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Presidential Documents

Title 3—

The President

Executive Order 13657 of February 10, 2014

Changing the Name of the National Security Staff to the National Security Council Staff

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reflect my decision to change the name of the National Security Staff to the National Security Council staff, it is hereby ordered as follows:

Section 1. *Name Change.* All references to the National Security Staff or Homeland Security Council Staff in any Executive Order or Presidential directive shall be understood to refer to the staff of the National Security Council.

Sec. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
February 10, 2014.

[FR Doc. 2014–03474
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Rules and Regulations

Federal Register
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CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. CPSC–2013–0010]

16 CFR Part 1500

Hazardous Substances and Articles; Administration and Enforcement Regulations: Final Rule; Revisions to Supplemental Definition of ''Strong Sensitizer''

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The U.S. Consumer Product Safety Commission (CPSC or Commission) amends it regulations to revise the supplemental definition of ''strong sensitizer'' under the Federal Hazardous Substances Act (FHSA). The revised definition of ''strong sensitizer'' eliminates redundancy, removes certain subjective factors, incorporates new and anticipated technology, places the criteria for classification of strong sensitizers in the order of importance, defines criteria for ''severity of reaction,'' and provides for the use of a weight-of-evidence approach to determine whether a substance is a strong sensitizer.

DATES: The rule will become effective on March 17, 2014.

FOR FURTHER INFORMATION CONTACT: Carol Afflerbach, Compliance Officer, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; email: *cafflerbach@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The FHSA, 15 U.S.C. 1261–1278, requires appropriate cautionary labeling on certain hazardous household products to alert consumers to the potential hazards that a product may present. Among the hazards addressed by the FHSA are products containing substances that are toxic, corrosive, an irritant, flammable or combustible, generate pressure through decomposition, heat or other means, or are strong sensitizers.

Included within the FHSA's definition of ''hazardous substance'' is ''any substance or mixture of substances'' that ''is a strong sensitizer,'' 15 U.S.C. 1261(f)1(iv). Section 2(k) of the FHSA, 15 U.S.C. 1261(k), defines ''strong sensitizer'' as a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Commission. Before designating any substance a strong sensitizer, the Commission, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

On August 12, 1961, the U.S. Food and Drug Administration (FDA) (which at that time administered the FHSA), issued regulations under the FHSA that supplemented the statutory definition of ''strong sensitizer'' by explaining that a '' 'strong allergic sensitizer' is a substance that produces an allergenic sensitization in a substantial number of persons that come into contact with it'' and specifying that ''[a]n allergic sensitization develops by means of an 'antibody mechanism' in contradistinction to a primary irritant reaction which does not arise because of the participation of an 'antibody mechanism.' '' 26 FR 7333, 7334. The regulation (the 1961 supplemental definition) listed five substances that the FDA had determined met the statutory definition for ''strong sensitizer'': (1) Paraphenylenediamine and products containing it; (2) powdered orris root and products containing it; (3) epoxy resins systems containing in any concentration ethylenediamine, diethylenetriamine, and diglycidyl ethers of molecular weight less than 200; (4) formaldehyde and products containing 1 percent or more of formaldehyde; and (5) oil of bergamot and products containing 2 percent or more of oil of bergamot. *Id.* at 7335. Neither the FDA nor the CPSC has added any strong sensitizers to this list in the 1961 supplemental definition.

In 1973, Congress transferred the responsibility for the administration of the FHSA to the Commission. On May 30, 1984, the Commission revoked the 1961supplemental definition because the 1961 supplemental definition did not account for more recent scientific theories and was narrower than the statutory definition. 49 FR 22464.

On August 14, 1986, the Commission issued a rule supplementing the statutory definition of ''strong sensitizer'' (1986 supplemental definition). 51 FR 29094. The 1986 supplemental definition clarified how the statutory definition should be interpreted and explained the factors the Commission would consider in determining whether a substance is a strong sensitizer. The 1986 supplemental definition stated that an ''allergic'' response is one that is directed by the immune system, such that a sensitization reaction could not be caused by an irritant or other nonallergenic qualities of the substance. The 1986 supplemental definition also clarified that active sensitizers—substances that produce a sensitivity reaction solely as the result of a person's first exposure to the substance as opposed to a reaction after reapplication of the same substance—are included in the class of substances that can be determined to be strong sensitizers. The 1986 supplemental definition did not address strong sensitizers that cause hypersensitivity by a photodynamic process, principally because Commission staff was unaware of any household product subject to the FHSA that would cause significant exposure of consumers to a photodynamic chemical.

In 2005, recognizing that the science on sensitization had changed since promulgation of the 1986 supplemental definition, the CPSC convened a panel of scientific experts from academia, industry, and the federal government to examine the available scientific and medical information concerning sensitizers, and if appropriate, propose revisions to the supplemental definition of ''strong sensitizer.'' Based on the panel's input, CPSC staff developed a draft technical report on proposed revisions to the supplemental definition. In 2007, the draft technical report underwent federal agency and external scientific peer review. In 2008,

CPSC staff revised the draft technical report based on the input received from federal agency and external scientific peer reviewers. Subsequently, CPSC staff drafted a revision of the ''strong sensitizer'' supplemental definition, based on the peer reviewed technical report.

The Commission approved publication of a notice of proposed rulemaking (NPR) to revise the supplemental definition of ''strong sensitizer'' (proposed definition or proposed rule). 78 FR 15660 (March 12, 2013). The proposed definition of ''strong sensitizer'' eliminates redundancy, removes certain subjective factors, incorporates new and anticipated technology, ranks the criteria for classification of strong sensitizers in the order of importance, defines criteria for ''severity of reaction,'' and provides for the use of a weight-of-evidence approach to determine whether a substance is a strong sensitizer.

In addition, the Commission approved publication of a notice of availability for a document prepared by CPSC staff titled, ''Strong Sensitizer Guidance.'' 78 FR 15710 (March 12, 2013). This guidance document was intended to clarify each component of the revised ''strong sensitizer'' definition and assist manufacturers in understanding how CPSC staff would assess whether a substance or product containing that substance should be considered a strong sensitizer and how the Commission would make such a determination.

B. Response to Comments on the Proposed Rule

We received five comments on the NPR. The following individuals or entities submitted comments: a consulting toxicologist; the International Fragrance Association of North America; the People for the Ethical Treatment of Animals (PETA); the International Science Consortium and the Physicians Committee for Responsible Medicine; the American Chemistry Council; and the Diisocyanates Panel of the American Chemistry Council.

Several commenters expressed general support for the proposed rule and made statements supporting specific aspects of the rule. For example, several commenters supported deleting the reference to sensitizers that occasionally induce an allergic response on first exposure so that substances that merely cause irritation upon initial exposure will not be considered strong sensitizers. Similarly, a commenter agreed with the proposal's emphasis that sensitization is an immunologically mediated, multi-stage process that occurs over a period of time. Several commenters raised issues that resulted in minor organizational and terminology changes to the proposed rule. All of the comments can be viewed at: *www.regulations.gov*, by searching under the docket number of the rulemaking, CPSC–2013–0010. Following is a summary of, and responses to, the comments.

Harmonization with International Criteria

Comment: Two commenters recommended that the CPSC take action to align the agency's chemical classification regulations and practices with internationally harmonized criteria, encouraging the Commission to implement the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). One of the commenters argued that harmonization of chemical classification and labeling will promote regulatory efficiency and facilitate trade without lowering the level of health and environmental protection afforded by current U.S. laws and regulations. One of the commenters recommended that the Commission use the GHS cut-off value criteria for determining whether a substance is a sensitizer, unless there has been sensitization testing on the substance or product containing the substance.

Response: The GHS is a system for standardizing and harmonizing the classification and labeling of chemicals, but the GHS is not a regulation or a standard. The intent of the GHS is to provide an internationally comprehensible system for communicating chemical hazards to all sectors (*e.g.,* consumers, workers, emergency responders, and the public) along the entire life cycle of the chemical. The GHS establishes agreed-upon hazard classification and communication criteria with explanatory information on how to apply the system. Implementation of the GHS by the Commission would be broad-reaching, with potential impact beyond the FHSA, possibly involving the revision of existing CPSC statutes and regulations. The request that the Commission implement the GHS, therefore, goes well beyond the limited scope of this rulemaking proceeding.

Description of Strong Sensitizer Determination Process

Comment: Two commenters requested a description of the administrative process that would be used to make a determination that a substance or product containing a substance is a strong sensitizer so that stakeholders will be aware of opportunities for participation in the process.

Response: Under the FHSA, the Commission must first designate a substance a ''strong sensitizer'' for the substance to be considered a ''strong sensitizer.'' (15 U.S.C 1261(k)). Such a designation would occur in a separate proceeding that is outside the scope of this action. The current action relates only to the regulatory definition of a ''strong sensitizer,'' not to the designation of a particular substance as a strong sensitizer.

Labeling Requirement for Strong Sensitizers

Comment: One commenter requested that the Commission set forth the circumstances under which a substance or product containing a substance that has been designated a strong sensitizer would not require labeling under Section 2(p) of the FHSA (15 U.S.C. 1261(p).

Response: A substance that is a strong sensitizer or a product containing a strong sensitizer would not require labeling, unless the substance met the FHSA definition of ''hazardous substance.'' A ''hazardous substance'' is one that is a strong sensitizer (or has another of the specified ''hazardous substance'' characteristics) and ''may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.'' 15 U.S.C. 1261(f). Thus, manufacturers of products containing a strong sensitizer would have to determine whether the concentrations and availability of the substance in their products could cause substantial injury or illness as a result of reasonably foreseeable handling or use. Labeling under section 2(p) of the FHSA would only be required if the product containing a strong sensitizer would cause substantial injury or illness as a result of reasonably foreseeable handling or use.

The Commission would also have the option of issuing a rule under Section 3(a) of the FHSA to designate a strong sensitizer as a hazardous substance to reduce uncertainty about which products would be considered a hazardous substance. *Id.* 15 U.S.C. 1262(a)(1). A hazardous substance that is not labeled properly with appropriate cautionary statements in accordance with section 2(p) of the FHSA is considered a ''misbranded hazardous substance.'' *Id.* 15 U.S.C. 1261(p). Introducing, delivering for introduction, or receiving in interstate commerce a

misbranded hazardous substance is a prohibited act. *Id.* 15 U.S.C. 1263(a) and (c).

Effect of Rule on Regulation of Products and Risk Management Actions

Comment: One commenter asserted that replacing the 1986 supplemental definition with the proposed definition could have far-reaching effects on the regulation of products at a broader level and stated that classifying substances as strong sensitizers may prompt risk management actions by the CPSC or other regulatory bodies. The commenter encouraged the CPSC to see that classification determinations fully reflect a science- and risk-based approach that considers the degree of hazard and extent of exposure potential.

Response: The Commission does not believe that replacing the 1986 supplemental definition with the final rule definition will have ''far-reaching effects.'' The rule does not designate any particular substance as a strong sensitizer, but the rule revises the regulatory definition of ''strong sensitizer.'' A separate proceeding involving a specific substance would be required before the agency could declare a substance to be a strong sensitizer. This rule simply provides guidance about the information and data that CPSC would consider and the relative importance of the information in making a strong sensitizer determination.

Moreover, the determination that a substance is a strong sensitizer does not, by itself, require any action by a manufacturer. Under the FHSA, labeling or other regulatory action implicating risk management factors is required only when a substance meets the definition of ''hazardous substance.'' (15 U.S.C. 1261(f)). A substance that the Commission designates as a strong sensitizer could be a ''hazardous substance'' under the FHSA, ''if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.'' Therefore, by definition, the FHSA considers exposure and requires a case-by-case hazard assessment. The final rule definition reflects both a science- and risk-based approach so that the decision for classification is not based solely on a product's ingredients.

Separate Treatment of Type I and Type IV Allergies in Sensitizer Definition

Comment: One commenter recommended that Type I and Type IV allergies be addressed separately in the final rule definition because these types of allergies have different potential for causing illness, discomfort, and chronic morbidity; and consideration of different types of data would be necessary to evaluate the potential of substances that trigger these two different types of reactions to cause substantial illness.

Response: A Type I allergy or immediate hypersensitivity is an allergic reaction provoked by reexposure to a specific type of allergen due to the production of specific antibodies. A Type IV allergy or delayed hypersensitivity is an allergic reaction that typically arises 1 to 3 days after exposure to an allergen and is not an antibody-mediated response. We agree that evaluating whether a substance is a strong sensitizer will depend on the substance and the allergic response the substance induces. However, we believe that the final rule definition would be significantly and unnecessarily more complex if these two types of allergies were separated into different categories.

The criteria contained in the supplemental definition allow for flexibility in assessing all types of allergic reactions to sensitizers. In addition, the final rule definition includes the various potential routes of exposure for sensitizers, as well as anatomic sites of an allergic response. The outcome of exposure, whether a dermal or respiratory response, likely will require the analysis of different data for evaluation. Evaluating whether a substance is a strong sensitizer requires a case-by-case inquiry, based on high-quality relevant data. The Strong Sensitizer Guidance document explains the approach CPSC staff would take in evaluating the potential causal link between exposure to strong sensitizers and these two types of hypersensitivity. We believe that the final rule definition provides the flexibility for assessing these two types of allergic reactions to sensitizers without the need for specifically differentiating them.

Acceptance of Data From Certain QSAR Models

Comment: One commenter requested that the Commission revise the proposed definition to provide for the acceptance of data from Quantitative Structure-Activity Relationship (QSAR) models (mathematical models that relate a quantitative measure of chemical structure to biological activity) that the Organisation for Economic Co-operation and Development (OECD) has evaluated and approved for specific applicability domains.

Response: The final rule definition specifically states that in determining whether a substance has a significant potential for causing hypersensitivity, chemical or functional properties of the substance of interest, in addition to QSAR data, can be considered. The panel of experts and external peer reviewers determined that QSAR data are not sufficient as stand-alone analyses for determining potency of a sensitizer but that QSAR analysis could be used in a weight-of-evidence approach.

The OECD Council Act relating to the Mutual Acceptance of Data (MAD), which was agreed to by all OECD member countries, established that safety data developed in one member country will be accepted for use by the relevant registration authorities in assessing the chemical or product in another OECD country (*i.e.,* the data do not have to be generated a second time for the purposes of safety assessment), under the assurance that the data were developed in compliance with the Principles of Good Laboratory Practice. Therefore, if a manufacturer submitted QSAR data to the Commission when the Commission was determining whether a substance is a strong sensitizer, the Commission would take the QSAR data into consideration. However, this QSAR data would not take precedence over high-quality human and animal data. The Commission believes that modifying the proposed definition in response to this comment is not warranted.

Ordering of Factors To Be Considered in Determining Whether a Substance Is a Strong Sensitizer

Comment: One commenter suggested revising the order of the factors that would be taken into consideration to determine whether a substance is a ''strong'' sensitizer and including a reference in that paragraph to unranked data that appears elsewhere in the proposed definition. The commenter requests: (1) Shifting the order of factors as they appear in the paragraph listing the factors to be considered in determining whether a sensitizer is ''strong''—for example moving ''well-conducted animal studies'' to the end of the list; (2) moving two of the unranked factors listed in the proposed supplemental definition (quantitative structure-activity relationship information and bioavailability data) into the list of ranked factors as the third and fourth priority position; and (3) separating existing versus new *in vitro* and *in vivo* studies into different factor categories.

Response: CPSC based the order of ranked data criteria in the proposed definition on extensive input from the international panel of scientific experts from academia, industry, and the federal government. We concurred with the panelists' suggestion to rank and list the qualifying factors in order of importance in the final rule definition, instead of ''any or all,'' which is how the factors appear in the 1986 supplemental definition.

The Commission believes that the ranked list of criteria for determining whether a substance or product containing a substance is a ''strong'' sensitizer should remain as stated in the proposed definition but that the reference to unranked factors, such as quantitative structure-activity relationship information, *in silico* data and bioavailability data, should be moved to the end of the list of ranked factors so that the order is more logical. The list of criteria reflects Commission policy that human data take precedence over animal data and takes into consideration the value and relevance that the particular data would provide in making a determination of sensitizing strength, and therefore, the potential to cause hypersensitivity. The criteria list is consistent with the CPSC Animal Testing Policy, the FHSA Chronic Hazard Guidelines, and Commission policy that strongly encourage the use of scientifically validated alternatives to animal testing and the use of existing information, including expert opinion, prior human experience, and prior animal testing results.

Consistency of Order of Factors Listed Throughout the Rule

Comment: One commenter pointed out that the factors to be considered in determining whether a substance has a ''significant potential for causing hypersensitivity'' were not listed in the same order when listed as factors to be considered in determining whether a substance is a ''strong'' sensitizer. The commenter requested that the Commission be consistent when listing the types of data in these two paragraphs.

Response: We agree that the order of factors should be consistent in these paragraphs. Therefore, we have modified the proposed definition by: (1) moving ''chemical or functional properties of the substance'' to the end of the last sentence in the first paragraph of section (ii); and (2) in the same sentence reversing the positions of *in vitro* and *in vivo.*

Use of Existing Animal Testing Data

Comment: One commenter recommended that we specify that existing animal testing data be submitted to the CPSC for consideration in making a strong sensitizer determination before additional animal testing data is generated.

Response: As stated in the CPSC Animal Testing Policy, codified at 16 CFR 1500.232, neither the FHSA, nor the regulations issued under the FHSA, require animal testing to determine whether a hazard exists. The Commission's regulations under the FHSA concerning toxicity and irritancy allow the use of animal tests to determine the presence of the hazard when human data or existing animal data are not available. However, the Commission's policy encourages manufacturers subject to the FHSA to use existing alternatives to animal testing wherever possible; supports limiting animal testing to a minimum number of animals; and advocates measures that eliminate or reduce the pain or discomfort to animals that can be associated with such tests. The Commission's animal testing policy encourages manufacturers of products subject to the FHSA to use existing alternatives to animal testing, whenever possible, such as: prior human experience (*e.g.,* published case studies); *in vitro* or *in silico* test methods that have been approved by the Commission; literature resources containing the results of prior animal testing or limited human tests; and expert opinion. We believe that the animal testing policy codified at 16 CFR 1500.232, sufficiently communicates the preference for alternatives to animal testing, whenever possible, including the submission of relevant existing data resulting from prior animal testing.

Consideration of in Vitro Studies in Making Strong Sensitizer Determinations

Comment: One commenter asked why *in vitro* studies were added to the list of factors to consider in determining whether a substance is a strong sensitizer when such studies are not validated to determine potency. Another commenter requested that data from well-conducted *in vitro* assays be considered by the Commission in making this determination.

Response: The 1986 supplemental definition and the final rule definition both list *in vitro* data as a factor to be considered in determining whether a substance is a strong sensitizer. We agree that currently, there are no validated *in vitro* assays for sensitizer potency determination. However, a large number of *in vitro* assays are in development, undergoing validation, or have completed validation for the determination of sensitization. The European Union Reference Laboratory for Alternatives to Animal Testing (EURL–ECVAM) completed validation of an *in vitro* assay and an *in chemico* assay this year. EURL–ECVAM recommended that neither assay could be used as a stand-alone test; although EURL–ECVAM determined that the assays could be included in a weight-of-evidence approach or integrated testing strategy. Although the assays have some limitations, EURL–ECVAM concluded that with further work, these assays might be able to contribute to the assessment of sensitizer potency. As stated in the strong sensitizer guidance document, the CPSC would follow a weight-of-evidence approach, using all available validated tools (including both positive and negative data), in determining whether a substance is a strong sensitizer.

Consideration of Reports of Consumer Incidents

Comment: One commenter recommended including in the list of factors to be considered in determining whether a substance is a strong sensitizer, the CPSC's and manufacturers' records of incidents of consumer hypersensitivity to a substance or product containing a substance.

Response: We agree that incident reports are an important consideration in determining a substance's ability to cause hypersensitivity. The final rule definition lists ''case histories'' as information that the Commission may consider in determining whether a substance has a significant potential for causing hypersensitivity. The term ''case histories'' includes reports of incidents of consumer hypersensitivity to a substance or product containing the substance that are received by manufacturers or the CPSC. Commission staff will consider revising the Strong Sensitizer Guidance document to provide additional clarification regarding the types and sources of incident reports that CPSC should consider when determining whether a substance is a strong sensitizer.

Description of ''Clinically Important Reaction''

Comment: The proposed definition provides that in determining whether a substance is a strong sensitizer, the Commission must consider the severity of the reaction to the substance and only designate substances as strong

sensitizers that cause a ''clinically important reaction.'' The proposed definition includes a list of four potential reactions to strong sensitizer exposure that would be characterized as ''clinically important'' or manifestations of ''substantial illness.'' One of the clinically important reactions listed in the proposed definition is ''substantial physical discomfort or distress.'' One commenter noted that ''discomfort and distress are actually perceptual (mental), although they may be caused by various agents (*e.g.,* physical, chemical agent, biological).'' The commenter suggested replacing the phrase ''substantial physical discomfort and distress'' with the phrase ''physiological stress resulting in discomfort or distress.''

Response: We agree that the phrase ''substantial physical discomfort or distress'' may not be clear, but we believe that ''physiological stress resulting in discomfort or distress,'' as suggested by the commenter, may also be too vague. We have replaced ''substantial physical discomfort or distress'' with ''substantial physiological effects, such as discomfort and distress,'' as a factor to be considered in determining whether a strong sensitizer produces ''substantial illness.'' We believe that this phrase reflects better a scenario such as a systemic allergic contact dermatitis rash.

Meaning of ''Chronic Morbidity''

Comment: One commenter asked whether the reference to ''chronic morbidity'' as a factor in determining whether a strong sensitizer produces ''substantial illness'' was associated with a specific length of time, such as 90 days.

