public under this section when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the system are considered by EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

Subpart B—Definitions

■ 3. Section 260.10 is amended by revising the definition of ''manifest'' and adding in alphabetical order the definitions of ''electronic manifest,'' ''electronic manifest system,'' and ''user of the electronic manifest'' to read as follows:

§ 260.10 Definitions.

* * * * *

Electronic manifest (or e-Manifest) means the electronic format of the hazardous waste manifest that is obtained from EPA's national e-Manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700–22 (Manifest) and 8700–22A (Continuation Sheet).

Electronic Manifest System (or e-Manifest System) means EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

* * * * *

Manifest means the shipping document EPA Form 8700–22 (including, if necessary, EPA Form 8700–22A), or the electronic manifest, originated and signed in accordance with the applicable requirements of parts 262 through 265 of this chapter.

* * * * *

User of the electronic manifest system means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that:

(1) Is required to use a manifest to comply with:

(i) Any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

(ii) Any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

(2) Elects to use the system to obtain, complete and transmit an electronic manifest format supplied by the EPA electronic manifest system, or

(3) Elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with § 264.71(a)(2)(v) or § 265.71(a)(2)(v) of this chapter. These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

* * * * *

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

■ 4. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922—6925, 6937, and 6938.

■ 5. In § 262.20, add paragraph (a)(3) to read as follows:

§ 262.20 General requirements.

* * * * *

(a) * * *

(3) *Electronic manifest.* In lieu of using the manifest form specified in paragraph (a)(1) of this section, a person required to prepare a manifest under paragraph (a)(1) of this section may prepare and use an electronic manifest, provided that the person:

(i) Complies with the requirements in § 262.24 for use of electronic manifests, and

(ii) Complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to EPA.

* * * * *

■ 6. Add §§ 262.24 and 262.25 to subpart B to read as follows:

§ 262.24 Use of the electronic manifest.

(a) *Legal equivalence to paper manifests.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3), and used in accordance with this section in lieu of EPA Forms 8700–22 and 8700–22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 262.25.

(2) Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the system.

(3) Any requirement in these regulations for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-Manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

(4) No generator may be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

(b) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

(c) *Restriction on use of electronic manifests.* A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is

known at the time the manifest is originated that all waste handlers named on the manifest participate in the electronic manifest system.

(d) *Requirement for one printed copy.* To the extent the Hazardous Materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, a generator originating an electronic manifest must also provide the initial transporter with one printed copy of the electronic manifest.

(e) *Special procedures when electronic manifest is unavailable.* If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700–22 and 8700–22A) in accordance with the manifest instructions in the appendix to this part, and use these paper forms from this point forward in accordance with the requirements of § 262.23.

(f) *Special procedures for electronic signature methods undergoing tests.* If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator shall also sign with an ink signature the generator/offeror certification on the printed copy of the manifest provided under paragraph (d) of this section.

(g) *Imposition of user fee.* A generator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to this part.

§ 262.25 Electronic manifest signatures.

Electronic signature methods for the e-Manifest system shall:

(a) Be a legally valid and enforceable signature under applicable EPA and other Federal requirements pertaining to electronic signatures; and

(b) Be a method that is designed and implemented in a manner that EPA considers to be as cost-effective and practical as possible for the users of the manifest.

PART 263—STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

■ 7. The authority citation for part 263 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922–6925, 6937, and 6938.

■ 8. Section 263.20 is amended by revising paragraph (a) to read as follows:

§ 263.20 The manifest system.

(a)(1) *Manifest requirement.* A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (EPA Form 8700–22, and if necessary, EPA Form 8700–22A) signed in accordance with the requirement of § 262.23, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and signed with a valid and enforceable electronic signature as described in 40 CFR 262.25.

(2) *Exports.* In the case of exports other than those subject to Subpart H of 40 CFR part 262, a transporter may not accept such waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed by the generator in accordance with this section, the transporter shall also be provided with an EPA Acknowledgment of Consent which, except for shipments by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of subpart H of 40 CFR part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84.

(3) *Compliance date for form revisions.* The revised Manifest form and procedures in 40 CFR 260.10, 261.7, 263.20, and 263.21, had an effective date of September 5, 2006. The Manifest form and procedures in 40 CFR 260.10, 261.7, 263.20, and 263.21, contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, were applicable until September 5, 2006.

(4) *Use of electronic manifest—legal equivalence to paper forms for participating transporters.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with this section in lieu of EPA Forms 8700–22 and 8700–22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

(i) Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

(ii) Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the system.

(iii) Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the Hazardous Materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, a hazardous waste transporter must carry one printed copy of the electronic manifest on the transport vehicle.