Response: The proposed definition includes a list of four potential reactions to strong sensitizer exposure that would be characterized as ''clinically important'' or manifestations of ''substantial illness.'' One of the clinically important reactions listed in the proposed definition is ''chronic morbidity.'' The Commission does not view the use of the term ''chronic'' as referring to a specific length of time. Under the FHSA Chronic Hazard Guidelines (16 CFR 1500.135), which are broad guidelines containing a number of assumptions, methodologies, and procedures for determining chronic hazard and risk, the Commission does not set a length of time for ''chronic,'' but instead, the Commission leaves the determination open to expert judgment. We have replaced the phrase ''chronic morbidity'' with ''persistent morbidity'' in the final rule definition to clarify that a ''clinically important reaction'' is a substantial illness that occurs over an extended period of time.

Addition of ''Mortality'' to ''Substantial Illness'' Factors

Comment: One commenter suggested that ''mortality'' be added to the list of factors to be considered in determining whether a strong sensitizer produces substantial illness.

Response: Mortality (*i.e.,* death) is not an illness but is a distinct endpoint that in rare cases could result from substantial uncontrolled anaphylaxis. We have revised the definition to include: ''or in rare cases, mortality'' at the end of the section that lists the types of reactions to substances that may be considered ''substantial illness.''

Removal of Oil of Bergamot From List of Strong Sensitizer Substances

Comment: One commenter requested that oil of bergamot (and products containing 2 percent or more of oil of bergamot) be removed from the list of ''strong sensitizer'' substances.

Response: Oil of bergamot is a phototoxin that FDA listed as a ''strong sensitizer'' (the list appears in 16 CFR 1500.13). The current rulemaking proceeding only addresses revisions to the supplemental definition of ''strong sensitizer.'' To make any changes to the existing list of substances currently considered to be strong sensitizers, the Commission would need to conduct a separate proceeding.

C. Revisions to the Strong Sensitizer Supplemental Definition

As discussed in Section B, above, the comments received in response to the NPR generally supported the Commission's replacement of the 1986 supplemental definition of ''strong sensitizer'' with the proposed definition. However, several commenters recommended additional changes that we have determined should be incorporated into the supplemental definition of strong sensitizer. Below, we discuss the differences between the 1986 supplemental definition and the proposed definition, along with the changes we have made to the proposed definition, based on comments and that have been incorporated into the final rule.

1. Definition of ''Sensitizer'' (§ 1500.3(c)(5)(i))

The 1986 supplemental definition specified that a ''sensitizer'' will ''induce an immunologically-mediated (allergic) response, including allergic photosensitivity,'' that will become evident upon reexposure to the same substance, or occasionally, on first exposure, by virtue of active sensitization.

The final rule reflects the traditional definition for ''sensitization''; sensitization is a multi-stage immune-mediated process that occurs over a period of time. Replacing the phrase ''immunologically-mediated (allergic) response'' with ''immunologically-mediated hypersensitivity,'' captures those substances that sensitize through atypical mechanisms, rather than by inducing an obvious ''immunologically-mediated response.'' The final rule also eliminates the last sentence of the current definition based on concerns that the sentence could be misinterpreted to include substances that cause an irritant response only [1] (the response that is noted after the first exposure to a substance is more frequently an irritant response and not an allergic response). Typically, allergic responses are the result of a two-step process: (1) induction (sensitization), which requires sufficient or cumulative exposure to induce an immune response with few or no symptoms; and (2) elicitation when an individual who has been sensitized demonstrates symptoms upon subsequent exposures. The final rule includes the phrase ''variable period of exposure'' to reflect the latency period that is a characteristic in the development of sensitization. This section of the final rule is the same as proposed.

2. Determination of Significant Potential for Causing Hypersensitivity (§ 500.3(c)(5)((ii))

The statutory definition of ''strong sensitizer'' requires that, before designating a substance as a strong sensitizer, the Commission ''upon consideration of the frequency of occurrence and severity of reaction, shall find that the substance has a significant potential for causing hypersensitivity.'' 15 U.S.C. 1261(k).

As discussed in the NPR, the proposed definition added qualifiers for susceptibility profiles—genetics, age, gender, and atopic status— to the information and data listed in the 1986 supplemental definition that may be considered in determining whether a substance has a significant potential for causing hypersensitivity. These characteristics are well-known modifiers in the development and exacerbation of allergic responses to chemical sensitizers. In response to a

[1] An ''irritant response'' is a nonimmune mediated response and one that results from direct injury to the tissue. An irritant is any agent that is capable of producing cell damage in any individual if applied for sufficient time and concentration.

comment, for the final rule, we have reordered the list as it appeared in the proposed definition so that the final definition presents the factors to be considered in determining whether a substance has a significant potential for causing hypersensitivity. This represents the same order as the factors to be considered in determining whether a substance is a ''strong'' sensitizer. This reordering results in ''chemical or functional properties of the substance'' becoming the last category on the list, and the references to *in vitro* and *in vivo* experimental studies are reversed.

As discussed in the NPR, the proposed definition also replaced the term ''normal'' with ''non-sensitized,'' which describes more accurately the general control population. This remains the same in the final rule.

As discussed in the NPR, the proposed definition incorporated the factors to be considered in determining whether a substance is a ''strong'' sensitizer into the subsection explaining ''significant potential for causing hypersensitivity.'' The 1986 supplemental definition of ''strong sensitizer'' contains a separate subsection that sets forth factors that should be considered in determining the strength of a sensitizer. (16 CFR 1500.3(c)(5)(ii)). This section of the 1986 supplemental definition includes several factors that are subjective rather than quantitative (*i.e.,* physical discomfort, distress, hardship) and allows for risk assessment considerations in connection with an analysis that should only be a hazard characterization step.

As discussed in the NPR, the proposed definition eliminated the ''quantitative or qualitative risk assessment factor. '' We believe this terminology is confusing because the language places a risk assessment step within the hazard identification step of the process of determining whether a product containing a strong sensitizer is a hazardous substance that requires labeling. The NPR proposed definition remains the same in the final rule, except for the reordering of certain factors in response to a comment.

As discussed in the NPR, the proposed definition makes clear that a weight-of-the-evidence approach is to be used in determining the strength of a sensitizer because of the imprecise nature of some of the current factors and the potential lack of information or data available to permit useful consideration of certain factors. Rather than allow an ''any or all'' approach to the factors that would be considered by the Commission in determining whether a sensitizer is strong, the revision ranks data sources in order of importance following the FHSA preference for human data over animal data and takes into consideration the value and relevance that certain data would provide in evaluating the potential of a substance to cause hypersensitivity. For example, the proposed definition expressed a preference for general population epidemiological studies over occupational studies because the degree of sensitization in the workplace is likely to be greater than that of the general population, due to greater exposure (both in time and concentration) to the sensitizing agent. The ranking of data sources remains the same in the final rule.

As discussed in the NPR, the proposed definition listed additional factors that the Commission can consider in determining a substance's sensitizing potential, for which validated methods currently do not exist but are in development, such as: Quantitative Structure-Activity Relationships (QSARs), and *in silico* [2] data, along with the caveat that using these techniques would be in addition to consideration of human and animal data. We have revised the definition in the final rule to reposition these factors from the end of Section 1500.3(c)(5)(ii) to follow immediately the listing of ranked factors that are to be considered in determining whether a substance is a ''strong'' sensitizer.

As discussed in the NPR, the proposed definition provided that for a substance to be considered a ''strong'' sensitizer, the substance must be found to produce a ''clinically important reaction,'' which is defined as a reaction with a significant impact on the quality of life. The Commission has revised the proposed definition in response to a comment to replace ''substantial physical effects'' with ''substantial physiological effects'' as a factor to be considered in determining whether a strong sensitizer produces ''substantial illness''; to replace ''chronic morbidity'' with ''persistent morbidity''; and to add ''or in rare cases, mortality'' to the end of section 1500.3(c)(5)(ii). The change from ''physical'' to ''physiological'' is intended to describe more accurately and broadly the body's response to exposure to a substance that could rise to the level of a clinically important reaction. The change from ''chronic'' to ''persistent,'' also made in response to a comment, is intended to convey more clearly that a substantial illness may be one that endures for an extended period of time.

As discussed in the NPR, the proposed definition also directed the Commission to consider the location of the hypersensitivity response, such as the face, hands, and feet, and the persistence of clinical manifestations in determining whether the substance produces a ''clinically important reaction.'' This aspect of the NPR remains the same in the final rule.

3. Definition of Normal Living Tissue (§ 1500.3(c)(5)(iii))

The statutory definition of ''strong sensitizer'' specifies that a strong sensitizer is a substance that will cause hypersensitivity on ''normal living tissue.'' The 1986 supplemental definition identifies skin and other organ systems, such as the respiratory or gastrointestinal tract, as types of ''normal living tissue'' in which the allergic hypersensitivity reaction can occur. The proposed definition adds a specific reference to mucous membranes, such as ocular and oral systems, as additional types of normal living tissue upon which a substance can cause a hypersensitivity that warrants a determination that a substance is a ''strong sensitizer.'' This remains the same in the final rule.

D. Staff Guidance and Notice of Availability

Commission staff developed a guidance document that is intended to clarify the ''strong sensitizer'' definition and assist manufacturers in understanding how CPSC staff would assess whether a substance and/or product containing that substance should be considered a ''strong sensitizer.'' A Notice of Availability was published in the **Federal Register** on March 12, 2013 (78 FR 15710), which provided a link to the location on the Commission's Web site where the staff guidance document can be found. Several commenters included questions and observations regarding the guidance document in their submissions addressing the proposed revision to the definition of ''strong sensitizer.'' Commission staff will review these comments, and where appropriate, will revise the guidance document.

E. Impact on Small Businesses

The Commission certifies that this rule will not a have a significant impact on a substantial number of small entities

[2] QSARs are mathematical models that relate a quantitative measure of chemical structure to biological activity. *In silico* data is a computational approach using sophisticated computer models for the determination of a sensitizing potential. Both of these approaches are evolving methodologies that have not yet been validated, but are being pursued as testing options that would reduce the numbers of expensive laboratory and animal experiments being carried out.

under section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b). For the NPR, the Commission's Directorate for Economic Analysis prepared an assessment of the impact of the proposed definition of ''strong sensitizer.'' That assessment found that there would be little or no effect on small businesses and other entities because the amendment, which simply modifies the existing supplemental definition of ''strong sensitizer,'' will not result in compliance actions. Products will not need to be modified to comply with the revised supplemental definition, nor will the revised supplemental definition impose any additional testing or recordkeeping burdens. The obligation to label a product as a strong sensitizer and any costs associated with that obligation will not arise until the Commission has designated a particular substance contained in the product as a strong sensitizer, which would occur only in connection with a separate process. Thereafter, we would assess the potential small business impact of designating the particular substance as a strong sensitizer. Whether the final rule would impose any indirect burden on small businesses or other entities is unknown because the impact of the changes to the supplemental definition of strong sensitizer on future strong sensitizer designation proceedings is not known. The Commission did not receive any comments concerning the impact the rule would have on small businesses and is not aware of any information that would alter the assessment stated in the NPR.

F. Environmental Considerations

Generally, CPSC rules are considered to ''have little or no potential for affecting the human environment,'' and environmental assessments and environmental impact statements are not usually prepared for these rules (see 16 CFR 1021.5(c)(1)). The Commission does not expect the rule to have any adverse impact on the environment under this categorical exclusion.

G. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations. Section 18 of the FHSA addresses the preemptive effect of certain rules issued under the FHSA. 15 U.S.C. 1261n. Because this rulemaking would revise a regulatory definition, rather than issue a labeling or banning requirement, section 18 of the FHSA does not provide for the rule to have preemptive effect.

H. Paperwork Reduction Act

This rule would not impose any information collection requirements. Accordingly, this rule is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501–3520.

I. Effective Date

The Administrative Procedure Act generally requires that a substantive rule be published not less than 30 days before its effective date, unless the agency finds, for good cause shown, that a lesser time period is required. 5 U.S.C. 553(d)(3). The final rule will take effect March 17, 2014.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Reporting and recordkeeping requirements, and Toys.

Accordingly, 16 CFR part 1500 is amended as follows:

PART 1500—[AMENDED]

■ 1. The authority citation for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261–1278.

■ 2. Revise paragraph (c)(5) of § 1500.3 to read as follows:

§ 1500.3 Definitions

* * * * *

(c) * * *

(5) The definition of *strong sensitizer* in section 2(k) of the Federal Hazardous Substances Act (restated in paragraph (b)(9) of this section) is supplemented by the following definitions:

(i) *Sensitizer.* A sensitizer is a substance that is capable of inducing a state of immunologically mediated hypersensitivity (including allergic photosensitivity) following a variable period of exposure to that substance. Hypersensitivity to a substance will become evident by an allergic reaction elicited upon reexposure to the same substance.

(ii) *Significant potential for causing hypersensitivity.* (A) Before designating any substance a ''strong sensitizer,'' the Commission shall find that the substance has significant potential for causing hypersensitivity. *Significant potential for causing hypersensitivity* is a relative determination that must be made separately for each substance. The determination may be based on documented medical evidence of hypersensitivity reactions upon subsequent exposure to the same substance obtained from epidemiological surveys or case histories; controlled *in vivo* or *in vitro* experimental studies; susceptibility profiles (*e.g.,* genetics, age, gender, atopic status) in non-sensitized or allergic subjects; and chemical or functional properties of the substance.

(B) In determining whether a substance is a ''strong'' sensitizer, the Commission shall consider the available data for a number of factors, following a weight-of-evidence approach. The following factors (if available), ranked in descending order of importance, should be considered: well-conducted clinical and diagnostic studies, epidemiological studies, with a preference for general population studies over occupational studies, well-conducted animal studies, well-conducted *in vitro* test studies, cross-reactivity data, and case histories.

(C) Additional consideration may be given to Quantitative Structure-Activity Relationships (QSARs), *in silico* data, specific human sensitization threshold values, other data on potency and sensitizer bioavailability, if data are available and the methods validated. Bioavailability is the dose of the allergen available to interact with a tissue. Bioavailability is a reflection of how well the skin or another organ can absorb the allergen and the actual penetrating ability of the allergen, including factors such as size and composition of the chemical.

(D) Criteria for a ''well-conducted'' study would include: validated outcomes, relevant dosing, route of administration, and use of appropriate controls. Studies should be carried out according to national and/or international test guidelines and according to good laboratory practice (GLP), compliance with good clinical practice (GCP), and good epidemiological practice (GEP).

(E) Before the Commission designates any substance as a ''strong'' sensitizer, frequency of occurrence and range of severity of reactions in exposed subpopulations having average or high susceptibility will be considered. The minimal severity of a reaction for the purpose of designating a material as a ''strong sensitizer'' is a clinically important reaction. A clinically important reaction would be considered one with a significant impact on quality of life. Consideration should be given to the location of the hypersensitivity response, such as the face, hands, and feet as well as persistence of clinical manifestations. For example, strong sensitizers may produce substantial illness, including any or all of the following: substantial physiological effects, such as discomfort and distress, substantial hardship, functional or structural impairment, persistent morbidity, or in rare cases, mortality.

(iii) *Normal living tissue.* The allergic hypersensitivity reaction occurs in normal living tissues, including the skin, mucous membranes (*e.g.,* ocular, oral), and other organ systems, such as the respiratory tract and gastrointestinal tract, either singularly or in combination, following sensitization by contact, ingestion, or inhalation.

* * * * *

Dated: February 11, 2014.

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2014–03260 Filed 2–13–14; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 803

[Docket No. FDA–2008–N–0393]

RIN 0910–AF86

Medical Device Reporting: Electronic Submission Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising its postmarket medical device reporting regulation and making technical corrections. This final rule requires device manufacturers and importers to submit mandatory reports of individual medical device adverse events, also known as medical device reports (MDRs), to the Agency in an electronic format that FDA can process, review, and archive. Mandatory electronic reporting will improve the Agency's process for collecting and analyzing postmarket medical device adverse event information. Electronic reporting is also available to user facilities, but this rule permits user facilities to continue to submit written reports to FDA. This final rule also identifies changes to the content of required MDRs to reflect reprocessor information collected on the Form FDA 3500A as required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA).

DATES: This final rule is effective August 14, 2015 (see also section IX of this document).

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I. History of the Medical Device Reporting Regulation

The MDR regulation was first published on September 14, 1984 (49 FR 36326), with requirements for manufacturer and importer reporting of deaths, serious injuries, and malfunctions effective December 13, 1984.[1] FDA's regulations governing medical device adverse event reporting implement section 519 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360i). Section 519 of the FD&C Act has undergone several changes since its enactment as part of the Medical Device Amendments of 1976 (Pub. L. 94–295). As a result, FDA's regulations at part 803 (21 CFR part 803) have also undergone multiple revisions. The Safe Medical Devices Act of 1990 (SMDA) (Pub. L. 101–629) amended the FD&C Act to require mandatory reporting of device adverse events by user facilities (deaths reported to FDA and the manufacturer, and serious injuries or illnesses reported to the manufacturer) and domestic distributors (deaths and serious injuries or illnesses reported to FDA and the manufacturer, and certain malfunctions reported to the manufacturer). The SMDA also amended the FD&C Act to require manufacturers and distributors (including importers) to certify the number of MDRs submitted to the Agency each year and to require user facilities to submit a semiannual report summarizing reportable events. FDA published a tentative final rule on November 26, 1991 (56 FR 60024), to implement the SMDA requirements for reporting for device manufacturers, user facilities, and distributors, including importers (the 1991 tentative final rule). By statute, user facility reporting became effective on November 28, 1991, and distributor reporting became effective on May 28, 1992.

On June 16, 1992, the Medical Device Amendments of 1992 (the 1992 amendments) (Pub. L. 102–300) further amended certain provisions of section 519 of the FD&C Act relating to reporting of adverse device events. The amendments adopted a single reporting standard and definition for serious injury/serious illness for manufacturers, importers, distributors, and user facilities. The changes under the 1992 amendments were effective on June 16, 1993.

On September 1, 1993, FDA published a final rule (58 FR 46514) that collected the requirements for all wholesale distributors, importers as well as domestic, under a new part 804 (21 CFR part 804).

On December 11, 1995 (60 FR 63578), FDA published a final rule for manufacturers and user facilities (the 1995 final rule), with changes from the 1991 tentative final rule, including a requirement for the use of the Form

[1] See 49 FR 36644, September 19, 1984 (correcting the effective date).

FDA 3500A for reporting. The proposed effective date of April 11, 1996, for the 1995 final rule was extended to July 31, 1996 (61 FR 16043, April 11, 1996).

On November 21, 1997, the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Pub. L. 105–115) was enacted. FDAMA made changes regarding the reporting of adverse experiences related to devices, including a stay of the requirement for Annual Certification by manufacturers and distributors, elimination of the requirements for adverse event reporting by domestic distributors, and a change from semiannual reports to annual reports for user facility summary reports. On May 12, 1998, FDA published a direct final rule (63 FR 26069) and a companion proposed rule (63 FR 26129) to implement these changes to the MDR requirements, which included transferring distributor requirements back to part 803. FDA received significant adverse comments on the direct final rule and companion proposed rule; therefore, FDA withdrew the direct final rule and published a revised final rule in the **Federal Register** of January 26, 2000 (65 FR 4112). Under the FD&C Act as amended by FDAMA, distributors who were not importers were no longer required to report adverse events but were still required to keep records. Importers were still required to report adverse events related to medical devices. Because of FDAMA's changes, FDA revised part 803 and removed part 804.

On February 28, 2005, FDA revised the MDR regulation (70 FR 9516) by adopting plain language to make the requirements easier to understand (the 2005 plain language MDR direct final rule).

On June 13, 2008, FDA published a direct final rule (73 FR 33692), and a companion proposed rule (73 FR 33749) to remove the requirement for baseline reports, which were determined largely to duplicate information provided in individual adverse event reports. On September 17, 2008, FDA published a notice (73 FR 53686) confirming the effective date for the direct final rule as October 27, 2008.

On August 21, 2009, FDA published a proposed rule (74 FR 42203) to amend part 803 to require manufacturers, importers, and user facilities to submit MDRs to the Agency in an electronic format (the 2009 proposed rule). The 2009 proposed rule is now being finalized, subject to certain revisions. Because of concerns over the cost of implementation for user facilities, and the relatively low volume of reports FDA receives from such facilities, the final rule does not require user facilities to adopt electronic reporting. FDA believes that the benefits of this rule can be achieved without applying the electronic reporting requirement to user facilities. Although FDA encourages user facilities to file reports electronically, they may continue to use paper forms for reporting. The rule revises references to the use of paper forms for reporting and makes electronic reporting mandatory for manufacturers and importers. Additionally, the rule modifies the existing regulation to list information for reprocessed single use devices, in order to reflect changes already made to the Form FDA 3500A, in accordance with MDUFMA (Pub. L. 107–250).

II. Overview of the Final Rule

A. Changes to the 2009 Proposed Rule

The 2009 proposed rule included only the parts of the regulation that contained amended and changed language. The final rule contains part 803 in its entirety for ease of reading and clarity.

The 2009 proposed rule proposed to remove the definition for ''Five-day report'' from § 803.3 as unnecessary since it merely referred to a report under § 803.53. Because there is still a requirement for 5-day reports, we have concluded that removing the definition could be confusing to reporting entities and have decided to retain the definition.

The 2005 plain language MDR direct final rule removed the enumeration of definitions under § 803.3. Subsequent difficulties when referencing specific definitions have suggested that we should reinstitute numbering the definitions and have done so in this final rule.

Certain terminology used in the proposed rule has changed in the final rule. References to CeSub (CDRH eSubmitter) have been revised to reflect the current FDA-wide term used for electronic submissions, eSubmitter.

In addition, under this final rule, a manufacturer or importer needs to request and obtain an exemption from electronic reporting to continue to report via hardcopy past the effective date for electronic reporting. The 2009 proposed rule used the term ''variance'' at the end of section § 803.19(b), but we have concluded that ''exemption'' more accurately describes the reporting change and have therefore used the term ''exemption'' in the final rule. FDA's existing guidance for requesting exemptions applies to such requests.

Technical changes to § 803.11 provide the updated sources for Form FDA 3500A.

Technical changes to § 803.12 update the contact information for the FDA/Office of Crisis Management when reporting a public health emergency and conform language to other sections of the rule.

A change was made to § 803.18(b)(1)(iii) to add the word MDR to clarify the record retention requirement.

Technical changes to § 803.19 update the contact information for the FDA/CDRH/Office of Surveillance and Biometrics when submitting an MDR Exemption Request.

A change was made to § 803.20(c)(2)(ii) to correct an error, such that ''30 days calendar'' in paragraph (b)(2)(ii) of the current rule was revised as ''30 calendar days'' in what is now paragraph (c)(2)(ii).

Technical changes to § 803.21 provide the current Web site addresses for obtaining adverse event reporting codes information. This part also provides the current contact information for the FDA/CDRH/Division of Small Manufacturers, International, and Consumer Assistance (DSMICA).

Technical changes to § 803.33 provide the updated sources for Form FDA 3419.

B. Highlights of the Final Rule

For over 20 years, FDA received postmarket MDRs in a paper format through the mail. In 2008, FDA permitted manufacturers to submit postmarket MDRs electronically, on a voluntary basis. This final rule to require the electronic submission to FDA of manufacturer and importer MDRs is an important step toward improving the Agency's systems for collecting and analyzing postmarket MDRs. When manufacturers and importers submit data elements to FDA in a paper format, the information must be manually entered into our internal electronic database before it can be effectively reviewed and analyzed. Under the proposed rule, this data entry will be performed by the manufacturers and importers and they will save the cost of submitting the paper forms. More importantly, eliminating that step will make the information available more quickly to FDA.

This final rule includes reports of deaths, serious injuries, and malfunctions that must be reported to FDA in initial 5-day, 10-day, or 30-day individual MDRs as well as information that must be reported to FDA in supplemental or followup reports. It does not change the underlying reporting requirements, just the manner in which they are submitted to FDA. This final rule will have the following benefits:

• Reducing industry's time and costs associated with transcribing data from internal data management systems to paper and mailing the paper reports to the Agency;

• Reducing the Agency's transcription errors, time, and costs associated with receiving paper reports and transcribing data to electronic format for review and analysis;

• Expediting the Agency's access to safety information in a format that supports efficient and comprehensive data analysis and reviews; and

• Enhancing the Agency's ability to rapidly communicate information about suspected problems to the medical device industry, health care providers, consumers, and other government Agencies.

C. How do I submit MDRs in electronic format?

Upon the effective date of this final rule, manufacturers and importers are required to submit MDRs to the Agency in an electronic format that FDA can process, review, and archive. The most specific and updated information about how to create, format, and transmit reports electronically using the eSubmitter software (for low volume reporting) or the Health Level 7 Individual Case Safety Reports (HL7 ICSR) (for high volume reporting), is provided on the Agency's Web site at the address identified in the new § 803.23. FDA is committed to providing industry with adequate notice of any specifications changes. To the extent possible, FDA will ensure previous versions of such specifications can still be utilized to submit adverse events electronically.

1. What are the options for electronic reporting?

FDA's CDRH has an MDR database that supports two options for electronic submission of MDRs: One allows the submission of a single report at a time and one allows submission of batches of reports.

*a. eSubmitte*r. The Agency developed software (originally referred to as CeSub or CDRH eSubmitter) that allows for the submission of one MDR at a time. The software allows users to:

• Save address and contact information,

• Search for a Product Code,

• Search for a Patient Problem Code or Device Problem Code,

• Search for Manufacturer Evaluation Codes (method, result, and conclusion codes),

• Attach documents when additional information needs to be provided, and

• Produce a ''missing data report'' to help ensure that all required information is supplied before submission to FDA.

Once the MDR is completed, the file is ''packaged for submission.'' The package generates an electronic version of the Form FDA 3500A, which can be submitted to FDA using the FDA Electronic Submission Gateway (ESG). The final eSubmitter-generated report can also be saved or printed for recordkeeping or to provide reports to manufacturers or other entities outside of FDA. The eSubmitter software and instructions for installation are free and available at: *http://www.fda.gov/ForIndustry/FDAeSubmitter/ucm108165.htm*. FDA may make minor changes to the submission format for maintenance purposes as needed to improve the eSubmitter reporting experience.

b. HL7. Reporters with large numbers of MDRs to report, or those that otherwise want to submit reports in batches, may prefer the second option, called the HL7 ICSR. The HL7 ICSR was developed in conjunction with the HL7 standards organization to support the exchange of electronic data. This option allows for the extraction of information directly from the reporter's database to populate an MDR, production of the appropriate data output, and transmission of the MDR to the FDA ESG. In addition, the HL7 ICSR supports the batch submission of more than one individual MDR at a time. Reporters developing applications using the HL7 ICSR standard may want to consider building functions for saving or printing those reports and for attaching documents, such as photos or labeling, to their records.

Additional information is also available at: *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/PostmarketRequirements/ReportingAdverseEvents/eMDR-ElectronicMedicalDeviceReporting/default.htm*.

2. What is the FDA ESG?

Both eSubmitter and HL7 reporting options transmit MDRs to FDA using the FDA ESG, a secure entry point for all electronic submissions to the Agency. To use the FDA ESG, reporters need to have a digital certificate. A digital certificate is an attachment to an electronic message that allows the recipient to authenticate the identity of the sender via third-party verification from an independent certificate authority. Digital certificates are used to identify encryption and decryption codes between message senders and recipients. Information on the FDA ESG and digital certificates is available at: *http://www.fda.gov/ForIndustry/ElectronicSubmissionsGateway/ucm113223.htm*.

3. How do I know FDA received my electronic submission and it was successfully processed?

FDA's electronic submission processing system sends the submitter three different acknowledgments (messages) for each submission. Each acknowledgement indicates successful completion of a different processing and validation stage for the MDR report and is needed for diagnostic purposes. Acknowledgment 1 comes from the FDA ESG and indicates your submission was received at the FDA ESG. Acknowledgment 2 also comes from the FDA ESG and indicates the submission reached CDRH. Acknowledgment 3, sent by CDRH through the FDA ESG, notifies you that your submission was either successfully loaded into CDRH's adverse event database or that your submission contained errors (specified in the Acknowledgment) that were identified during validation and loading. If there are no errors, we anticipate that the three acknowledgment letters will be generated the same day or within 24 hours of the submission. If there were errors, you need to correct the errors and resend the corrected report in order for your submission to be accepted and loaded into the database.

4. How can I obtain an exemption from the requirement to submit a report in electronic format?

Under § 803.19, a manufacturer or importer may submit a written request to FDA seeking an exemption from the § 803.12(a) requirement to submit reports to the Agency in an electronic format that the Agency can process, review, and archive. The written request for exemption from electronic format must comply with the requirements of § 803.19(b), as well as provide an explanation of why the request is justified, including, with appropriate justification, financial hardship, and a statement of how long the exemption is needed. FDA anticipates receiving few exemption requests relating to the electronic reporting requirement because of the availability of the Internet, the commercial availability of digital certificates, and free access to FDA's eSubmitter Internet software. If FDA grants such an exemption, the manufacturer or importer would be allowed to submit written MDRs for the period of time specified by FDA in the letter authorizing the exemption.

D. How have the MDR requirements changed?

1. What has changed for user facilities and has annual reporting been affected?

Section 803.30(a) requires user facilities to report information required by § 803.32 in accordance with § 803.12(b). User facility reports submitted to device manufacturers may also be in paper format or an electronic format that includes all required data fields to ensure that the manufacturer has all required information. Since user facilities will continue to submit annual reports on the paper Form FDA 3419, the rule amends § 803.33 to specify where to obtain the Form FDA 3419 and where to submit completed annual reports.

2. What has changed for importers?

The rule amends § 803.40(a) to require submission to FDA of information required by § 803.42 in electronic format in accordance with § 803.12(a). The mandatory electronic format requirement does not apply to importer reports submitted to device manufacturers, which may be in paper format or an electronic format that includes all required data fields to ensure that the manufacturer has all required information.

3. What has changed for manufacturers?

The rule amends §§ 803.50(a), 803.53, and 803.56 to require submission of MDR and supplemental report information required by §§ 803.52, 803.53, and 803.56 in electronic format in accordance with § 803.12(a).

4. Are there changes for recordkeeping?

Section 803.18 contains requirements for establishing and maintaining MDR files or records for manufacturers, user facilities, and importers. The rule amends § 803.18(b)(1)(ii) to require keeping copies of all reports submitted under part 803, whether paper or electronic. (Regulated entities may choose to maintain required records, including copies of all reports, either in hardcopy or in electronic form). We also are adding § 803.18(b)(1)(iii), to require the retention of all acknowledgments that FDA sends the manufacturer, importer, or user facility in response to electronic MDR submissions.

5. What other changes are in this final rule?

The final rule does the following:

- Amends §§ 803.32, 803.42, and 803.52 to reflect the addition to the Form FDA 3500A of a question whether the device is a single use device that has been reprocessed and reused on a patient and, if so, asking for the name and address of the reprocessor (these modifications were already made to Form FDA 3500A and its instructions, with Office of Management and Budget (OMB) approval under the Paperwork Reduction Act (PRA));
- Changes language in §§ 803.32(b)(4), 803.42(b)(4), and 803.52(b)(4) from ''date of report by the initial reporter'' to ''[d]ate of this report,'' to make part 803 consistent with the way that other FDA Centers interpret Form FDA 3500A, Block B4, and how Block B4 appears on Form FDA 3500A; and
- Makes minor updates to §§ 803.32(c), 803.42(c), and 803.52(c) and (e) to reflect the changes already made to the forms and instructions, including references to the Product Code and PMA/510(k) number.

III. Comments on the Proposed Rule

A. General

The Agency received 35 comments on the 2009 proposed rule. Some comments expressed concern about the costs of the rule for entities that submit only a few reports a year. Other comments expressed concern over the effective date and how to handle system outages; others included questions about the receipt date and FDA acknowledgments. Below is a summary of the comments received, grouped by subject matter.

B. Submitting Initial and Supplemental or Followup Reports (§ 803.12(a))

(Comment 1) Two comments stated that firms that only submit a few reports should be able to send reports on paper. One comment stated that the part 11 (21 CFR part 11) electronic documents and signature requirement is a burden for firms that never have needed to report electronically. The commenters objected to the expense of installing and validating the eSubmitter software. One suggested that PDF scans of documents be allowed.

(Response) The Agency disagrees with these comments as they apply to manufacturers and importers. Electronic reporting will improve the Agency's process for collecting and analyzing postmarket medical device adverse event information in a timely and efficient manner. If each manufacturer and importer that only had a ''few reports'' was exempt from the electronic reporting requirement, the cumulative effect would leave FDA with potentially thousands of reports to enter manually. Thus, the aggregate effect of exempting such manufacturers and importers would significantly undermine the benefits of an electronic system of adverse event reporting. The burden and expense of adopting electronic reporting is minimal. The eSubmitter software has been designed and validated by FDA and is being made available to users for free. The user is expected to install and operate the software in accordance with the instructions provided by FDA. Section VI provides additional detail on the costs associated with this rule. For more information regarding the FDA's current thinking and enforcement policy relating to electronic records requirements under part 11, see the Agency guidance document entitled ''Guidance for Industry: Part 11, Electronic Records; Electronic Signatures—Scope and Application'' available at: *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm072322.pdf5667fnl.pdf*.

The Agency has reassessed the proposal as it applies to user facilities, which are required to submit only device-related deaths directly to FDA. FDA estimates that user facilities comprise approximately two-thirds of all entities subject to reporting requirements under part 803, but provide only 3 percent of mandatory reports. In light of the anticipated cost for all user facilities to implement electronic reporting, the relatively small number of reports filed and correspondingly small savings to the Agency from mandating electronic reporting by user facilities, FDA is not mandating electronic reporting for user facilities at this time. Such facilities will be allowed to file paper reports, although—as is the case now—they can voluntarily choose to use electronic reporting, and the Agency encourages them to adopt electronic filing.

(Comment 2) One comment stated that FDA should allow the manufacturer to submit a supplemental report before issuing a request for additional information.

(Response) The Agency disagrees with this comment. We issue a request for additional information when our analysis of available submissions from the manufacturer identifies a need for additional information. Processing of paper submissions involves backlogs and delays in entry of the information into the database. One advantage of electronic reporting is that supplemental reports will be quickly available for review. Ready access to supplemental report information may reduce the need for additional information requests.

C. Establishing and Maintaining MDR Records (§ 803.18)

(Comment 3) Two comments considered the required .xml format to be a problem. One said that FDA field investigators may not be able to accurately interpret the electronic MDR .xml files to determine if the MDR is adequate or if the MDR was submitted on time. The second said that the .xml format is difficult for people to read and FDA should provide guidance on creating acceptable MDR documents from submitted .xml files that can be used by FDA field investigators.

(Response) The Agency does not believe that the .xml format is inherently problematic, but the Agency has developed guidance to assist entities with eMDR issues and a notice of availability for this guidance appears elsewhere in this issue of the **Federal Register**. Reporting entities that develop applications using the HL7 ICSR standard are encouraged to develop functions to save or print the reports in a human readable format. The reporting entities will need to validate that the human readable format is an accurate representation of what was submitted.

D. Copies Kept in MDR Files of All Reports Submitted (§ 803.18(b)(1)(ii))

(Comment 4) One comment stated that the reference to paper is no longer necessary and should be deleted from the phrase ''(whether paper or electronic)''.

(Response) The Agency disagrees because paper copies will still be used in certain circumstances. A reporting entity that files paper copies of MDR reports with FDA or other entities could choose to maintain a paper copy of the report in its MDR event files. A reporting entity that uses HL7 to file an electronic MDR can maintain either an electronic or paper copy of the MDR in its MDR files, but the HL7 application needs to have validated that any paper copy produced is an accurate representation of the electronic copy filed with FDA. A reporting entity that uses eSubmitter to file an electronic MDR can use a feature of eSubmitter to produce a paper copy of the MDR when it is needed and validation of the copy is not required. If a reporting entity is granted an exemption from electronic reporting and the MDR report is sent on paper, it is likely that the entity would maintain a paper copy of the report sent to FDA in the MDR event file.

E. Copies of All Electronic Acknowledgments (§ 803.18(b)(1)(iii))

(Comment 5) One comment stated that FDA is requiring manufacturers to keep all three of the acknowledgments sent by FDA even though the MDR filing is not considered successful until the firm receives Acknowledgment 3 and it shows the submission did not fail. The commenter recommended changing the regulation to eliminate retaining all of the acknowledgments sent by FDA. The commenter suggested requiring manufacturers to retain only proof of the MDR being filed and not the acknowledgments sent by FDA, or only the final acknowledgment. According to the commenter, Acknowledgments 1 and 2 should be invisible to the manufacturers; a single acknowledgment to the manufacturer should suffice.

(Comment 6) One comment stated that the three acknowledgments sent by FDA are cumbersome and difficult to link together. The commenter suggested consolidating the acknowledgments.

(Response) The Agency disagrees. Each acknowledgment sent by FDA indicates the stage of processing that has been reached (FDA ESG received, CDRH received, CDRH loaded into database) and whether it has been successfully processed. The date the report reaches the FDA ESG (marked by Acknowledgment 1) is considered the date received only if the report is successfully loaded into the CDRH database (marked by Acknowledgment 3), and Acknowledgment 2 links the information from the other two acknowledgments. If the submission has data errors, it will not be loaded into the CDRH database, and the submission must be corrected and resubmitted. All three acknowledgments are needed to trace the reference numbers from the initial receipt at FDA's ESG to the successful loading of the submission into the CDRH database, and the comments do not indicate why retention of them would be particularly burdensome. Until a report has been successfully processed, the reporting entity has not satisfied the requirement for submission of the MDR report. Moreover, in the event there is a question or problem relating to a submission, the receipt or lack of receipt of each of the three acknowledgments will assist the reporter and CDRH in determining the status of the report and will allow a reporter to identify and address any problems. For instance, failure to receive Acknowledgment 1 would indicate that it was not successfully received by the FDA ESG; if there was only one consolidated acknowledgment, the reporter would not know which aspect of the transmission failed and would not identify the problem as easily.

(Comment 7) One comment suggested that the Agency add a question, ''When can I expect to receive my three acknowledgment notices?'' to the eMDR guidance document.

(Response) FDA has added the question ''How do I know FDA received my Electronic Submission and it was successfully processed?'' to the preamble (see section II, Overview of the Final Rule). Moreover, FDA has addressed this question in the final guidance document for eMDR.

(Comment 8) One comment asked what to do if the firm does not receive all of the acknowledgments.

(Response) FDA considers a submission to be complete when all three acknowledgments have issued, indicating that the report has been successfully loaded in the CDRH adverse event database. If you do not receive Acknowledgments 1 or 2, and the ESG Web site does not indicate that there are problems with the operation of the FDA ESG, you should contact the FDA ESG staff. If you do not receive Acknowledgment 3, and the electronic MDR (eMDR) status page does not indicate that there are problems with the operation of eMDR, you should send an email message to: *eMDR@fda.hhs.gov*. If Acknowledgment 3 states that your report failed to load, the letter will identify errors in your submission. You will need to correct the errors and resubmit the report, at which time you will receive another set of three acknowledgments.

FDA considers the receipt date for electronic adverse event report submissions to be the date the submission arrived at the FDA ESG, but only if the submission is successfully loaded in the CDRH database. If a report is resubmitted and the resubmission is successfully loaded, the receipt date will be the date that the resubmission arrived at the FDA ESG.

Criteria that could cause a submission to fail include, but are not limited to, failure to provide data in a required field, failure to use the appropriate format for a field (e.g. an incorrect date format), data that exceeds the number of characters allowed for a field, or an invalid Report Number (e.g. the year and sequence number reversed or a sequence number reused). If there is a problem with the ESG or eMDR, FDA will post information concerning the problem on the appropriate Web site. You would not need to contact FDA, but should keep records of your attempt to submit MDR reports. FDA will use the Web site to advise when to expect operations to return to normal so that resubmission can be made. If you have questions during that time, send an

email in accordance with the instructions at the eMDR Web site: *http://www.fda.gov/ForIndustry/FDAeSubmitter/ucm107903.htm* or the ESG Web site: *http://www.fda.gov/ForIndustry/ElectronicSubmissionsGateway/default.htm*.

F. Manufacturer Reporting Requirements (§ 803.50(a))

(Comment 9) Two commenters asked for clarification about what date and time FDA will accept as timely submission. One comment stated that the Agency should clarify when electronic MDRs are considered to be reported, upon receipt into the FDA ESG or upon notification by CDRH that the report has been successfully loaded into CDRH's adverse event database. The second comment asked the Agency to specify what time zone to use to determine the 30-day requirement and recommended that the time zone of the submitter should be used.

(Response) For paper reports, FDA considers the postmark date or the date shipped by a delivery service to be the date the event was reported. For electronic reports, the date the eMDR submission is received at the FDA ESG is identified as the receipt date (i.e. the date the event was reported) for the MDR report, if the report is successfully loaded in the CDRH database. If a report cannot be loaded by CDRH, it is rejected and must be corrected and resubmitted. FDA does not have the benefit of the report information until the report is successfully loaded.

The time zone should not be a concern for timely reporting under MDR. The FDA ESG acknowledgment letter (Acknowledgment 1) displays both the date and time according to the Eastern Standard Time (EST)/Eastern Daylight Time (EDT) zone; however, MDR considers only the date for the purposes of calculating timely reporting. If the report is successfully loaded, this processing should take no more than an hour. Although Acknowledgment 1 displays EST/EDT, for purposes of timeliness FDA will consider the local time of the submitter, just as a postmark date is used for mailed paper reports. See section III.Q for further information.

G. Report Date (§ 803.52(b)(4))

(Comment 10) One comment stated that to avoid confusion the Agency should revise § 803.52(b)(4) back to the language in the current MDR regulation, to state: ''Date of the report by the initial reporter.'' According to the comment, that date, plus the date required under § 803.52(e)(4), ''Date received by you'' would permit a clear tracking of compliance with the regulation's reporting timeframes.

(Response) FDA disagrees. The date received by you is the date that you become aware of the event, which is also reported elsewhere on Form FDA 3500A. We are asking for the ''Date of this report'' to provide the reporting entity with a means of documenting the date that the MDR is submitted to FDA. This change will make the information requested for device reports consistent with the information recorded by other Centers for products that are reported using the Form FDA 3500A.

H. Product Code and Common Device Name (§ 803.52(c)(2))

(Comment 11) One comment stated that there is no need for both the product code and the common device name. It was suggested that the ''and'' be replaced with an ''or.''

(Response) FDA disagrees. The product code does not always match directly with a single common device name. Using both the product code and common device name provides FDA more specific information concerning the device that is the subject of the adverse event report. The product code is information that was initially required for the baseline report, and is needed as part of the information for Form FDA 3500A because the baseline report requirement has been removed from the MDR regulation. (See section I).

I. Name and Address of the Reprocessor (Revised § 803.52(c)(8) and (c)(9))

(Comment 12) One comment stated that the Agency should revise or clarify that these fields [Block D8 and 9 on Form FDA 3500A] apply only to reprocessors. An original equipment manufacturer that receives information about a reprocessed device for which the name and address of the reprocessor is known will send that information to the reprocessor because the reprocessor is the manufacturer for the purposes of MDR reporting.