(iv) Any requirement in these regulations for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the e-Manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

(v) No transporter may be held liable for the inability to produce an electronic manifest for inspection under this section if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the EPA system for which the transporter bears no responsibility.

(5) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

(6) *Special procedures when electronic manifest is not available.* If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then:

(i) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to paragraph (a)(4)(iii)(A) of this section, or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

(ii) On each printed copy, the transporter shall include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include (if not pre-printed on the replacement manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

(iii) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

(iv) From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

(7) *Special procedures for electronic signature methods undergoing tests.* If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter shall sign the electronic manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with paragraph (a)(4)(iii)(A) of this section. This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner/operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

(8) *Imposition of user fee for electronic manifest use.* A transporter who is a user of the electronic manifest may be assessed a user fee by EPA for the origination or processing of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to part 262 of this Chapter.

* * * * *

■ 9. Add § 263.25 to subpart B to read as follows:

§ 263.25 Electronic manifest signatures.

(a) Electronic manifest signatures shall meet the criteria described in § 262.25 of this chapter.

(b) [Reserved]

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

■ 10. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

Subpart E—Manifest System, Recordkeeping, and Reporting

■ 11. Section 264.71 is amended by revising paragraph (a)(2), and by adding paragraphs (f), (g), (h), (i), (j), and (k) to read as follows:

264.71 Use of manifest system.

(a) * * *

(2) If the facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or his agent must:

(i) Sign and date, by hand, each copy of the manifest;

(ii) Note any discrepancies (as defined in § 264.72(a)) on each copy of the manifest;

(iii) Immediately give the transporter at least one copy of the manifest;

(iv) Within 30 days of delivery, send a copy (Page 3) of the manifest to the generator,

(v) Within 30 days of delivery, send the top copy (Page 1) of the Manifest to the e-Manifest system for purposes of data entry and processing. In lieu of mailing this paper copy to EPA, the owner or operator may transmit to the EPA system an image file of Page 1 of the manifest, or both a data string file and the image file corresponding to Page 1 of the manifest. Any data or image files transmitted to EPA under this paragraph must be submitted in data file and image file formats that are acceptable to EPA and that are supported by EPA's electronic reporting requirements and by the electronic manifest system.

(vi) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

* * * * *

(f) *Legal equivalence to paper manifests.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with this section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

(2) Any requirement in these regulations to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.

(3) Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment.

(4) Any requirement in these regulations for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-Manifest system, provided that such copies are readily available for viewing and production if

requested by any EPA or authorized state inspector.

(5) No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the owner or operator bears no responsibility.

(g) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(h) *Special procedures applicable to replacement manifests.* If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

(1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest,

(2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest,

(3) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system, and

(4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

(i) *Special procedures applicable to electronic signature methods undergoing tests.* If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste.

(j) *Imposition of user fee for electronic manifest use.* An owner or operator who is a user of the electronic manifest format may be assessed a user fee by EPA for the origination or processing of each electronic manifest. An owner or operator may also be assessed a user fee by EPA for the collection and processing of paper manifest copies that owners or operators must submit to the electronic manifest system operator under § 264.71(a)(2)(v). EPA shall maintain and update from time-to-time the current schedule of electronic manifest system user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to part 262 of this chapter.

(k) *Electronic manifest signatures.* Electronic manifest signatures shall meet the criteria described in § 262.25 of this chapter.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

■ 12. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6906, 6912, 6922, 6923, 6924, 6925, 6935, 6936, and 6937.

Subpart E—Manifest System, Recordkeeping, and Reporting

■ 13. Section 265.71 is amended by revising paragraph (a)(2), and by adding paragraphs (f), (g), (h), (i), (j), and (k) to read as follows:

§ 265.71 Use of manifest system.

* * * * *

(a) * * *

(2) If the facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or his agent must:

(i) Sign and date, by hand, each copy of the manifest;

(ii) Note any discrepancies (as defined in § 264.72(a) of this chapter) on each copy of the manifest;

(iii) Immediately give the transporter at least one copy of the manifest;

(iv)Within 30 days of delivery, send a copy (Page 3) of the manifest to the generator,

(v) Within 30 days of delivery, send the top copy (Page 1) of the Manifest to the electronic manifest system for purposes of data entry and processing. In lieu of mailing this paper copy to the electronic manifest system operator, the owner or operator may transmit to the system operator an image file of Page 1 of the manifest, or both a data string file and the image file corresponding to Page 1 of the manifest. Any data or image files transmitted to EPA under this paragraph must be submitted in data file and image file formats that are acceptable to EPA and that are supported by EPA's electronic reporting requirements and by the electronic manifest system.