(Response) FDA disagrees. Form FDA 3500A was modified as a result of the MDUFMA mandate. The form and instructions specify that under Block D. Suspect Medical Device, field 8 should be answered to identify single use devices that are reprocessed, and if the answer to field 8 is yes, field 9 should be completed to identify the name and address of the reprocessor. With this final rule we are revising the regulation to reflect the questions that are part of Form FDA 3500A. Because a reprocessor of a single use device is considered a manufacturer, the name and address of the reprocessor will also appear in Section G of the report form. Although this may result in duplication of information, changes to the form are beyond the scope of this regulation.

J. Premarket Approval Application (PMA)/Section 510(k) Number and Combination Product Status (§ 803.52(e)(5))

(Comment 13) One comment suggested deleting § 803.52(e)(5) because PMA/510(k) number and combination product status have never been part of the MDR reporting provisions. This information was part of the old baseline reports, but the burden for submitting this information for each MDR is significantly more onerous than submitting this information in one baseline report on the device model. Many manufacturers would have to add systems to connect the complaint/MDR systems with their submissions systems, significantly increasing the economic burden of the rule and adversely affecting the ability to comply with electronic MDR requirements timeframes.

(Response) FDA disagrees. The comment did not provide any support for considering this to be a significant burden, and FDA believes there is good reason for making this change. FDA added these elements to Form FDA 3500A in 2005 because the Agency was removing the baseline reporting requirement. The change in the regulation codifies the previous changes to the form.

K. New, Changed, or Corrected Information (§ 803.56(c))

(Comment 14) Several comments stated that firms should be able to send a new complete report when submitting supplemental reports. One comment stated that submissions of additional information should be submitted on paper if the initial report was not submitted electronically.

(Response) FDA disagrees. The requirement to report only new, changed, or corrected information is consistent with the current regulation and the requirements and limitations of the CDRH database used for MDRs. FDA is developing specifications for the new database, however, and may be able to address this suggestion in the future. The use of electronic reporting for supplemental reports will provide FDA with more timely access to new, changed, or corrected information to facilitate the evaluation of adverse events that are reported.

L. Paper Responses to Requests for Additional Information

(Comment 15) One comment asked if responses to requests for additional information could be submitted on paper.

(Response) Yes, a response to a written request for additional information under § 803.15 can be submitted on paper. However, the use of electronic reporting for responses to requests for additional information provides FDA with more timely access to the information to facilitate the evaluation of adverse events that are reported. An additional information response should include the initial Report Number, indicate that the type of followup is a ''Response to FDA Request,'' and provide the additional information requested as Additional Manufacturer Narrative. Any discrete data elements should also be reported as additional manufacturer narrative. You can also include a copy of the letter request sent by FDA as an attachment to the response.

M. Analysis of Impact

(Comment 16) One comment stated that our estimate of 10 hours for the burden to rewrite standard operating procedures (SOPs) and train personnel is too low. In its discussion, the commenter stated that it would take at least 40 hours to align a manufacturer's complaint handling systems to work compatibly with FDA's eSubmitter software.

(Response) The comment referred to our burden estimate for setting up systems for submission, which we estimated would require 8 to 16 hours. Our estimate was derived based on firms that maintained their MDR records in paper form. Companies with electronic complaint handling systems that do not intend to use HL7 ICSR could require approximately 40 hours to set up eSubmitter. We have amended our analysis of the economic impact of this rule to reflect the burden on such companies (see section VI).

N. Common Errors

(Comment 17) One comment suggested that the Agency add to the draft guidance a section on common errors that prevent a report from getting through the gateway or from being loaded successfully into the CDRH database.

(Response) FDA agrees with this suggestion. Examples of common errors include: Failure to provide data in a required field, failure to use the appropriate format for a field (e.g. an incorrect date format), data that exceeds the number of characters allowed for a field, or use of an invalid Report Number. FDA has identified additional errors in a guidance document on reporting under eMDR requirements *http://www.fda.gov/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm175805.htm*.

O. Effective Date

(Comment 18) Three comments stated that 1 year is not enough time for firms to comply with the requirement to submit all MDRs electronically. One commenter stated that large firms need adequate time to design and implement the large volume option. Another said that the activities required for manufacturers to be able to submit eMDRs are considerable, particularly for companies with large numbers of filings. According to the commenter, software code of internal complaint tracking systems will need to be significantly redesigned, developed, and validated to send eMDRs, provide attachments, and track and retain FDA acknowledgments. Ensuring that implementation of the electronic reporting system adheres to the firm's data encryption, network, electronic message storage (for acknowledgments), and application security policies and architecture will require significant analysis and may require major reworking of existing network and server architecture as well as security and electronic record retention policies. Moreover, successful readiness to submit electronically is also dependent upon FDA capacity. The firm recommended that FDA make the final rule effective 2 years after the publication of the final rule in the **Federal Register**.

(Response) FDA generally agrees with these comments. We have extended the time to 18 months, which should be enough time for the reporting entities to implement electronic reporting. A reporting entity that intends to use the HL7 software option, but is unable to develop and implement an HL7 application within 18 months of the publication of the final rule, can use eSubmitter until the entity is ready to use the HL7 application. Moreover, in special cases a firm could seek a delay in adopting electronic reporting under § 803.19.

A CDRH memorandum dated May 8, 2008, provided notice that CDRH was ready to accept electronic submissions for MDR reports of individual adverse events. The memorandum can be found in the part 11 docket Docket No. FDA–1992–S–0039–0054 (formerly Docket No. 92S–0251), available at *http://www.regulations.gov*. See also *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/PostmarketRequirements/ReportingAdverseEvents/eMDR-ElectronicMedicalDeviceReporting/default.htm*. Voluntary use of electronic reporting has been available to industry since that time and a number of manufacturers have already adopted electronic reporting.

P. General Comment Concerning Numeric Data Fields

(Comment 19) One comment indicated that the software for completing data fields A2 and A4 (patient age and weight) of the Form FDA 3500A only accepts numeric entries. Without numeric information for these fields, the report cannot be submitted. The commenter suggested providing a mechanism to allow ''no information'' entry in fields A2 and A4.

(Response) FDA recognizes that some fields that are numeric do not allow for a ''no information'' response, but we cannot change this feature in eSubmitter. If a reporting entity using eSubmitter does not have a numeric value to enter in an optional field such as A2 or A4, and leaves the field blank, the report can be accepted by CDRH. The HL7 ICSR standard provides for several values for indicating ''no information'': ASKU (asked but unavailable), NI (no information), and NA (not applicable). Reporters developing applications using the HL7 standard can use these values.

Q. Receipt Date

(Comment 20) Three comments stated that the date of the first acknowledgment confirming that the submission was received by the FDA ESG should be considered the date received. The comments asked FDA to confirm that this is the date the Agency will use for regulatory purposes. One comment added the suggestion that the Agency combine the acknowledgments or provide them in .xml format and link the acknowledgments.

(Response) FDA agrees with the suggestion to clarify when the report is considered received. FDA considers the receipt date for electronic adverse event report submissions to be the date the submission arrived at the FDA ESG, if the submission is ultimately loaded successfully. If the submission cannot be loaded successfully, Acknowledgment 3 sent to the reporting entity will identify the errors. The reporter must correct the errors and resubmit the report. If a report is resubmitted and the resubmission is successfully loaded, the receipt date will be the date that the resubmission

arrived at the FDA ESG. Although we consider Acknowledgment 1 to be the date received for a submission, if a report is subsequently rejected due to errors and must be resubmitted, the date of receipt will be the date the FDA ESG receives the resubmission (and a new Acknowledgment 1 is generated). The reporting entity can document its initial effort to submit the report with the information from the first submission but if the initial submission failed we would not consider the report received until it has been successfully loaded into the CDRH adverse event database. See section III.F for further information.

R. Software Changes

(Comment 21) Three comments questioned FDA's policy and provisions for software change control and adequate notice of change. One suggested that FDA establish a clear policy for managing and communicating software changes and scheduled maintenance and noted that high volume reporters would need at least 12 months to implement software changes. Another asked FDA to clarify how we will communicate changes to software, data fields, and code lists.

(Response) FDA is committed to providing industry with adequate notice of any specification changes and, when possible, will ensure previous versions of such specifications can still be utilized to submit adverse events electronically. We will utilize our Web sites for MDR, eMDR, and FDA ESG as well as **Federal Register** documents to provide sufficient advance notification of changes to all stakeholders. We will work with stakeholders on implementation of the changes and expect to support previous specifications long enough to ensure that HL7 and eSubmitter users are able to make the necessary changes. The FDA ESG Web site provides notification of scheduled maintenance and a status history that documents unscheduled down time for the FDA ESG.

S. System Outages

(Comment 22) Four comments stated that FDA has not adequately addressed what firms should do when there are system outages and noted there are no provisions for compliance when electronic systems ''go down.'' Several comments said that FDA should accept paper reports when there is a system outage. One comment said that the Agency should explicitly provide instruction regarding what reporters need to do when the FDA ESG is down. In that event, the comment indicated that manufacturers should receive a comparable extension of time to file their reports.

FDA has suggested firms should document attempts at timely filing in Block H10 of the MDR form if the manufacturer's electronic systems are down. One comment indicated that this expectation should be explicitly set forth in the regulation. Doing so would put all firms on an even playing field and clarify what must be documented to demonstrate MDR compliance to FDA investigators.

(Response) FDA agrees that firms need to be advised how to document problems with timely filing. If either the ESG or a firm's electronic system experiences an outage affecting timely reporting, the reason for the late submission can be documented by the manufacturer, importer, or user facility in Block H10. FDA is not adding this to the rule because firms are not required to submit this information.

The FDA ESG Web site provides notification of planned maintenance and maintains a status history that documents times that the FDA ESG was not operating. Typically, an ESG system outage has not lasted more than 24 hours and should not require an extension of time. If a reporting entity is unable to submit a report on time due to an ESG outage, it should document its attempts at timely filing in Block H10 for the affected reports and submit reports electronically as soon as the ESG is operational.

A reporting entity using an HL7 reporting option should plan for a backup method of reporting for an outage affecting its own system. If a reporting entity experiences an outage within its own system that will affect timely reporting, it should contact FDA at the eMDR email address: *eMDR@fda.hhs.gov*. The email should provide FDA with information on the problem, the number of reports affected, and an estimate of how long it will take to resolve. We will respond concerning alternatives for submission of the adverse event reports. A description of the problem with the electronic submission should be documented in Block H10 for the affected reports before they are submitted.

IV. What is the legal authority for this rule?

FDA's legal authority to amend its regulations governing the submission of postmarket medical device adverse event reports for medical devices derives from 21 U.S.C. 352, 360, 360i, 360j, 371, and 374.

V. What is the environmental impact of this rule?

The Agency has determined under 21 CFR 25.30(h) and (i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. What is the economic impact of this rule?

FDA has examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct Agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). OMB has determined that this final rule is a significant regulatory action under the Executive Order.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the eSubmitter program for electronic submission of reports does not impose significant costs on small entities, the Agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $141 million, using the most current (2012) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

The principal benefit of this final rule will be the public health benefits associated with more rapid processing and analysis of the initial individual MDRs currently submitted by manufacturers and importers to FDA on a paper Form FDA 3500A (about

190,000 in 2011). In addition, requiring electronic submission of MDRs is expected to reduce FDA's annual operating costs by $1.9 million and generate annual industry savings of about $9.2 million.

The total one-time cost for modifying SOPs and establishing electronic submission capabilities is estimated to range from $38.4 million to $42.8 million. Estimated annually recurring costs totaled $3.0 million and included maintenance of electronic submission capabilities, including renewing the electronic certificate, and for some entities, the incremental cost to maintain high-speed Internet access. The total annualized cost of the rule, using a 7-percent discount rate over 10 years, would be from $8.5 million to $9.1 million; with a 3-percent discount rate, the annualized cost would be $7.5 million to $8.0 million.

A. Need for Regulation

The purpose of this final rule is to require the submission of MDRs in an electronic format the Agency can process, review, and archive. It will affect all medical device manufacturers and importers.

The final rule is part of a greater Agency initiative to adopt electronic technologies to improve the quality of our operations and to use our resources more efficiently. The rule will reduce FDA's current costs associated with processing MDRs that are currently received on the paper Form FDA 3500A. By receiving MDRs electronically, FDA should be able to access the adverse event information more quickly and at a lower cost with anticipated reduced data entry errors by eliminating the step of having manufacturers prepare and submit paper forms.

After considering various alternatives, FDA determined that user facilities may continue to submit MDRs in paper form because their reports account for only about 3 percent of reports annually. A regulation is necessary for reports from manufacturers and importers because the Agency receives around 190,000 paper reports from such entities and it would be costly for the Agency to maintain the capacity to continue to convert paper Form FDA 3500A MDRs to electronic MDR records until all manufacturers and importers voluntarily adopted the electronic submission format, possibly years in the future. Some reporters might never adopt electronic reporting of their own volition.

B. Benefits

The most important benefit of this final rule will be to the public health because the rule will enable the Agency to have quicker access to the medical device adverse event reports information and thus more quickly identify and act on any medical device problems. In 2011, FDA received approximately 201,000 initial MDRs from all sources on the paper Form FDA 3500A that needed to be processed and manually entered into the FDA database. It can take from 3 days to more than 6 months before an MDR submitted on a paper copy of the Form FDA 3500A is available for analysis in the Manufacturer and User Facility Device Experience (MAUDE) database. With a standardized electronic format, the majority of medical device reports will be available for analysis within a day or two after submission to the FDA ESG. With a significant reduction in the time needed for MDRs to be included in the MAUDE database, analysis and action, including feedback to manufacturers and consumers, can be initiated sooner—with a corresponding benefit to public health.

The public health benefits will be supplemented with operating cost reductions within FDA. Assuming the number of MDRs remains fairly constant over time, electronic reporting will save the Agency about one-half of the cost of our data entry contract, which equals a savings of $1.9 million annually.

C. Costs

There are about 20,100 medical device manufacturers and importers identified in FDA's medical device registration database that will be covered by the rule.

The incremental cost to each affected entity will vary by the size, type, and corporate structure of the firm, as well as by its existing electronic submission capability. The total costs associated with this final rule will include one-time setup costs and annual operating costs.

1. One-Time Costs

One-time costs will be the sum of the costs of:

- Rewriting SOPs and training the appropriate personnel,
- Installing and validating either:
  - The installation of the eSubmitter interface software or
  - The programming and configuration of a computer system to transmit reports directly to the FDA ESG using the HL7 ICSR, and
- Acquiring the electronic digital certificate required by the FDA ESG.

a. Rewriting SOPs and training personnel. All entities subject to the electronic reporting requirement will need to ensure that their SOPs include the electronic submission requirement. We estimate that it will require about 10 hours to make the modifications and train the appropriate people on the new procedures. The estimated one-time incremental cost for updating SOPs, assuming an average wage rate of $63 per hour,[2] is about $12.7 million (20,100 medical device manufacturers and importers × 10 hours × $63/hour).

b. Setting up systems for submission. MDRs will be submitted through the FDA ESG using one of two methods: The eSubmitter software or the HL7 ICSR. Because most entities are small and submit few if any MDRs annually, we assume they will use the eSubmitter software, which allows for the submission of one MDR at a time. To comply using this submission method, manufacturers and importers will need high-speed Internet connections [3] and will have to download and install up to three free software programs, validate the installation, and train the appropriate personnel on the new procedures. Entities that have dedicated information technology staff will be able to install and validate the installation themselves. Smaller manufacturers and importers will probably choose to hire an outside contractor for the installation and the validation of the installation.

FDA does not have data on the amount of time required to install and validate the installation of the software or the percentage of entities that might need to contract out the installation. For this analysis, FDA assumes that it will take 8 to 16 hours to install and validate the installation of the eSubmitter software (and to install, if necessary, Java Runtime Edition software and Java security policy files for their Internet browser) for manufacturers and importers who maintain paper records. FDA assumes it could take about 40 hours for manufacturers and importers who maintain electronic records (and thus need extra time to ensure that their systems can communicate with FDA ESG). These time totals also include the time required to notify FDA, run a test submission through the FDA ESG, and to train the appropriate staff to use the new program. FDA also assumes that

[2] $63 per hour wage is based on U.S. Bureau of Labor Statistics (BLS) Occupational Employment and Wages, May 2010, for Medical and Health Service Managers, Standard Occupational Classification 11–9111. Forty percent was added to the mean hourly wage of $45.03 to account for benefits and the total was rounded to $63.

[3] While it is possible to submit reports with a slower, dial-up, connection, we believe most manufacturers and importers that do not have high-speed connections already would upgrade their Internet access because it is more efficient. The efficiencies of high speed Internet access could also benefit other parts of firms' business systems.

almost all medical device manufacturers and importers will use this method to submit MDRs. Using an average wage of $52 for computer and mathematical occupations,[4] we estimate the cost to install and use the software to be between $25.2 million and $29.4 million [((8 hours × $52 wage × 10,050 manufacturers and importers) + (40 hours × $52 wage × 10,050 manufacturers and importers)) to ((16 hours × $52 wage × 10,050 manufacturers and importers) + (40 hours × $52 wage × 10,050 manufacturers and importers))].

Entities that submit a large number of MDRs each year may choose to use the HL7 ICSR method to submit the reports. This method allows for the batch submission of multiple MDRs at faster transmission rates. The Agency does not know the threshold at which it becomes cost effective for an entity to submit medical device reports using this method. An analysis of FDA submission data for a 6-year period indicated that about 20 medical device manufacturers submit 500 or more MDRs each year and about 85 submit close to 100 medical device reports per year. We assume that the actual number of entities that would begin using the HL7 ICSR as a result of this rule would fall somewhere within this range (20 to 105). We also assume that only entities that have existing infrastructure to support HL7 ICSR transmissions would choose this method to submit MDRs. We estimate that it will take about 50 hours to set up their gateway to be compatible with the Agency's system. Using the wage $52, the one-time cost for establishing HL7 ICSR submission capabilities will range between $52 thousand and $273 thousand [($52 × 50 hours) × 20 entities) and ($52 × 50 hours) × 105 entities)].

c. Electronic certificates. All entities will need an electronic certificate to submit any electronic regulatory document to the FDA ESG. The electronic certificate identifies the sender and serves as an electronic signature. Entities that have not submitted any electronic documents to the Agency will incur a one-time cost to acquire the certificate and recurring costs to keep the certificate active as a result of this final rule. The certificates cost about $20 and are valid for 1 year. We assume that the search and transactions costs involved in the initial acquisition of the certificate doubles the cost of the certificate to a total cost of $40 for the first year, half of which would be setup costs. If all entities needed to acquire electronic certificates, the one-time initial costs of the certificates would be $402,000 ($20 initial acquisition cost × 20,100 entities).

d. Summary of one-time costs. In addition to the costs we have estimated, manufacturers and importers affected by this final rule may have to hire outside experts to install and validate the software installation to comply with these requirements.

Table 1 summarizes the estimated one-time costs for this rule. The estimate of the total one-time costs for all affected entities ranges from $38.4 million to $42.8 million. Much of the cost involves acquiring the electronic certificate to submit any regulatory document to the FDA, including installation and validation of the eSubmitter software or establishment of HL7 ICSR capabilities. For this analysis we assume all manufacturers and importers will incur these costs when in fact some already have electronic certificates and voluntarily submit MDRs electronically.

TABLE 1—SUMMARY OF ONE-TIME COSTS

[$ million]

Industry	Modifying SOPs	Install and validate eSubmitter software		Establish HL7 ICSR capability		Acquiring e-Certificate [1]	Total	
		Low	High	Low	High		Low	High
One-time costs	12.7	25.2	29.4	0.05	0.3	0.4	38.4	42.8
Annualized at 3-percent over 10 years							4.5	5.0
Annualized at 7-percent over 10 years							5.5	6.1

[1] This refers to the $20 initial cost to acquire the e-certificate; the rest of the cost of the certificate is captured in the calculation of annual costs.

2. Annual Costs

The annual costs of this final rule will include the costs of:

- Maintaining certificates and
- High-speed Internet access.

a. Maintaining electronic certificates. Manufacturers and importers will bear the cost of maintaining the electronic certificate that identifies the sender. In addition to having to renew the certificate on a regular basis, those entities who have not submitted MDRs will also have to ensure that they are capable of transmitting electronic MDRs to FDA should such a report submission be necessary. To add these costs to the cost of the certificate itself, we assume that entities will incur an additional annually recurring cost equal to one-half the price of the certificate ($10), for a total annually recurring cost of $30. If all manufacturers and importers need to acquire electronic certificates, the annual cost would be $0.6 million ($30 acquisition certificate renewal and acquisition cost × 20,100 entities).

b. High-speed Internet access. We have assumed that entities will also use high-speed Internet access to use either of the submission methods. A 2010 study of small businesses sponsored by the Small Business Administration (SBA) found that essentially all small firms had Internet access and about 80 percent had high-speed Internet access (Columbia Telecommunications Corp., 2010). The average cost of high speed access was about $40 per month more than dial-up access. Because the average medical device manufacturer is very small and very small firms had somewhat lower access than the average, we estimate that by the time this final rule is in effect, about 75 percent of manufacturers and importers will have high speed access. The average annual recurring increase in cost for high speed Internet access for the remaining 25 percent of the entities would be approximately $2.4 million

[4] BLS Occupational Employment and Wages, May 2010 by occupation, for all industries (*http://www.bls.gov*). Wage ($52) includes mean hourly wage of $37.13 for Standard Occupational Classification 15–0000, computer and mathematics occupations, all industries; we add 40 percent to account for benefits and rounded to $52 for ease of calculations. (FDA has verified the Web site address, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.)

(($40 × 12 months) × 0.25 × 20,100 manufacturers and importers).

c. Summary of annual costs. The annual costs of the rule are $3 million ($0.6 million for electronic certificates + $2.4 million for internet access). As with the one-time costs, only entities not already making electronic regulatory document submissions of any kind to the Agency when this rule is published will incur these costs. There will be no change in the actual time required to research and prepare the MDRs, nor will there be any additional reporting requirements as a result of this final rule. Manufacturers and importers that maintain Form FDA 3500A records in paper format for their internal MDR files can still do so under this final rule.

d. *Cost savings.* FDA estimates an industry savings of about $9.2 million annually because electronic submission should reduce the time it takes to submit documents and reduce postage or delivery expenditures. The time savings estimate was derived using the estimated savings (i.e., from reduced burdens) reported in section VII. Device manufacturers and importers are expected to save a weighted average of 0.89 hours per submission. Savings from reduced postage costs will be around $0.4 million. FDA assumed that without this rule the Agency would continue to receive about 190,000 submissions in paper format.[5] FDA calculated the total savings as 190,000 submissions × 0.89 hour savings × $52 wage cost per hour + .8 × [(1,630 firms × 12 months × ($5 flat rate priority mail + $20 flat rate express mail))].[6]

D. Regulatory Alternatives to the Final Rule

The Agency identified and assessed two additional regulatory alternatives to this final rule. The first of these alternatives would allow manufacturers and importers to voluntarily submit MDRs electronically. This regulatory alternative would allow firms to choose paper or electronic submissions, but would require any electronic submissions to use either the eSubmitter or the HL7 ICSR. This alternative would reduce the one-time set costs (see table 1) for firms choosing not to make electronic submissions; those firms would also fail to realize corresponding savings. For many firms, the expected private costs of adopting electronic submissions will exceed expected private benefits due to having higher discount rates, higher costs than the averages presented here, or shorter planning horizons than the 10 years used in this analysis; FDA therefore expects that under this alternative a number of medical device firms would resist changing their procedures for a long period of time, perhaps indefinitely. If a substantial number failed to voluntarily adopt electronic submission of MDRs, FDA would not obtain the benefits of standardized formats and quicker access to medical device adverse event data. The Agency would also have to maintain significant capacity for accepting and processing written MDRs. A voluntary system, therefore, would fail to achieve the public health benefits and efficiency goals of the final rule.

The second regulatory alternative would allow small entities more time to comply with the electronic submission requirements. This alternative would allow small entities to delay compliance. Under this alternative, FDA would not achieve meaningful data entry savings from requiring electronic submissions or all the benefits of quicker access to these reports until the small entity compliance date. Because so many device companies are small entities, and in many cases their private costs will exceed their private benefits, small entities would likely postpone compliance, which would significantly postpone the benefits the rule is intended to confer. As shown in the following section, the estimated incremental costs per small entity from the final rule are small, so the cost reduction per small entity from delayed compliance would also be small. Moreover, postponing compliance would not reduce the future setup costs once the later compliance date is reached. In other words, postponing compliance would simply postpone the costs and benefits with no change in their amounts.

E. Regulatory Flexibility Analysis

SBA defines a small medical device manufacturer as having fewer than 500 employees (NAICS 325413, 334510, 334517, 339112, 339113, 339114, and 339115). Over 90 percent of registered device firms affected by this final rule are considered small entities under this definition. While this final rule will now require many MDR reports submitted to the Agency to be in electronic format, the content of a report is not being changed from that already addressed on the paper Form FDA 3500A. The average costs for these manufacturers and importers are listed in table 2. The average total annualized cost per small entity, assuming a 7-percent discount rate over 10 years, would range from $590 to $720 ($575 to $680 at a 3-percent discount rate).

Because the costs per affected entity are low compared to revenues, FDA finds that although this final rule will affect a substantial number of small entities, it will not have a significant economic impact on those entities. For example, for a facility in NAICS 339114, dental equipment and supplies, which have the lowest value of shipments of all affected industries, $4.4 million, $721 in annualized costs represents about 0.02 percent of revenues. We therefore certify that the final rule will not have a significant economic impact on a substantial number of small entities.

TABLE 2—INCREMENTAL COMPLIANCE COSTS PER SMALL ENTITY

	One-time costs		Annually recurring	Total annualized	
	Low	High		Low	High
Rewriting SOPs	123	613			
Software Installation and Validation of Installation	411	822			
Acquiring Electronic Certificate	40				
Maintaining Submission Capabilities			30		
Upgrade Internet Access			480		

[5] The estimated 190,000 submissions from 1,630 firms are based on the number of submissions for 2011.

[6] This estimate differs from the paperwork estimates in section VII because it measures the incremental change from current practice rather than the time to comply with specific requirements. Postage was calculated using flat rate charges by the U.S. Postal Service and assuming that 80 percent of the firms submitting paper MDRs in a given year would submit one express package and one priority mail package per month.

TABLE 2—INCREMENTAL COMPLIANCE COSTS PER SMALL ENTITY—Continued

	One-time costs		Annually recurring	Total annualized	
	Low	High		Low	High
7-Percent Discount Rate				590	720
3-Percent Discount Rate				575	680

VII. How does this rule comply with the PRA?

This final rule contains information collection provisions that are subject to review by OMB under the PRA (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection provisions are shown in the following paragraphs with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

Title: Medical Device Reporting: Electronic Submission Requirements.

Description: In accordance with this final rule, medical device manufacturers, importers, and user facilities will be required to submit electronic MDRs to FDA and to maintain records, and may also seek exemption from these requirements. FDA is also amending §§ 803.32, 803.42, and 803.52 by making minor revisions to reflect prior modifications to Form FDA 3500A and its instructions. Manufacturers, importers, and user facilities are currently submitting paper MDRs on Form FDA 3500A, approved under OMB control number 0910–0291. User facilities are currently submitting paper annual reports on Form FDA 3419, approved under OMB control number 0910–0437.

Section 519(a)(1) of the FD&C Act requires every manufacturer or importer to report ''. . . whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed devices may have caused or contributed to a death or serious injury, or has malfunctioned and that such device or a similar device marketed by the manufacturer or importer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur. . . .''

Section 519(b)(1)(A) of the FD&C Act requires that ''[w]henever a device user facility receives or otherwise becomes aware of information that reasonably suggests that a device has or may have caused or contributed to the death of a patient of the facility, the facility . . . shall, as soon as practicable but not later than 10 working days after becoming aware of the information, report the information to the Secretary and, if the identity of the manufacturer is known, to the manufacturer of the device.''

Section 519(b)(1)(B) of the FD& C Act requires that ''[w]henever a device user facility receives or otherwise becomes aware of: (i) Information that reasonably suggests that a device has or may have caused or contributed to the serious illness of, or serious injury to, a patient of the facility . . . , shall, as soon as practicable but not later than 10 working days after becoming aware of the information, report the information to the manufacturer of the device or to the Secretary if the identity of the manufacturer is not known.''

Complete, accurate, and timely adverse event information is necessary for the identification of emerging device problems so the Agency can protect the public health under section 519 of the FD&C Act. FDA is requesting approval for the information collection requirements contained in part 803 as revised by this final rule.

Description of Respondents: Manufacturers and importers of medical devices and device user facilities. Device user facility means a hospital, ambulatory surgical facility, nursing home, outpatient diagnostic facility, or outpatient treatment facility as defined in § 803.3, which is not a physician's office (also defined in § 803.3).

FDA received 35 comments on the 2009 proposed rule (74 FR 42203). Thirteen comments were related to the collections of information. All comments are discussed in detail in section III (see comments 1 through 6, 9 through 14, and 16.)

To calculate the annual reporting burden for table 3, the number of reporting entities that had filed MDRs during 3 years (January 1, 2006, through December 31, 2008) was identified along with the number of MDR reports filed during that time period. The rate of increase in reports and supplements filed was determined and projected for the next 3 years. The projected total annual responses were calculated by multiplying the projected number of respondents by the annual frequency per response for the reports and supplements, resulting in the estimated total that would be filed by each entity.[7] The figures displayed in table 3 of the 2009 proposed rule were based on MDRs processed during the year July 1, 2005, to June 30, 2006, but for this final rule FDA has used data for the years 2006 to 2008. One exception is the counts under exemption reporting (§ 803.19), which reflect the number of firms that currently have an exemption and have submitted quarterly reports in 2009. The annual burden for reporting calculated in table 3 is 37,709 hours.

To calculate the cost figures in table 3, we based our estimates on a count of all manufacturers, importers, and user facilities that filed MDRs during the period 2006 to 2008. The estimate of capital costs included:

- Development of procedures for handling adverse events and reporting MDRs,
- Installation of eSubmitter and/or installation and validation of H7, and
- Acquiring an electronic certificate.

The maximum and minimum estimates for installation of eSubmitter and HL7 were averaged in the calculations for capital costs. The estimate of annual operating and maintenance costs included:

- Renewal of electronic certificate and
- Maintenance of high-speed Internet access.

The total annual estimated burden imposed by this collection of information from tables 3 and 4 is 46,445 hours annually. The approved MDR reporting and recordkeeping burden for paper submissions is 391,526 hours, as approved under OMB control number 0910–0437 (expires August 31, 2015). Based on 46,445 hours as the reporting and recordkeeping burden for electronic submissions, there is a burden decrease of 345,081 hours. An

[7] In 2012, the actual number of MDR reports submitted was 712,000, higher than had been estimated.

explanation for the burden decrease is provided in the following paragraphs:

FDA estimates the burden of the collection of information as follows:

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	Form FDA No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total capital costs (mil)	Total annual operating and maintenance costs (mil)
803.19		56	4	224	1	224		
803.30 and 803.32		520	7	3,640	0.35	1,274	$5.9	$0.9
803.33	3419	520	1	520	1	520		
803.40 and 803.42		60	25	1,500	0.35	525	1.5	0.1
803.50 and 803.52		1,240	204	252,960	0.10	25,296	6.6	0.5
803.56		1,050	94	98,700	0.10	9,870		
Total						37,709	14.0	1.5

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
803.17	1,820	1	1,820	3.3	6,006
803.18(a) through (d)	1,820	1	1,820	1.5	2,730
Total					8,736

A. Reporting Requirements

The number of respondents for each applicable Code of Federal Regulations (CFR) reporting requirement in table 3 was identified from the MDRs reported to FDA's internal databases during the period January 1, 2006, through December 31, 2008. The annual frequency per response and total annual responses shown were based on the number of MDRs reported during the same period (January 1, 2006, through December 31, 2008) with a calculated increase for the next 3 years. FDA estimates that electronic submission will decrease the burden associated with §§ 803.19, 803.30, 803.32, 803.40, 803.42, 803.50, 803.52, and 803.56.

B. Recordkeeping Requirements

The number of respondents for each CFR section in table 4 was identified from the MDRs reported to FDA's internal databases during the period January 1, 2006, through December 31, 2008. The Agency believes that the majority of manufacturers, user facilities, and importers has already established written procedures and MDR files to document complaints and information to meet the MDR requirements as part of their internal quality control system, but will need to modify their practices to address the electronic reporting process.

C. Changes From the Proposed Rule

The total burden hours for the proposed rule were 15,200 and total burden hours for the final rule are 37,709. This is an increase of 22,509. The proposed rule calculations were based on MDRs processed during the year July 1, 2005, to June 30, 2006. The final rule calculations were based on MDR data for the period January 1, 2006, through December 31, 2008. The hours per response were adjusted to simplify calculations. These changes resulted in an increase in burden between the proposed rule and the final rule. The following table 5 identifies the burden changes from the proposed rule to the final rule.

TABLE 5—CHANGES FROM THE PROPOSED RULE

21 CFR Section	Number of respondents		Number of responses per respondent		Average burden per response		Total burden hours	
	Proposed	Final	Proposed	Final	Proposed	Final	Proposed	Final
803.19	55	56	4	4	1	1	220	224
803.30 and 803.32	411	520	2	7	0.33	0.35	271	1,274
803.33	411	520	1	1	1	1	411	520
803.40 and 803.42	44	60	20	25	0.33	0.35	290	525
803.50 and 803.52	1,304	1,240	58	204	.011	0.10	8,248	25,296
803.56	1,200	1,050	48	94	0.10	0.10	5,760	9,870
Total							15,272	37,709

The following table 6 summarizes FDA's burden estimates and how they will change due to electronic submission. Table 7 summarizes our recordkeeping burden estimates and how we believe they will change due to electronic submission.

TABLE 6—ESTIMATED REPORTING BURDEN PROGRAM CHANGE

21 CFR Section	Average burden per response under current paper submission process	Average burden per response as a result of electronic submission	Burden change reduction (hours)
803.19	3	1	2
803.30 and 803.32	1	0.35	0.65
803.33	1	1	(*)
803.40 and 803.42	1	0.35	0.65
803.50 and 803.52	1	0.10	0.9
803.56	1	0.10	.9

* No change.

As previously described, there are two reporting options. The first one is eSubmitter for low volume reporters, and the second one is HL7 ICSR for high volume reporters. FDA is basing its hours per response estimates on industry's voluntary use of the two systems since May 2008.

TABLE 7—ESTIMATED RECORDKEEPING BURDEN PROGRAM CHANGE

21 CFR Section	Average burden per recordkeeping under current paper submission process	Average burden per recordkeeping as a result of electronic submission	Burden change reduction (hours)
803.17	10.0	3.3	6.7
803.18(a) through (d)	1.5	1.5	(*)

* No change.

D. Total Annual Cost Burden

The conversion from paper to electronic submissions will result in a burden to reporting entities due to both capital costs (one-time setup costs) and annual operating and maintenance costs, as demonstrated in table 3 and discussed in section VI. The one-time capital costs include the cost to develop procedures for handling adverse events and reporting MDRs, installing the eSubmitter software and/or installing gateway to gateway submission capabilities (HL7), and acquiring electronic certificates; these costs have been estimated at $14.0 million. Once the procedures have been modified, there is an operating and maintenance cost to renew the digital certificate and maintain high-speed internet access, which has been estimated at $1.5 million each year.

This final rule refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by OMB under the PRA. The revised Form FDA 3500A is approved under the PRA, under OMB control number 0910–0291. The collections of information in part 803 have been approved under OMB control number 0910–0437.

The information collection provisions in this final rule have been submitted to OMB for review as required by section 3507(d) of the Paperwork Reduction Act of 1995.

Before the effective date of this final rule, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or disapprove the information collection provisions in this final rule. 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.

VIII. Does this final rule have federalism implications?

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that 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. Accordingly, the Agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

IX. What is the effective date?

This final rule is effective August 14, 2015 (see **DATES** section). Reporting entities that are unable to comply with this date should request an exemption following the process described elsewhere in this document and in the MDR regulation under § 803.19.

X. What references are on display?

The following references have been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852 and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov*. (FDA has verified the Web site addresses, but is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. U.S. Census Bureau, 2007 Economic Census Industry Series: NAICS Code 62, Health Care and Social Assistance, (*http://www.census.gov*), April 1, 2011.
2. BLS Occupational Employment and Wages, May 2010 for Medical and Health Service Managers, Standard Occupational Classification, 11–19111, (*http://www.bls.gov*), April 1, 2011.
3. Columbia Telecommunications Corp., *The Impact of Broadband Speed and Price on Small Business,* SBA Office of Advocacy Contract Number SBAHQ–09–C–0050, (*http://archive.sba.gov/advo/research/rs373tot.pdf*), November 2010.

XI. Stayed CFR Text

FDA has many revisions for 21 CFR part 803; therefore, we are revising the entire part. At 73 FR 33692, published June 13, 2008, FDA amended the MDR regulation to remove § 803.55, which

established the requirement for baseline reports. Section 803.58, which is currently under indefinite stay (published at 61 FR 38346, July 23, 1996), includes in subsection (b)(1) a reference to the former § 803.55. For purposes of this rulemaking, FDA is temporarily lifting the stay of § 803.58 in order to remove the reference to § 803.55. Because FDA is only lifting the stay for this purpose, we are also reimposing the indefinite stay of § 803.58 in this final rule. FDA intends to consider the § 803.58 requirements for U.S.-designated agents in a separate rulemaking.

List of Subjects in 21 CFR Part 803

Imports, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 803 is amended as follows:

§ 803.58 [Amended]

■ 1. The stay of § 803.58 published at 61 FR 38346, July 23, 1996, is lifted.

■ 2. Revise part 803 to read as follows:

PART 803—MEDICAL DEVICE REPORTING

Subpart A—General Provisions

Sec.
803.1 What does this part cover?
803.3 How does FDA define the terms used in this part?
803.9 What information from the reports do we disclose to the public?
803.10 Generally, what are the reporting requirements that apply to me?
803.11 What form should I use to submit reports of individual adverse events and where do I obtain these forms?
803.12 How do I submit initial and supplemental or followup reports?
803.13 Do I need to submit reports in English?
803.15 How will I know if you require more information about my medical device report?
803.16 When I submit a report, does the information in my report constitute an admission that the device caused or contributed to the reportable event?
803.17 What are the requirements for developing, maintaining, and implementing written MDR procedures that apply to me?
803.18 What are the requirements for establishing and maintaining MDR files or records that apply to me?
803.19 Are there exemptions, variances, or alternative forms of adverse event reporting requirements?

Subpart B—Generally Applicable Requirements for Individual Adverse Event Reports

803.20 How do I complete and submit an individual adverse event report?
803.21 Where can I find the reporting codes for adverse events that I use with medical device reports?
803.22 What are the circumstances in which I am not required to file a report?
803.23 Where can I find information on how to prepare and submit an MDR in electronic format?

Subpart C—User Facility Reporting Requirements

803.30 If I am a user facility, what reporting requirements apply to me?
803.32 If I am a user facility, what information must I submit in my individual adverse event reports?
803.33 If I am a user facility, what must I include when I submit an annual report?

Subpart D—Importer Reporting Requirements

803.40 If I am an importer, what reporting requirements apply to me?
803.42 If I am an importer, what information must I submit in my individual adverse event reports?

Subpart E—Manufacturer Reporting Requirements

803.50 If I am a manufacturer, what reporting requirements apply to me?
803.52 If I am a manufacturer, what information must I submit in my individual adverse event reports?
803.53 If I am a manufacturer, in which circumstances must I submit a 5-day report?
803.56 If I am a manufacturer, in what circumstances must I submit a supplemental or followup report and what are the requirements for such reports?
803.58 Foreign manufacturers.

Authority: 21 U.S.C. 352, 360, 360i, 360j, 371, 374.

Subpart A—General Provisions

§ 803.1 What does this part cover?

(a) This part establishes the requirements for medical device reporting for device user facilities, manufacturers, importers, and distributors. If you are a device user facility, you must report deaths and serious injuries that a device has or may have caused or contributed to, establish and maintain adverse event files, and submit summary annual reports. If you are a manufacturer or importer, you must report deaths and serious injuries that your device has or may have caused or contributed to, you must report certain device malfunctions, and you must establish and maintain adverse event files. If you are a manufacturer, you must also submit specified followup. These reports help us to protect the public health by helping to ensure that devices are not adulterated or misbranded and are safe and effective for their intended use. If you are a medical device distributor, you must maintain records (files) of incidents, but you are not required to report these incidents.

(b) This part supplements and does not supersede other provisions of this chapter, including the provisions of part 820 of this chapter.

(c) References in this part to regulatory sections of the Code of Federal Regulations are to chapter I of title 21, unless otherwise noted.

§ 803.3 How does FDA define the terms used in this part?

Some of the terms we use in this part are specific to medical device reporting and reflect the language used in the statute (law). Other terms are more general and reflect our interpretation of the law. This section defines the following terms as used in this part:

(a) *Ambulatory surgical facility (ASF)* means a distinct entity that operates for the primary purpose of furnishing same day outpatient surgical services to patients. An ASF may be either an independent entity (i.e., not a part of a provider of services or any other facility) or operated by another medical entity (e.g., under the common ownership, licensure, or control of an entity). An ASF is subject to this regulation regardless of whether it is licensed by a Federal, State, municipal, or local government or regardless of whether it is accredited by a recognized accreditation organization. If an adverse event meets the criteria for reporting, the ASF must report that event regardless of the nature or location of the medical service provided by the ASF.

(b) *Become aware* means that an employee of the entity required to report has acquired information that reasonably suggests a reportable adverse event has occurred.

(1) If you are a device user facility, you are considered to have ''become aware'' when medical personnel, as defined in this section, who are employed by or otherwise formally affiliated with your facility, obtain information about a reportable event.

(2) If you are a manufacturer, you are considered to have become aware of an event when any of your employees becomes aware of a reportable event that is required to be reported within 30 calendar days or that is required to be reported within 5 work days because we had requested reports in accordance with § 803.53(b). You are also considered to have become aware of an event when any of your employees with management or supervisory responsibilities over persons with regulatory, scientific, or technical responsibilities, or whose duties relate

to the collection and reporting of adverse events, becomes aware, from any information, including any trend analysis, that a reportable MDR event or events necessitates remedial action to prevent an unreasonable risk of substantial harm to the public health.

(3) If you are an importer, you are considered to have become aware of an event when any of your employees becomes aware of a reportable event that is required to be reported by you within 30 days.

(c) *Caused or contributed* means that a death or serious injury was or may have been attributed to a medical device, or that a medical device was or may have been a factor in a death or serious injury, including events occurring as a result of:

(1) Failure,

(2) Malfunction,

(3) Improper or inadequate design,

(4) Manufacture,

(5) Labeling, or

(6) User error.

(d) *Device user facility* means a hospital, ambulatory surgical facility, nursing home, outpatient diagnostic facility, or outpatient treatment facility as defined in this section, which is not a physician's office, as defined in this section. School nurse offices and employee health units are not device user facilities.