(vi) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

* * * * *

(f) *Legal equivalence to paper manifests.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with this section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

(2) Any requirement in these regulations to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.

(3) Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

(4) Any requirement in these regulations for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-Manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

(5) No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the EPA system for which the owner or operator bears no responsibility.

(g) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(h) *Special procedures applicable to replacement manifests.* If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

(1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the replacement manifest,

(2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest,

(3) Within 30 days of delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the EPA e-Manifest system, and

(4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

(i) *Special procedures applicable to electronic signature methods undergoing tests.* If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste.

(j) *Imposition of user fee for electronic manifest use.* An owner or operator who is a user of the electronic manifest format may be assessed a user fee by EPA for the origination or processing of each electronic manifest. An owner or operator may also be assessed a user fee by EPA for the collection and processing of paper manifest copies that owners or operators must submit to the electronic manifest system operator under § 265.71(a)(2)(v). EPA shall maintain and update from time-to-time the current schedule of electronic manifest system user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to part 262 of this chapter.

(k) *Electronic manifest signatures.* (1) Electronic manifest signatures shall meet the criteria described in § 262.25 of this chapter.

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

■ 14. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

Subpart A—Requirements for Final Authorization

■ 15. Section 271.3 is amended by revising paragraph (b) introductory text, and adding paragraph (b)(4) to read as follows:

§ 271.3 Availability of final authorization.

* * * * *

(b) States approved under this subpart are authorized to administer and enforce their hazardous waste program in lieu of the Federal program, except as provided below:

* * * * *

(4) Any requirement applicable to the content or use of electronic manifests, including electronic signature requirements, and imposed under the authority of the Hazardous Waste Electronic Manifest Establishment Act:

(i) Shall take effect in each State having a finally authorized State program on the same date as such requirement takes effect in other States;

(ii) Shall supersede any less stringent or inconsistent provision of a State program, and

(iii) Shall be carried out by the Administrator in an authorized state except where, pursuant to section 3006(b) of RCRA, the State has received final authorization to carry out the requirement in lieu of the Administrator.

* * * * *

■ 16. Section 271.4 is amended by revising paragraph (c) to read as follows:

§ 271.4 Consistency.

* * * * *

(c) If the state manifest system does not meet the requirements of this part, the state program shall be deemed inconsistent. The state manifest system must further allow the use and recognize the validity of electronic manifests as described in § 260.10 of this chapter.

■ 17. Section 271.10 is amended by revising paragraphs (f)(1), (f)(3), and the introductory text to paragraph (h) to read as follows:

§ 271.10 Requirements for generators of hazardous waste.

* * * * *

(f) * * *

(1) Use a manifest system that ensures that interstate and intrastate shipments of hazardous waste are designated for delivery and, in the case of intrastate shipments, are delivered to facilities that are authorized to operate under an approved state program or the federal program. The manifest system must require the use of the paper or electronic manifest formats as required by § 262.20(a) of this chapter. No other manifest form, electronic manifest format, shipping paper, or information other than that required by federal requirements, may be required by the state to travel with the shipment, or to be transmitted electronically, as a means to track the transportation and delivery of hazardous waste shipments. No other electronic signature other than that required by the federal electronic manifest requirements may be required by a state to be executed in connection with the signing of an electronic manifest.

* * * * *

(3) Ensure that all wastes offered for transportation are accompanied by a manifest form, or are tracked with an electronic manifest, except:

(i) Shipments subject to 40 CFR 262.20(e) or (f);

(ii) Shipments by rail or water, as specified in 40 CFR 262.23(c) and (d).

* * * * *

(h) The state must follow the federal manifest format for the paper manifest forms (EPA Forms 8700–22 and 8700–

22A) and the instructions in the appendix to part 262, and must follow the federal electronic manifest format and instructions as obtained from the Electronic Manifest System described in § 260.10 of this chapter.

* * * * *

■ 18. Section 271.11 is amended by revising paragraph (c)(1) to read as follows:

§ 271.11 Requirements for transporters of hazardous wastes.

* * * * *

(c)(1) The state must require the transporter to carry the manifest forms (EPA Forms 8700–22 and 8700–22A) during transport, or, where the electronic manifest is used and the U. S. Department of Transportation's Hazardous Materials Regulations, 49 CFR parts 171–180, require a paper shipping document on the transport vehicle, to carry one printed copy of the electronic manifest during transport, except in the case of shipments by rail or water, for which transporters may carry a shipping paper as specified in 40 CFR 263.20(e) and (f).

* * * * *

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