(e) *Distributor* means any person (other than the manufacturer or importer) who furthers the marketing of a device from the original place of manufacture to the person who makes final delivery or sale to the ultimate user, but who does not repackage or otherwise change the container, wrapper, or labeling of the device or device package. If you repackage or otherwise change the container, wrapper, or labeling, you are considered a manufacturer as defined in this section.

(f) *Expected life of a device* means the time that a device is expected to remain functional after it is placed into use. Certain implanted devices have specified ''end of life'' (EOL) dates. Other devices are not labeled as to their respective EOL, but are expected to remain operational through activities such as maintenance, repairs, or upgrades, for an estimated period of time.

(g) *FDA, we, us, or Agency* means the Food and Drug Administration.

(h) *Five-day report* means a medical device report that must be submitted by a manufacturer to us under § 803.53 within 5 work days.

(i) *Hospital* means a distinct entity that operates for the primary purpose of providing diagnostic, therapeutic (such as medical, occupational, speech, physical), surgical, and other patient services for specific and general medical conditions. Hospitals include general, chronic disease, rehabilitative, psychiatric, and other special-purpose facilities. A hospital may be either independent (e.g., not a part of a provider of services or any other facility) or may be operated by another medical entity (e.g., under the common ownership, licensure, or control of another entity). A hospital is covered by this regulation regardless of whether it is licensed by a Federal, State, municipal or local government or whether it is accredited by a recognized accreditation organization. If an adverse event meets the criteria for reporting, the hospital must report that event regardless of the nature or location of the medical service provided by the hospital.

(j) *Importer* means any person who imports a device into the United States and who furthers the marketing of a device from the original place of manufacture to the person who makes final delivery or sale to the ultimate user, but who does not repackage or otherwise change the container, wrapper, or labeling of the device or device package. If you repackage or otherwise change the container, wrapper, or labeling, you are considered a manufacturer as defined in this section.

(k) *Malfunction* means the failure of a device to meet its performance specifications or otherwise perform as intended. Performance specifications include all claims made in the labeling for the device. The intended performance of a device refers to the intended use for which the device is labeled or marketed, as defined in § 801.4 of this chapter.

(l) *Manufacturer* means any person who manufactures, prepares, propagates, compounds, assembles, or processes a device by chemical, physical, biological, or other procedure. The term includes any person who either:

(1) Repackages or otherwise changes the container, wrapper, or labeling of a device in furtherance of the distribution of the device from the original place of manufacture;

(2) Initiates specifications for devices that are manufactured by a second party for subsequent distribution by the person initiating the specifications;

(3) Manufactures components or accessories that are devices that are ready to be used and are intended to be commercially distributed and intended to be used as is, or are processed by a licensed practitioner or other qualified person to meet the needs of a particular patient; or

(4) Is the U.S. agent of a foreign manufacturer.

(m) *Manufacturer or importer report number.* This number uniquely identifies each individual adverse event report submitted by a manufacturer or importer. This number consists of the following three parts:

(1) The FDA registration number for the manufacturing site of the reported device, or the registration number for the importer. If the manufacturing site or the importer does not have an establishment registration number, we will assign a temporary MDR reporting number until the site is registered in accordance with part 807 of this chapter. We will inform the manufacturer or importer of the temporary MDR reporting number;

(2) The four-digit calendar year in which the report is submitted; and

(3) The five-digit sequence number of the reports submitted during the year, starting with 00001. (For example, the complete number will appear as follows: 1234567–2011–00001.)

(n) *MDR* means medical device report.

(o) *MDR reportable event (or reportable event)* means:

(1) An event that user facilities become aware of that reasonably suggests that a device has or may have caused or contributed to a death or serious injury or

(2) An event that manufacturers or importers become aware of that reasonably suggests that one of their marketed devices:

(i) May have caused or contributed to a death or serious injury, or

(ii) Has malfunctioned and that the device or a similar device marketed by the manufacturer or importer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur.

(p) *Medical personnel* means an individual who:

(1) Is licensed, registered, or certified by a State, territory, or other governing body, to administer health care;

(2) Has received a diploma or a degree in a professional or scientific discipline;

(3) Is an employee responsible for receiving medical complaints or adverse event reports; or

(4) Is a supervisor of these persons.

(q) *Nursing home* means:

(1) An independent entity (i.e., not a part of a provider of services or any other facility) or one operated by another medical entity (e.g., under the common ownership, licensure, or control of an entity) that operates for the primary purpose of providing:

(i) Skilled nursing care and related services for persons who require medical or nursing care;

(ii) Hospice care to the terminally ill; or

(iii) Services for the rehabilitation of the injured, disabled, or sick.

(2) A nursing home is subject to this regulation regardless of whether it is licensed by a Federal, State, municipal, or local government or whether it is accredited by a recognized accreditation organization. If an adverse event meets the criteria for reporting, the nursing home must report that event regardless of the nature or location of the medical service provided by the nursing home.

(r) *Outpatient diagnostic facility* means:

(1) A distinct entity that:

(i) Operates for the primary purpose of conducting medical diagnostic tests on patients,

(ii) Does not assume ongoing responsibility for patient care, and

(iii) Provides its services for use by other medical personnel.

(2) Outpatient diagnostic facilities include outpatient facilities providing radiography, mammography, ultrasonography, electrocardiography, magnetic resonance imaging, computerized axial tomography, and in vitro testing. An outpatient diagnostic facility may be either independent (i.e., not a part of a provider of services or any other facility) or operated by another medical entity (e.g., under the common ownership, licensure, or control of an entity). An outpatient diagnostic facility is covered by this regulation regardless of whether it is licensed by a Federal, State, municipal, or local government or whether it is accredited by a recognized accreditation organization. If an adverse event meets the criteria for reporting, the outpatient diagnostic facility must report that event regardless of the nature or location of the medical service provided by the outpatient diagnostic facility.

(s) *Outpatient treatment facility* means a distinct entity that operates for the primary purpose of providing nonsurgical therapeutic (medical, occupational, or physical) care on an outpatient basis or in a home health care setting. Outpatient treatment facilities include ambulance providers, rescue services, and home health care groups. Examples of services provided by outpatient treatment facilities include the following: Cardiac defibrillation, chemotherapy, radiotherapy, pain control, dialysis, speech or physical therapy, and treatment for substance abuse. An outpatient treatment facility may be either independent (i.e., not a part of a provider of services or any other facility) or operated by another medical entity (e.g., under the common ownership, licensure, or control of an entity). An outpatient treatment facility is covered by this regulation regardless of whether it is licensed by a Federal, State, municipal, or local government or whether it is accredited by a recognized accreditation organization. If an adverse event meets the criteria for reporting, the outpatient treatment facility must report that event regardless of the nature or location of the medical service provided by the outpatient treatment facility.

(t) *Patient of the facility* means any individual who is being diagnosed or treated and/or receiving medical care at or under the control or authority of the facility. This includes employees of the facility or individuals affiliated with the facility who, in the course of their duties, suffer a device-related death or serious injury that has or may have been caused or contributed to by a device used at the facility.

(u) *Physician's office* means a facility that operates as the office of a physician or other health care professional for the primary purpose of examination, evaluation, and treatment or referral of patients. Examples of physician offices include: Dentist offices, chiropractor offices, optometrist offices, nurse practitioner offices, school nurse offices, school clinics, employee health clinics, or freestanding care units. A physician's office may be independent, a group practice, or part of a Health Maintenance Organization.

(v) *Remedial action means* any action other than routine maintenance or servicing of a device where such action is necessary to prevent recurrence of a reportable event.

(w) *Serious injury* means an injury or illness that:

(1) Is life-threatening,

(2) Results in permanent impairment of a body function or permanent damage to a body structure, or

(3) Necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure. Permanent means irreversible impairment or damage to a body structure or function, excluding trivial impairment or damage.

(x) *User facility report number* means the number that uniquely identifies each report submitted by a user facility to manufacturers and to us. This number consists of the following three parts:

(1) The user facility's 10-digit Centers for Medicare and Medicaid Services (CMS) number (if the CMS number has fewer than 10 digits, fill the remaining spaces with zeros);

(2) The four-digit calendar year in which the report is submitted; and

(3) The four-digit sequence number of the reports submitted for the year, starting with 0001. (For example, a complete user facility report number will appear as follows: 1234560000–2011–0001. If a user facility has more than one CMS number, it must select one that will be used for all of its MDR reports. If a user facility has no CMS number, it should use all zeros in the appropriate space in its initial report (e.g., 0000000000–2011–0001). We will assign a number for future use and send that number to the user facility. This number is used in our record of the initial report, in subsequent reports, and in any correspondence with the user facility. If a facility has multiple sites, the primary site may submit reports for all sites and use one reporting number for all sites if the primary site provides the name, address, and CMS number for each respective site.)

(y) *Work day* means Monday through Friday, except Federal holidays.

(z) [Reserved]

§ 803.9 What information from the reports do we disclose to the public?

(a) We may disclose to the public any report, including any FDA record of a telephone report, submitted under this part. Our disclosures are governed by part 20 of this chapter.

(b) Before we disclose a report to the public, we will delete the following:

(1) Any information that constitutes trade secret or confidential commercial or financial information under § 20.61 of this chapter;

(2) Any personal, medical, and similar information, including the serial number of implanted devices, which would constitute an invasion of personal privacy under § 20.63 of this chapter. However, if a patient requests a report, we will disclose to that patient all the information in the report concerning that patient, as provided in § 20.61 of this chapter; and

(3) Any names and other identifying information of a third party that voluntarily submitted an adverse event report.

(c) We may not disclose the identity of a device user facility that makes a report under this part except in connection with:

(1) An action brought to enforce section 301(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(q)), including the failure or refusal to furnish material or information required by section 519 of the Federal

Food, Drug, and Cosmetic Act (21 U.S.C. 360i));

(2) A communication to a manufacturer of a device that is the subject of a report required to be submitted by a user facility under § 803.30; or

(3) A disclosure to employees of the Department of Health and Human Services, to the Department of Justice, or to the duly authorized committees and subcommittees of the Congress.

§ 803.10 Generally, what are the reporting requirements that apply to me?

(a) If you are a device user facility, you must submit reports (described in subpart C of this part), as follows:

(1) Submit reports of individual adverse events no later than 10 work days after the day that you become aware of a reportable event:

(i) Submit reports of device-related deaths to us and to the manufacturer, if known, or

(ii) Submit reports of device-related serious injuries to the manufacturers or, if the manufacturer is unknown, submit reports to us.

(2) Submit annual reports (described in § 803.33) to us.

(b) If you are an importer, you must submit reports (described in subpart D of this part), as follows:

(1) Submit reports of individual adverse events no later than 30 calendar days after the day that you become aware of a reportable event:

(i) Submit reports of device-related deaths or serious injuries to us and to the manufacturer or

(ii) Submit reports of device-related malfunctions to the manufacturer.

(2) [Reserved]

(c) If you are a manufacturer, you must submit reports (described in subpart E of this part) to us, as follows:

(1) Submit reports of individual adverse events no later than 30 calendar days after the day that you become aware of a reportable death, serious injury, or malfunction.

(2) Submit reports of individual adverse events no later than 5 work days after the day that you become aware of:

(i) A reportable event that requires remedial action to prevent an unreasonable risk of substantial harm to the public health or

(ii) A reportable event for which we made a written request.

(3) Submit supplemental reports if you obtain information that you did not submit in an initial report.

§ 803.11 What form should I use to submit reports of individual adverse events and where do I obtain these forms?

(a) If you are a manufacturer or importer, you must submit reports of individual adverse events to FDA in an electronic format in accordance with § 803.12(a) and § 803.20, unless granted an exemption under § 803.19.

(b) Importer reports submitted to device manufacturers may be in paper format or an electronic format that includes all required data fields to ensure that the manufacturer has all required information.

(c) If you are a user facility, you must submit reports of individual adverse events in accordance with § 803.12(b) and § 803.20.

(d) Form FDA 3500A is available on the Internet at *http://www.fda.gov/medwatch/getforms.htm* or from Division of Small Manufacturers, International and Consumer Assistance, Office of Communication and Education, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 4621, Silver Spring, MD 20993–0002, by email: DSMICA@fda.hhs.gov, FAX: 301–847–8149, or telephone: 800–638–2041.

§ 803.12 How do I submit initial and supplemental or followup reports?

(a) Manufacturers and importers must submit initial and supplemental or followup reports to FDA in an electronic format that FDA can process, review, and archive.

(b) User facilities that submit their reports and additional information to FDA electronically must use an electronic format that FDA can process, review, and archive. User facilities that submit their reports to FDA on paper must submit any written report or additional information required under this part to FDA, CDRH, Medical Device Reporting, P.O. Box 3002, Rockville, MD 20847–3002, using Form FDA 3500A. Each report must be identified (e.g., ''User Facility Report'' or ''Annual Report'').

(c) If you are confronted with a public health emergency, this can be brought to FDA's attention by contacting FDA's Office of Crisis Management, Emergency Operations Center by telephone, 24-hours a day, at 301–796–8240 or toll free at 866–300–4374, followed by the submission of an email to: *emergency.operations@fda.hhs.gov*.

Note: This action does not satisfy your obligation to report under part 803.

(d) You may submit a voluntary telephone report to the MedWatch office at 800–FDA–1088. You may also obtain information regarding voluntary reporting from the MedWatch office at 800–FDA–1088. You may also find the voluntary Form FDA 3500 and instructions to complete it at: *http://www.fda.gov/Safety/MedWatch/HowToReport/DownloadForms/default.htm.*

§ 803.13 Do I need to submit reports in English?

Yes. You must submit all reports required by this part in English.

§ 803.15 How will I know if you require more information about my medical device report?

(a) We will notify you in writing if we require additional information and will tell you what information we need. We will require additional information if we determine that protection of the public health requires additional or clarifying information for medical device reports submitted to us and in cases when the additional information is beyond the scope of FDA reporting forms or is not readily accessible to us.

(b) In any request under this section, we will state the reason or purpose for the information request, specify the due date for submitting the information, and clearly identify the reported event(s) related to our request. If we verbally request additional information, we will confirm the request in writing.

§ 803.16 When I submit a report, does the information in my report constitute an admission that the device caused or contributed to the reportable event?

No. A report or other information submitted by you, and our release of that report or information, is not necessarily an admission that the device, or you or your employees, caused or contributed to the reportable event. You do not have to admit and may deny that the report or information submitted under this part constitutes an admission that the device, you, or your employees, caused or contributed to a reportable event.

§ 803.17 What are the requirements for developing, maintaining, and implementing written MDR procedures that apply to me?

If you are a user facility, importer, or manufacturer, you must develop, maintain, and implement written MDR procedures for the following:

(a) Internal systems that provide for:

(1) Timely and effective identification, communication, and evaluation of events that may be subject to MDR requirements;

(2) A standardized review process or procedure for determining when an event meets the criteria for reporting under this part; and

(3) Timely transmission of complete medical device reports to manufacturers or to us, or to both if required.

(b) Documentation and recordkeeping requirements for:

(1) Information that was evaluated to determine if an event was reportable;

(2) All medical device reports and information submitted to manufacturers and/or us;

(3) Any information that was evaluated for the purpose of preparing the submission of annual reports; and

(4) Systems that ensure access to information that facilitates timely followup and inspection by us.

§ 803.18 What are the requirements for establishing and maintaining MDR files or records that apply to me?

(a) If you are a user facility, importer, or manufacturer, you must establish and maintain MDR event files. You must clearly identify all MDR event files and maintain them to facilitate timely access.

(b)(1) For purposes of this part, ''MDR event files'' are written or electronic files maintained by user facilities, importers, and manufacturers. MDR event files may incorporate references to other information (e.g., medical records, patient files, engineering reports), in lieu of copying and maintaining duplicates in this file. Your MDR event files must contain:

(i) Information in your possession or references to information related to the adverse event, including all documentation of your deliberations and decision making processes used to determine if a device-related death, serious injury, or malfunction was or was not reportable under this part;

(ii) Copies of all reports submitted under this part (whether paper or electronic), and of all other information related to the event that you submitted to us or other entities such as an importer, distributor, or manufacturer; and

(iii) Copies of all electronic acknowledgments FDA sends you in response to electronic MDR submissions.

(2) If you are a user facility, importer, or manufacturer, you must permit any authorized FDA employee, at all reasonable times, to access, to copy, and to verify the records required by this part.

(c) If you are a user facility, you must retain an MDR event file relating to an adverse event for a period of 2 years from the date of the event. If you are a manufacturer or importer, you must retain an MDR event file relating to an adverse event for a period of 2 years from the date of the event or a period of time equivalent to the expected life of the device, whichever is greater. If the device is no longer distributed, you still must maintain MDR event files for the time periods described in this paragraph (c).

(d)(1) If you are a device distributor, you must establish and maintain device complaint records (files). Your records must contain any incident information, including any written, electronic, or oral communication, either received or generated by you, that alleges deficiencies related to the identity (e.g., labeling), quality, durability, reliability, safety, effectiveness, or performance of a device. You must also maintain information about your evaluation of the allegations, if any, in the incident record. You must clearly identify the records as device incident records and file these records by device name. You may maintain these records in written or electronic format. You must back up any file maintained in electronic format.

(2) You must retain copies of the required device incident records for a period of 2 years from the date of inclusion of the record in the file or for a period of time equivalent to the expected life of the device, whichever is greater. You must maintain copies of these records for this period even if you no longer distribute the device.

(3) You must maintain the device complaint files established under this section at your principal business establishment. If you are also a manufacturer, you may maintain the file at the same location as you maintain your complaint file under part 820 of this chapter. You must permit any authorized FDA employee, at all reasonable times, to access, to copy, and to verify the records required by this part.

(e) If you are a manufacturer, you may maintain MDR event files as part of your complaint file, under part 820 of this chapter, if you prominently identify these records as MDR reportable events. We will not consider your submitted MDR report to comply with this part unless you evaluate an event in accordance with the quality system requirements described in part 820 of this chapter. You must document and maintain in your MDR event files an explanation of why you did not submit or could not obtain any information required by this part, as well as the results of your evaluation of each event.

§ 803.19 Are there exemptions, variances, or alternative forms of adverse event reporting requirements?

(a) We exempt the following persons from the adverse event reporting requirements in this part:

(1) A licensed practitioner who prescribes or administers devices intended for use in humans and manufactures or imports devices solely for use in diagnosing and treating persons with whom the practitioner has a ''physician-patient'' relationship;

(2) An individual who manufactures devices intended for use in humans solely for this person's use in research or teaching and not for sale. This includes any person who is subject to alternative reporting requirements under the investigational device exemption regulations (described in part 812 of this chapter), which require reporting of all adverse device effects; and

(3) Dental laboratories or optical laboratories.

(b) If you are a manufacturer, importer, or user facility, you may request an exemption or variance from any or all of the reporting requirements in this part, including the requirements of § 803.12. You must submit the request to us in writing at the following address: MDR Exemption Requests, Office of Surveillance and Biometrics, 10903 New Hampshire Ave., Bldg. 66, Rm. 3217, Silver Spring, MD 20993–0002. Your request must include information necessary to identify you and the device; a complete statement of the request for exemption, variance, or alternative reporting; and an explanation why your request is justified. If you are requesting an exemption from the requirement to submit reports to FDA in electronic format under § 803.12(a), your request should indicate for how long you will require this exemption.

(c) If you are a manufacturer, importer, or user facility, we may grant in writing an exemption or variance from, or alternative to, any or all of the reporting requirements in this part, and may change the frequency of reporting to quarterly, semiannually, annually or other appropriate time period. We may grant these modifications in response to your request, as described in paragraph (b) of this section, or at our discretion. When we grant modifications to the reporting requirements, we may impose other reporting requirements to ensure the protection of public health.

(d) We may revoke or modify in writing an exemption, variance, or alternative reporting requirement if we determine that revocation or modification is necessary to protect the public health.

(e) If we grant your request for a reporting modification, you must submit any reports or information required in our approval of the modification. The conditions of the approval will replace and supersede the regular reporting requirement specified in this part until such time that we revoke or modify the alternative reporting requirements in accordance with paragraph (d) of this

section or until the date specified in our response granting your variance, at which time the provisions of this part will again apply.

Subpart B—Generally Applicable Requirements for Individual Adverse Event Reports

§ 803.20 How do I complete and submit an individual adverse event report?

(a) *What form must I complete and submit*?

(1) If you are a health professional or consumer or other entity, you may submit voluntary reports to FDA regarding devices or other FDA-regulated products using the Form FDA 3500.

(2) To submit a mandatory report in written form, a user facility must use Form FDA 3500A.

(3) An electronic submission of a mandatory report from a user facility, importer, or manufacturer must contain the information from the applicable blocks of Form FDA 3500A. All electronic submissions must include information about the patient, the event, the device, and the ''initial reporter.'' An electronic submission from a user facility or importer must include the information from block F. An electronic submission from a manufacturer must include the information from blocks G and H. If you are a manufacturer and you receive a report from a user facility or importer, you must incorporate that information in your electronic submission and include any corrected or missing information.

(b) *To whom must I submit reports and when*?

(1) If you are a user facility, you must submit MDR reports to:

(i) The manufacturer and to us no later than 10 work days after the day that you become aware of information that reasonably suggests that a device has or may have caused or contributed to a death or

(ii) The manufacturer no later than 10 work days after the day that you become aware of information that reasonably suggests that a device has or may have caused or contributed to a serious injury. If the manufacturer is not known, you must submit this report to us.

(2) If you are an importer, you must submit MDR reports to:

(i) The manufacturer and to us, no later than 30 calendar days after the day that you become aware of information that reasonably suggests that a device has or may have caused or contributed to a death or serious injury or

(ii) The manufacturer, no later than 30 calendar days after receiving information that a device you market has malfunctioned and that this device or a similar device that you market would be likely to cause or contribute to a death or serious injury if the malfunction were to recur.

(3) If you are a manufacturer, you must submit MDR reports to us:

(i) No later than 30 calendar days after the day that you become aware of information that reasonably suggests that a device may have caused or contributed to a death or serious injury or

(ii) No later than 30 calendar days after the day that you become aware of information that reasonably suggests a device has malfunctioned and that this device or a similar device that you market would be likely to cause or contribute to a death or serious injury if the malfunction were to recur; or

(iii) Within 5 work days if required by § 803.53.

(c) *What kind of information reasonably suggests that a reportable event has occurred?*

(1) Any information, including professional, scientific, or medical facts, observations, or opinions, may reasonably suggest that a device has caused or may have caused or contributed to an MDR reportable event. An MDR reportable event is a death, a serious injury, or, if you are a manufacturer or importer, a malfunction that would be likely to cause or contribute to a death or serious injury if the malfunction were to recur.

(2) If you are a user facility, importer, or manufacturer, you do not have to report an adverse event if you have information that would lead a person who is qualified to make a medical judgment reasonably to conclude that a device did not cause or contribute to a death or serious injury, or that a malfunction would not be likely to cause or contribute to a death or serious injury if it were to recur. Persons qualified to make a medical judgment include physicians, nurses, risk managers, and biomedical engineers. You must keep in your MDR event files (described in § 803.18) the information that the qualified person used to determine whether or not a device-related event was reportable.

§ 803.21 Where can I find the reporting codes for adverse events that I use with medical device reports?

(a) The MedWatch Medical Device Reporting Code Instruction Manual contains adverse event codes for use with Form FDA 3500A. You may obtain the coding manual from FDA's Web site at: *http://www.fda.gov/MedicalDevices/Safety/ReportaProblem/FormsandInstructions/default.htm;* and from the Division of Small Manufacturers, International and Consumer Assistance, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 4621, Silver Spring, MD 20993–0002, FAX: 301–847–8149, or email to *DSMICA@fda.hhs.gov*.

(b) We may sometimes use additional coding of information on the reporting forms or modify the existing codes. If we do make modifications, we will ensure that we make the new coding information available to all reporters.

§ 803.22 What are the circumstances in which I am not required to file a report?

(a) If you become aware of information from multiple sources regarding the same patient and same reportable event, you may submit one medical device report.

(b) You are not required to submit a medical device report if:

(1) You are a user facility, importer, or manufacturer, and you determine that the information received is erroneous in that a device-related adverse event did not occur. You must retain documentation of these reports in your MDR files for the time periods specified in § 803.18.

(2) You are a manufacturer or importer and you did not manufacture or import the device about which you have adverse event information. When you receive reportable event information in error, you must forward this information to us with a cover letter explaining that you did not manufacture or import the device in question.

§ 803.23 Where can I find information on how to prepare and submit an MDR in electronic format?

(a) You may obtain information on how to prepare and submit reports in an electronic format that FDA can process, review, and archive at: *http://www.fda.gov/ForIndustry/FDAeSubmitter/ucm107903.htm*.

(b) We may sometimes update information on how to prepare and submit reports electronically. If we do make modifications, we will ensure that we alert reporters by updating the eMDR Web page.

Subpart C—User Facility Reporting Requirements

§ 803.30 If I am a user facility, what reporting requirements apply to me?

(a) You must submit reports to the manufacturer or to us, or both, as specified in paragraphs (a)(1) and (a)(2) of this section as follows:

(1) *Reports of death.* You must submit a report to us as soon as practicable but

no more than 10 work days after the day that you become aware of information, from any source, that reasonably suggests that a device has or may have caused or contributed to the death of a patient of your facility. You must also submit the report to the device manufacturer, if known. You must submit the information required by § 803.32. Reports sent to the Agency must be submitted in accordance with the requirements of § 803.12(b).

(2) *Reports of serious injury.* You must submit a report to the manufacturer of the device no later than 10 work days after the day that you become aware of information, from any source, that reasonably suggests that a device has or may have caused or contributed to a serious injury to a patient of your facility. If the manufacturer is not known, you must submit the report to us. You must report information required by § 803.32. Reports sent to the Agency must be submitted in accordance with the requirements of § 803.12 (b).

(b) *What information does FDA consider ''reasonably known'' to me?* You must submit all information required in this subpart C that is reasonably known to you. This information includes information found in documents that you possess and any information that becomes available as a result of reasonable followup within your facility. You are not required to evaluate or investigate the event by obtaining or evaluating information that you do not reasonably know.

§ 803.32 If I am a user facility, what information must I submit in my individual adverse event reports?

You must include the following information in your report, if reasonably known to you, as described in § 803.30(b). These types of information correspond generally to the elements of Form FDA 3500A:

(a) Patient information (Form FDA 3500A, Block A). You must submit the following:

(1) Patient name or other identifier;

(2) Patient age at the time of event, or date of birth;

(3) Patient gender; and

(4) Patient weight.

(b) Adverse event or product problem (Form FDA 3500A, Block B). You must submit the following:

(1) Identification of adverse event or product problem;

(2) Outcomes attributed to the adverse event (e.g., death or serious injury). An outcome is considered a serious injury if it is:

(i) A life-threatening injury or illness;

(ii) A disability resulting in permanent impairment of a body function or permanent damage to a body structure; or

(iii) An injury or illness that requires intervention to prevent permanent impairment of a body structure or function;

(3) Date of event;

(4) Date of this report;

(5) Description of event or problem, including a discussion of how the device was involved, nature of the problem, patient followup or required treatment, and any environmental conditions that may have influenced the event;

(6) Description of relevant tests, including dates and laboratory data; and

(7) Description of other relevant history, including preexisting medical conditions.

(c) Device information (Form FDA 3500A, Block D). You must submit the following:

(1) Brand name;

(2) Product Code, if known, and Common Device Name;

(3) Manufacturer name, city, and state;

(4) Model number, catalog number, serial number, lot number, or other identifying number, and expiration date;

(5) Operator of the device (health professional, lay user/patient, other);

(6) Date of device implantation (month, day, year), if applicable;

(7) Date of device explantation (month, day, year), if applicable;

(8) Whether the device is a single-use device that was reprocessed and reused on a patient (Yes, No)?

(9) If the device is a single-use device that was reprocessed and reused on a patient (yes to paragraph (c)(8) of this section), the name and address of the reprocessor;

(10) Whether the device was available for evaluation and whether the device was returned to the manufacturer; if so, the date it was returned to the manufacturer; and

(11) Concomitant medical products and therapy dates. (Do not report products that were used to treat the event.)

(d) Initial reporter information (Form FDA 3500A, Block E). You must submit the following:

(1) Name, address, and telephone number of the reporter who initially provided information to you, or to the manufacturer or distributor;

(2) Whether the initial reporter is a health professional;

(3) Occupation; and

(4) Whether the initial reporter also sent a copy of the report to us, if known.

(e) User facility information (Form FDA 3500A, Block F). You must submit the following:

(1) An indication that this is a user facility report (by marking the user facility box on the form);

(2) Your user facility number;

(3) Your address;

(4) Your contact person;

(5) Your contact person's telephone number;

(6) Date that you became aware of the event (month, day, year);

(7) Type of report (initial or followup); if it is a followup, you must include the report number of the initial report;

(8) Date of your report (month, day, year);

(9) Approximate age of device;

(10) Event problem codes—patient code and device code (refer to the ''MedWatch Medical Device Reporting Code Instructions'');

(11) Whether a report was sent to us and the date it was sent (month, day, year);

(12) Location where the event occurred;

(13) Whether the report was sent to the manufacturer and the date it was sent (month, day, year); and

(14) Manufacturer name and address, if available.

§ 803.33 If I am a user facility, what must I include when I submit an annual report?

(a) You must submit to us an annual report on Form FDA 3419. You must submit an annual report by January 1, of each year. You may obtain this form from the following sources:

(1) On the Internet at: *http://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM080796.pdf* or

(2) Division of Small Manufacturers, International and Consumer Assistance, Office of Communication and Education, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 4621, Silver Spring, MD 20993–0002, by email: *DSMICA@fda.hhs.gov,* FAX: 301–847–8149, or telephone: 800–638–2041.

(b) You must clearly identify your annual report as such. You must submit your annual report to FDA, CDRH, Medical Device Reporting, P.O. Box 3002, Rockville, MD 20847–3002. Your annual report must include:

(1) Your CMS provider number used for medical device reports, or the number assigned by us for reporting purposes in accordance with § 803.3;

(2) Reporting year;

(3) Your name and complete address;

(4) Total number of reports attached or summarized;

(5) Date of the annual report and report numbers identifying the range of medical device reports that you

submitted during the report period (e.g., 1234567890–2011–0001 through 1000);

(6) Name, position title, and complete address of the individual designated as your contact person responsible for reporting to us and whether that person is a new contact for you; and

(7) Information for each reportable event that occurred during the annual reporting period including:

(i) Report number;

(ii) Name and address of the device manufacturer;

(iii) Device brand name and common name;

(iv) Product model, catalog, serial and lot number;

(v) A brief description of the event reported to the manufacturer and/or us; and

(vi) Where the report was submitted, i.e., to the manufacturer, importer, or us.

(c) In lieu of submitting the information in paragraph (b)(7) of this section, you may submit a copy of each medical device report that you submitted to the manufacturers and/or to us during the reporting period.

(d) If you did not submit any medical device reports to manufacturers or us during the time period, you do not need to submit an annual report.

Subpart D—Importer Reporting Requirements

§ 803.40 If I am an importer, what reporting requirements apply to me?

(a) *Reports of deaths or serious injuries.* You must submit a report to us, and a copy of this report to the manufacturer, as soon as practicable, but no later than 30 calendar days after the day that you receive or otherwise become aware of information from any source, including user facilities, individuals, or medical or scientific literature, whether published or unpublished, that reasonably suggests that one of your marketed devices may have caused or contributed to a death or serious injury. You must submit the information required by § 803.42. Reports sent to the Agency must be submitted in accordance with the requirements of § 803.12(a).

(b) *Reports of malfunctions.* You must submit a report to the manufacturer as soon as practicable but no later than 30 calendar days after the day that you receive or otherwise become aware of information from any source, including user facilities, individuals, or through your own research, testing, evaluation, servicing, or maintenance of one of your devices, that reasonably suggests that one of your devices has malfunctioned and that this device or a similar device that you market would be likely to cause or contribute to a death or serious injury if the malfunction were to recur. You must submit the information required by § 803.42. Reports to manufacturers may be made in accordance with § 803.11(b).

§ 803.42 If I am an importer, what information must I submit in my individual adverse event reports?

You must include the following information in your report, if the information is known or should be known to you, as described in § 803.40. These types of information correspond generally to the format of Form FDA 3500A:

(a) Patient information (Form FDA 3500A, Block A). You must submit the following:

(1) Patient name or other identifier;

(2) Patient age at the time of event, or date of birth;

(3) Patient gender; and

(4) Patient weight.

(b) Adverse event or product problem (Form FDA 3500A, Block B). You must submit the following:

(1) Identification of adverse event or product problem;

(2) Outcomes attributed to the adverse event (e.g., death or serious injury). An outcome is considered a serious injury if it is:

(i) A life-threatening injury or illness;

(ii) A disability resulting in permanent impairment of a body function or permanent damage to a body structure; or

(iii) An injury or illness that requires intervention to prevent permanent impairment of a body structure or function;

(3) Date of event;

(4) Date of this report;

(5) Description of the event or problem, including a discussion of how the device was involved, nature of the problem, patient followup or required treatment, and any environmental conditions that may have influenced the event;

(6) Description of relevant tests, including dates and laboratory data; and

(7) Description of other relevant patient history, including preexisting medical conditions.

(c) Device information (Form FDA 3500A, Block D). You must submit the following:

(1) Brand name;

(2) Product Code, if known, and Common Device Name;

(3) Manufacturer name, city, and state;

(4) Model number, catalog number, serial number, lot number, or other identifying number, and expiration date;

(5) Operator of the device (health professional, lay user/patient, other);

(6) Date of device implantation (month, day, year), if applicable;

(7) Date of device explanation (month, day, year), if applicable;

(8) Whether the device is a single-use device that was reprocessed and reused on a patient (Yes, No)?

(9) If the device is a single-use device that was reprocessed and reused on a patient (yes to paragraph (c)(8) of this section), the name and address of the reprocessor;

(10) Whether the device was available for evaluation, and whether the device was returned to the manufacturer, and if so, the date it was returned to the manufacturer; and

(11) Concomitant medical products and therapy dates. (Do not report products that were used to treat the event.)

(d) Initial reporter information (Form FDA 3500A, Block E). You must submit the following:

(1) Name, address, and telephone number of the reporter who initially provided information to the manufacturer, user facility, or distributor;

(2) Whether the initial reporter is a health professional;

(3) Occupation; and

(4) Whether the initial reporter also sent a copy of the report to us, if known.

(e) Importer information (Form FDA 3500A, Block F). You must submit the following:

(1) An indication that this is an importer report (by marking the importer box on the form);

(2) Your importer report number;

(3) Your address;

(4) Your contact person;

(5) Your contact person's telephone number;

(6) Date that you became aware of the event (month, day, year);

(7) Type of report (initial or followup). If it is a followup report, you must include the report number of your initial report;

(8) Date of your report (month, day, year);

(9) Approximate age of device;

(10) Event problem codes—patient code and device code (refer to FDA MedWatch Medical Device Reporting Code Instructions);

(11) Whether a report was sent to us and the date it was sent (month, day, year);

(12) Location where event occurred;

(13) Whether a report was sent to the manufacturer and the date it was sent (month, day, year); and

(14) Manufacturer name and address, if available.

Subpart E—Manufacturer Reporting Requirements

§ 803.50 If I am a manufacturer, what reporting requirements apply to me?

(a) If you are a manufacturer, you must report to us the information required by § 803.52 in accordance with the requirements of § 803.12(a), no later than 30 calendar days after the day that you receive or otherwise become aware of information, from any source, that reasonably suggests that a device that you market:

(1) May have caused or contributed to a death or serious injury or

(2) Has malfunctioned and this device or a similar device that you market would be likely to cause or contribute to a death or serious injury, if the malfunction were to recur.

(b) What information does FDA consider ''reasonably known'' to me?

(1) You must submit all information required in this subpart E that is reasonably known to you. We consider the following information to be reasonably known to you:

(i) Any information that you can obtain by contacting a user facility, importer, or other initial reporter;

(ii) Any information in your possession; or

(iii) Any information that you can obtain by analysis, testing, or other evaluation of the device.

(2) You are responsible for obtaining and submitting to us information that is incomplete or missing from reports submitted by user facilities, importers, and other initial reporters.

(3) You are also responsible for conducting an investigation of each event and evaluating the cause of the event. If you cannot submit complete information on a report, you must provide a statement explaining why this information was incomplete and the steps you took to obtain the information. If you later obtain any required information that was not available at the time you filed your initial report, you must submit this information in a supplemental report under § 803.56 in accordance with the requirements of § 803.12(a).

§ 803.52 If I am a manufacturer, what information must I submit in my individual adverse event reports?

You must include the following information in your reports, if known or reasonably known to you, as described in § 803.50(b). These types of information correspond generally to the format of Form FDA 3500A:

(a) Patient information (Form FDA 3500A, Block A). You must submit the following:

(1) Patient name or other identifier;

(2) Patient age at the time of event, or date of birth;

(3) Patient gender; and

(4) Patient weight.

(b) Adverse event or product problem (Form FDA 3500A, Block B). You must submit the following:

(1) Identification of adverse event or product problem;

(2) Outcomes attributed to the adverse event (e.g., death or serious injury). An outcome is considered a serious injury if it is:

(i) A life-threatening injury or illness;

(ii) A disability resulting in permanent impairment of a body function or permanent damage to a body structure; or

(iii) An injury or illness that requires intervention to prevent permanent impairment of a body structure or function;

(3) Date of event;

(4) Date of this report;

(5) Description of the event or problem, including a discussion of how the device was involved, nature of the problem, patient followup or required treatment, and any environmental conditions that may have influenced the event;

(6) Description of relevant tests, including dates and laboratory data; and

(7) Other relevant patient history including preexisting medical conditions.

(c) Device information (Form FDA 3500A, Block D). You must submit the following:

(1) Brand name;

(2) Product Code, if known, and Common Device Name;

(3) Manufacturer name, city, and state;

(4) Model number, catalog number, serial number, lot number, or other identifying number, and expiration date;

(5) Operator of the device (health professional, lay user/patient, other);

(6) Date of device implantation (month, day, year), if applicable;

(7) Date of device explantation (month, day, year), if applicable;

(8) Whether the device is a single-use device that was reprocessed and reused on a patient (Yes, No)?

(9) If the device is a single-use device that was reprocessed and reused on a patient (yes to paragraph (c)(8) of this section), the name and address of the reprocessor;

(10) Whether the device was available for evaluation, and whether the device was returned to the manufacturer, and if so, the date it was returned to the manufacturer; and

(11) Concomitant medical products and therapy dates. (Do not report products that were used to treat the event.)

(d) Initial reporter information (Form FDA 3500A, Block E). You must submit the following:

(1) Name, address, and telephone number of the reporter who initially provided information to you, or to the user facility or importer;

(2) Whether the initial reporter is a health professional;

(3) Occupation; and

(4) Whether the initial reporter also sent a copy of the report to us, if known.

(e) Reporting information for all manufacturers (Form FDA 3500A, Block G). You must submit the following:

(1) Your reporting office's contact name and address and device manufacturing site;

(2) Your contact person's telephone number;

(3) Your report sources;

(4) Date received by you (month, day, year);

(5) PMA/510k Number and whether or not the product is a combination product;

(6) Type of report being submitted (e.g., 5-day, initial, followup); and

(7) Your report number.

(f) Device manufacturer information (Form FDA 3500A, Block H). You must submit the following:

(1) Type of reportable event (death, serious injury, malfunction, etc.);

(2) Type of followup report, if applicable (e.g., correction, response to FDA request, etc);

(3) If the device was returned to you and evaluated by you, you must include a summary of the evaluation. If you did not perform an evaluation, you must explain why you did not perform an evaluation;

(4) Device manufacture date (month, day, year);

(5) Whether the device was labeled for single use;

(6) Evaluation codes (including event codes, method of evaluation, result, and conclusion codes) (refer to FDA MedWatch Medical Device Reporting Code Instructions);

(7) Whether remedial action was taken and the type of action;

(8) Whether the use of the device was initial, reuse, or unknown;

(9) Whether remedial action was reported as a removal or correction under section 519(f) of the Federal Food, Drug, and Cosmetic Act, and if it was, provide the correction/removal report number; and

(10) Your additional narrative; and/or

(11) Corrected data, including:

(i) Any information missing on the user facility report or importer report, including any event codes that were not

reported, or information corrected on these forms after your verification;

(ii) For each event code provided by the user facility under § 803.32(e)(10) or the importer under § 803.42(e)(10), you must include a statement of whether the type of the event represented by the code is addressed in the device labeling; and

(iii) If your report omits any required information, you must explain why this information was not provided and the steps taken to obtain this information.

§ 803.53 If I am a manufacturer, in which circumstances must I submit a 5-day report?

You must submit a 5-day report to us with the information required by § 803.52 in accordance with the requirements of § 803.12(a) no later than 5 work days after the day that you become aware that:

(a) An MDR reportable event necessitates remedial action to prevent an unreasonable risk of substantial harm to the public health. You may become aware of the need for remedial action from any information, including any trend analysis or

(b) We have made a written request for the submission of a 5-day report. If you receive such a written request from us, you must submit, without further requests, a 5-day report for all subsequent events of the same nature that involve substantially similar devices for the time period specified in the written request. We may extend the time period stated in the original written request if we determine it is in the interest of the public health.

§ 803.56 If I am a manufacturer, in what circumstances must I submit a supplemental or followup report and what are the requirements for such reports?

If you are a manufacturer, when you obtain information required under this part that you did not provide because it was not known or was not available when you submitted the initial report, you must submit the supplemental information to us within 30 calendar days of the day that you receive this information. You must submit the supplemental or followup report in accordance with the requirements of § 803.12(a). On a supplemental or followup report, you must:

(a) Indicate that the report being submitted is a supplemental or followup report;

(b) Submit the appropriate identification numbers of the report that you are updating with the supplemental information (e.g., your original manufacturer report number and the user facility or importer report number of any report on which your report was based), if applicable; and

(c) Include only the new, changed, or corrected information.

§ 803.58 Foreign manufacturers.

(a) Every foreign manufacturer whose devices are distributed in the United States shall designate a U.S. agent to be responsible for reporting in accordance with § 807.40 of this chapter. The U.S. designated agent accepts responsibility for the duties that such designation entails. Upon the effective date of this regulation, foreign manufacturers shall inform FDA, by letter, of the name and address of the U.S. agent designated under this section and § 807.40 of this chapter, and shall update this information as necessary. Such updated information shall be submitted to FDA, within 5 days of a change in the designated agent information.

(b) U.S.-designated agents of foreign manufacturers are required to:

(1) Report to FDA in accordance with §§ 803.50, 803.52, 803.53, and 803.56;

(2) Conduct, or obtain from the foreign manufacturer the necessary information regarding, the investigation and evaluation of the event to comport with the requirements of § 803.50;

(3) Forward MDR complaints to the foreign manufacturer and maintain documentation of this requirement;

(4) Maintain complaint files in accordance with § 803.18; and

(5) Register, list, and submit premarket notifications in accordance with part 807 of this chapter.

§ 803.58 [Amended]

3. Section 803.58 is stayed indefinitely.

Dated: February 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03279 Filed 2–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket No. OSHA 2012–0029]

RIN 1218–AC89

Hawaii State Plan for Occupational Safety and Health; Operational Status Agreement Revisions

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This document announces revisions to the Operational Status Agreement between the Occupational Safety and Health Administration (OSHA) and the Hawaii State Plan, which specifies the respective areas of federal and state authority, and under which Hawaii will reassume additional coverage.

DATES: Effective February 14, 2014.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Francis Meilinger, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For general and technical information: Douglas J. Kalinowski, Director, OSHA Directorate of Cooperative and State Programs, Room N–3700, U.S. Department of Labor, 200 Constitution Avenue NW., Washington DC 20210; telephone: (202) 693–2200; email: *kalinowski.doug@dol.gov.*

SUPPLEMENTARY INFORMATION:

Background

Hawaii administers an OSHA-approved state plan to develop and enforce occupational safety and health standards for public and private sector employers, pursuant to the provisions of Section 18 of the Occupational Safety and Health Act (the Act). Pursuant to Section 18(e) of the Act, OSHA granted Hawaii ''final approval'' effective April 30, 1984 (49 FR 19182). A final approval determination results in the relinquishment of federal concurrent enforcement authority in the state with respect to occupational safety and health issues covered by the plan. 29 U.S.C. 667(e).

From 2009–2012, the Hawaii State Plan faced major budgetary and staffing restraints that significantly affected its program. Therefore, the Hawaii Director of Labor and Industrial Relations requested a temporary modification of the state plan's approval status from final approval to initial approval, to permit exercise of supplemental federal enforcement activity and to allow Hawaii sufficient time and assistance to strengthen its state plan. On June 22, 2012, a Notice of Proposed Rulemaking was published and on September 21, 2012, OSHA published a Final Rule in the **Federal Register** (77 FR 58488) that modified the Hawaii State Plan's ''final approval'' determination under Section 18(e) of the Act, transitioned the Plan to ''initial approval'' status under Section 18(b) of the Act, and reinstated concurrent federal enforcement authority over occupational safety and health issues in the private sector. That

Federal Register notice also provided notice of the Operational Status Agreement (OSA) between OSHA and the Hawaii Occupational Safety and Health Division (HIOSH), which specified the respective areas of federal and state authority.

After the first year of the planned three-year developmental period, Hawaii's Department of Labor and Industrial Relations has taken the initial steps in rebuilding the capacity of HIOSH. Hawaii is committed to redeveloping its State Plan, and has increased its staff recruitment to reach its staffing benchmark, and has increased its inspection activity by 148% over the prior fiscal year. HIOSH and OSHA have worked together to strengthen the State Plan. A meeting between federal and state representatives on September 11–13, 2013 discussed the successes and challenges of the first year under the OSA and worked to clarify the next steps needed to be taken as the state agency further develops. OSHA and HIOSH agreed to amend the OSA to return greater responsibility to HIOSH for Fiscal Year 2014. Accordingly, this final rule amends OSHA regulations to reflect this change in the OSA between the parties by removing the reference to the specific 2012 OSA.

Notice of Revisions to the Operational Status Agreement

Federal OSHA and HIOSH will exercise their respective enforcement authority according to the terms of the 2012 OSA between OSHA and HIOSH, which specifies the respective areas of federal and state authority, with revisions agreed to in September 2013. Under the 2012 OSA, Federal OSHA retained coverage over all Federal employees and sites, private sector maritime activities, private sector employees within the secured borders of all military installations where access is controlled, and United States Postal Service including contract workers and contractor operated facilities, and assumed coverage over agriculture and most of general industry including facilities that include processes covered by the Process Safety Management standard (29 CFR 1910.119) as well as provisions of general industry and construction standards (29 CFR 1910 and 1926) appropriate to hazards found in that employment. Hawaii retained coverage over the construction industry, transportation and warehousing, and state and local government as an employer. All terms of the 2012 OSA remain in effect, except that Hawaii will resume responsibility over Manufacturing (NAICS 31 through 33) except Refineries (NAICS 324) and any other private sector facilities that include processes covered by the Process Safety Management standard (29 CFR 1910.119). Federal OSHA will also enforce provisions of the Act and of the general industry and construction standards appropriate to hazards found in facilities with processes that are covered by the Process Safety Management standard. Further, the revised OSA provides a mechanism for the most-available agency to respond to life-threatening situations on neighbor islands.

Regulatory Flexibility Analysis and Unfunded Mandates

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. (as amended), OSHA examined the regulatory requirements of the final rule to determine whether it would have a significant economic impact on a substantial number of small entities. Since no employer of any size will have any new compliance obligations, the Agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. OSHA also reviewed this final rule in accordance with the Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 et seq.) and Executive Order 12875 (56 FR 58093). Because this rule imposes no new compliance obligations, it requires no additional expenditures by either private employers or State, local, and tribal governments.

Federalism

Executive Order 13132, ''Federalism,'' (64 FR 43255, August 10, 1999) emphasizes consultation between Federal agencies and the States and establishes specific review procedures the Federal government must follow as it carries out policies which affect State or local governments. OSHA has consulted extensively with Hawaii about this modification of the Operational Status Agreement. Although OSHA has determined that the requirements and consultation procedures provided in Executive Order 13132 are not applicable to approval decisions under the Act, which have no effect outside the particular State, OSHA has reviewed this final rule, and believes it is consistent with the principles and criteria set forth in the Executive Order.

Administrative Procedures

This **Federal Register** document is designated a ''final rule.'' That designation is necessary because OSHA publishes a general description of every state plan in 29 CFR part 1952. Because they are set forth in the Code of Federal Regulation, these descriptions can be updated only by publishing a ''final rule'' document in the final rules section of the **Federal Register.** Such rules do not contain any new federal regulatory requirements, but merely provide public information about the state plan.

OSHA finds that good cause exists for making this rule effective immediately upon publication in the **Federal Register.** Today's action is solely a change in Federal OSHA's procedures. It does not impose any new compliance obligations on affected employers, since Hawaii's safety and health standards and regulations are virtually all identical to OSHA's regulations. There are a very few instances in which Hawaii has more stringent requirements; however these state standards remain in effect and OSHA will make referrals to the state when needed. Therefore, employers' compliance obligations are not legally affected by the amendment to the OSA announced in this notice. For these reasons, public notice and comment are unnecessary, and good cause exists for making this final rule effective upon publication in the **Federal Register.** Accordingly, OSHA finds that public participation is unnecessary, and this rule is effective upon publication in the **Federal Register.**

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 1–2012 (77 FR 3912), and 29 CFR part 1902.

Signed in Washington, DC, on February 10, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

Accordingly, for the reasons set forth in the Preamble, 29 CFR Part 1952 is amended as set forth below.

PART 1952—[AMENDED]

■ 1. The authority citation for part 1952 continues to read as follows:

Authority: Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902; Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Subpart Y—Hawaii

■ 2. Amend § 1952.314 by revising paragraph (b) to read as follows:

§ 1952.314 Level of Federal enforcement.

* * * * *

(b) To provide a workable division of enforcement responsibilities, Hawaii and Federal OSHA have entered into an operational status agreement. Electronic copies of the agreement are available at: *http://www.osha.gov/dcsp/osp/stateprogs/hawaii.html.*

[FR Doc. 2014–03286 Filed 2–13–14; 8:45 am]

BILLING CODE 4510–26–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in March 2014. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective March 1, 2014.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's Web site (*http://www.pbgc.gov*).

PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for March 2014.[1]

The March 2014 interest assumptions under the benefit payments regulation will be 1.50 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for February 2014, these interest assumptions represent a decrease of 0.25 percent in the immediate annuity rate and are otherwise unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during March 2014, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 245, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*		*	*
245	3–1–14	4–1–14	1.50	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 245, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

[1] Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044) prescribes interest assumptions for valuing benefits under terminating covered single-employer plans for purposes of allocation of assets under ERISA section 4044. Those assumptions are updated quarterly.

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
245	3–1–14	4–1–14	1.50	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 5th day of February 2014.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–03283 Filed 2–13–14; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 353, 360, and 363

Regulations Governing Definitive United States Savings Bonds, Series EE and HH; Regulations Governing Definitive United States Savings Bonds, Series I; Regulations Governing Securities Held in TreasuryDirect

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (Treasury) is eliminating the printing of paper Series EE and Series I savings bonds in reissue and claims transactions. Customers requesting these transactions will now have the option of receiving either book-entry (electronic) bonds or payment in lieu of the traditional paper bonds. Treasury is also updating agency contact information and making a minor revision in the Regulations Governing Securities Held in TreasuryDirect®.

DATES: This final rule is effective February 14, 2014.

ADDRESSES: You can download this Final Rule at the following Internet addresses: *http://www.publicdebt.treas.gov; http://www.gpo.gov;* or *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Technical information: Jerry Kelly, Acting Director, 304–480–6319 or *jerry.kelly@fiscal.treasury.gov.*

Legal information: Lisa Martin, Attorney-Adviser, 304–480–8692 or *lisa.martin@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In continuation of its all-electronic initiative announced in 2010, Treasury is working toward a goal of issuing savings bonds only in book-entry (electronic) form and eliminating the issuance or reissuance of definitive (paper) savings bonds.

Through previous actions, Treasury has created its online TreasuryDirect® system in which savings bond customers may safely purchase and hold their Series EE and Series I bonds in book-entry form. Treasury has developed rules and procedures that allow customers already holding paper Series EE and I bonds to convert those bonds to book-entry in their TreasuryDirect® accounts. This was followed by development of a process that accommodates regular payroll-based savings through an employee's TreasuryDirect® account and the discontinuation of the old paper payroll savings bond program. And, as of January 2012, Treasury discontinued the issuance of paper Series EE and I bonds through traditional over-the-counter sales.

II. Amendments to Title 31 CFR

Now, with this action to eliminate the printing of paper Series EE and I bonds in reissue and claims transactions, Treasury is moving another step closer to our all-electronic goal. Customers requesting reissue or replacement of paper Series EE and I bonds after February 14, 2014, may receive their new bonds in book-entry (electronic) form in their TreasuryDirect® accounts. Any customers not wishing to receive book-entry bonds may elect to receive payment instead. The option to receive payment will also be available to the relatively small number of paper bond owners who may not be eligible to open a TreasuryDirect® account.

These changes will allow Treasury to reduce program costs, enhance customer service, and minimize environmental impact. Moving more savings bonds into a book-entry environment where most routine transactions are paperless furthers Treasury's initiative to ''go green, save green.''

Treasury is also conforming references to the TreasuryDirect® system, updating agency contact information, and revising one of the example registrations for TreasuryDirect accounts owned by trusts.

III. Procedural Requirements

A. Administrative Procedure Act (APA)

Because this rule relates to United States securities, which are contracts between Treasury and the owner of the security, this rule falls within the contract exception to the APA at 5 U.S.C. 553(a)(2). As a result, the notice, public comment, and delayed effective date provisions of the APA are inapplicable to this rule.

B. Congressional Review Act (CRA)

This rule is not a major rule pursuant to the CRA, 5 U.S.C. 801 *et seq.,* because it is a minor amendment that is expected to decrease costs for taxpayers. It is not expected to lead to any of the results listed in 5 U.S.C. 804(2). This rule may take immediate effect after we submit a copy of it to Congress and the Comptroller General.

C. Paperwork Reduction Act (PRA)

There is no new collection of information contained in this final rule that would be subject to the PRA, 44 U.S.C. 3501 *et seq.* Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The Office of Management and Budget already has approved all collections of information for these parts (OMB No. 1535–0004, OMB No. 1535–0009, OMB No. 1535–0012, OMB No. 1535–0013, OMB No. 1535–0023, OMB No. 1535–0036, OMB No. 1535–0063, OMB No. 1535–0098, OMB No. 1535–0118, and OMB No. 1535–0131).

D. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply to this rule because, pursuant to 5 U.S.C. 553(a)(2), it is not required to be issued with notice and opportunity for public comment.

E. Executive Order 12866

This rule is not a significant regulatory action pursuant to Executive Order 12866.

List of Subjects

31 CFR Part 353

Banks and banking, Federal Reserve System, Government securities.

31 CFR Part 360

Bonds, Federal Reserve System, Government securities, Securities.

31 CFR Part 363

Bonds, Electronic funds transfers, Federal Reserve System, Government securities, Securities.

Accordingly, for the reasons set out in the preamble, 31 CFR chapter II, subchapter A, is amended as follows:

PART 353—REGULATIONS GOVERNING DEFINITIVE UNITED STATES SAVINGS BONDS, SERIES EE AND HH

■ 1. The authority citation for part 353 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3105, 3125.

■ 2. In part 353, revise all references to ''New Treasury Direct'' to read ''TreasuryDirect®''.

■ 3. Amend § 353.1 by revising paragraphs (a) and (b) to read as follows:

§ 353.1 Official agencies.

(a) The Bureau of the Fiscal Service of the Department of the Treasury is responsible for administering the Savings Bonds Program. Authority to process transactions has been delegated to the Federal Reserve Bank of Minneapolis and may be delegated to other Federal Reserve Banks and Branches as fiscal agents of the United States. The Federal Reserve Banks and Branches, and their authority to process transactions as fiscal agents of the United States, are subject to change as determined by the Secretary of the Treasury, or his or her designee.

(b) Information about savings bonds and savings bond transactions, including savings bond transaction forms and email contact information, is available through the Bureau of the Fiscal Service's Web site at *http://www.treasurydirect.gov.* Communications concerning transactions and requests for forms may also be addressed to:

(1) The Bureau of the Fiscal Service, P.O. Box 7012, Parkersburg, WV 26106–7012; or

(2) The Federal Reserve Bank of Minneapolis, Treasury Retail Securities Site, P.O. Box 214, Minneapolis, MN 55480–0214.

* * * * *

■ 4. In § 353.2, redesignate paragraphs (m) through (p) as paragraphs (o) through (r), redesignate paragraphs (b) through (l) as paragraphs (c) through (m), add new paragraphs (b) and (n), and revise redesignated paragraph (l) to read as follows:

§ 353.2 Definitions.

* * * * *

(b) *Book-entry bond* means a savings bond maintained by Treasury in electronic or paperless form as a computer record.

* * * * *

(l) *Reissue* means the cancellation and retirement of a bond and the issuance of a new bond or bonds of the same series, same issue date, and same total face amount. Reissue may also mean the cancellation and retirement of a bond and the issuance of a book-entry bond or bonds of the same series, same issue date, and same total face amount. All reissues are subject to the restrictions in § 353.48.

* * * * *

(n) *Substitute bond* means a bond or book-entry bond issued as a result of a claim or application for relief under subpart F of this part.

* * * * *

■ 5. In § 353.26, revise paragraph (e) to read as follows:

§ 353.26 Application for relief—After receipt of bond.

* * * * *

(e) If the application is approved on or before February 14, 2014, relief will be granted either by the issuance of a bond bearing the same issue date as the bond for which the claim was filed or by payment. If the application is approved after February 14, 2014, relief for Series HH bonds will be granted either by the issuance of a bond bearing the same issue date as the bond for which the claim was filed or by payment, and relief for Series EE bonds will be granted either by the issuance of a book-entry bond bearing the same issue date as the bond for which the claim was filed or by payment.

■ 6. Revise § 353.27 to read as follows:

§ 353.27 Application for relief—Non-receipt of bond.

If a bond issued on any transaction is not received, the issuing agent must be notified as promptly as possible and given all information about the non-receipt. An appropriate form and instructions will be provided. If the application is approved on or before February 14, 2014, relief will be granted by the issuance of a bond bearing the same issue date as the bond that was not received. If the application is approved after February 14, 2014, relief for Series HH bonds will be granted by the issuance of a bond bearing the same issue date as the bond that was not received, and relief for Series EE bonds will be granted either by the issuance of a book-entry bond bearing the same issue date as the bond that was not received or by payment. Also, relief is authorized for the issuance of bonds for which the Secretary has not received payment, in order to preserve public confidence in dealing with issuing agents.

■ 7. In § 353.45, amend paragraph (b) by adding a sentence at the end to read as follows:

§ 353.45 General.

* * * * *

(b) * * * See § 353.48(a).

■ 8. In § 353.48, redesignate paragraphs (a) and (b) as paragraphs (b) and (c), and add a new paragraph (a) to read as follows:

§ 353.48 Restrictions on reissue.

(a) *Elimination of definitive Series EE bonds.* After February 14, 2014, the Department of the Treasury will no longer reissue Series EE bonds in definitive (paper) form. After that date, a request for reissue of a Series EE bond for any reason will only be processed under one of the following conditions:

(1) If the new owner requests payment in the same transaction; or

(2) If the new owner provides instructions to reissue in the form of a book-entry bond in a TreasuryDirect® account. This option is available for persons who are eligible to open a TreasuryDirect® account under the regulations in 31 CFR part 363.

* * * * *

PART 360—REGULATIONS GOVERNING DEFINITIVE UNITED STATES SAVINGS BONDS, SERIES I

■ 9. The authority citation for part 360 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3105 and 3125.

■ 10. In part 360, revise all references to ''New Treasury Direct'' to read ''TreasuryDirect®''.

■ 11. Amend § 360.1 by revising paragraphs (a) and (b) to read as follows:

§ 360.1 Official agencies.

(a) The Bureau of the Fiscal Service of the Department of the Treasury is responsible for administering the Savings Bonds Program. Authority to process transactions has been delegated to the Federal Reserve Bank of Minneapolis and may be delegated to other Federal Reserve Banks and

Branches as fiscal agents of the United States. The Federal Reserve Banks and Branches, and their authority to process transactions as fiscal agents of the United States, are subject to change as determined by the Secretary of the Treasury, or his or her designee.

(b) Information about savings bonds and savings bond transactions, including savings bond transaction forms and email contact information, is available through the Bureau of the Fiscal Service's Web site at *http://www.treasurydirect.gov.* Communications concerning transactions and requests for forms may also be addressed to:

(1) The Bureau of the Fiscal Service, P.O. Box 7012, Parkersburg, WV 26106–7012; or

(2) The Federal Reserve Bank of Minneapolis, Treasury Retail Securities Site, P.O. Box 214, Minneapolis, MN 55480–0214.

* * * * *

■ 12. In § 360.2, redesignate paragraphs (m) through (p) as paragraphs (o) through (r), redesignate paragraphs (b) through (l) as paragraphs (c) through (m), add new paragraphs (b) and (n), and revise redesignated paragraph (l) to read as follows:

§ 360.2 Definitions.

* * * * *

(b) *Book-entry bond* means a savings bond maintained by Treasury in electronic or paperless form as a computer record.

* * * * *

(l) *Reissue* means the cancellation and retirement of a bond and the issuance of a new bond or bonds of the same series, same issue date, and same total face amount. Reissue may also mean the cancellation and retirement of a bond and the issuance of a book-entry bond or bonds of the same series, same issue date, and same total face amount. All reissues are subject to the restrictions in § 360.48.

* * * * *

(n) *Substitute bond* means a bond or book-entry bond issued as a result of a claim or application for relief under subpart F of this part.

* * * * *

■ 13. In § 360.26, revise paragraph (e) to read as follows:

§ 360.26 Application for relief; after receipt of bond.

* * * * *

(e) If the application is approved on or before February 14, 2014, relief will be granted either by the issuance of a bond bearing the same issue date as the bond for which the claim was filed or by payment. If the application is approved after February 14, 2014, relief will be granted either by the issuance of a book-entry bond bearing the same issue date as the bond for which the claim was filed or by payment.

■ 14. Revise § 360.27 to read as follows:

§ 360.27 Application for relief; nonreceipt of bond.

If a bond issued on any transaction is not received, the issuing agent must be notified as promptly as possible and given all information available about the nonreceipt. An appropriate form and instructions will be provided. If the application is approved on or before February 14, 2014, relief will be granted by the issuance of a bond bearing the same issue date as the bond that was not received. If the application is approved after February 14, 2014, relief will be granted by the issuance of a book-entry bond bearing the same issue date as the bond that was not received or by payment. Also, relief is authorized for the issuance of bonds for which the Secretary has not received payment, in order to preserve public confidence in dealing with issuing agents.

■ 15. Amend § 360.45 by adding a sentence at the end to read as follows:

§ 360.45 General.

* * * See § 360.48(a).

■ 16. Revise § 360.48 to read as follows:

§ 360.48 Restrictions on reissue; denominational exchange.

(a) *Elimination of definitive Series I bonds.* After February 14, 2014, the Department of the Treasury will no longer reissue Series I bonds in definitive (paper) form. After that date, a request for reissue of a Series I bond for any reason will only be processed under one of the following conditions:

(1) If the new owner requests payment in the same transaction; or

(2) If the new owner provides instructions to reissue in the form of a book-entry bond in a TreasuryDirect® account. This option is available for persons who are eligible to open a TreasuryDirect® account under the regulations in 31 CFR part 363.

(b) *Denominational exchange.* Reissue is not permitted solely to change denominations.

PART 363—REGULATIONS GOVERNING SECURITIES HELD IN TREASURYDIRECT

■ 17. The authority citation for part 363 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3102, *et seq.;* 31 U.S.C. 3121, *et seq.*

■ 18. Revise the last sentence of § 363.20(c)(5) to read as follows:

§ 363.20 What do I need to know about the forms of registration that are available for purchases of securities through my TreasuryDirect® account?

* * * * *

(c) * * *

(5) * * * Registration examples: ''John Doe, Trustee under Declaration of Trust dated January 1, 2001, SSN 123–45–6789''; ''First National Bank, Trustee under Agreement with William Jones dated January 1, 2001, EIN 12–3456789''; ''John Doe or Sarah Jones, Trustees under Agreement with Jane Doe dated January 1, 2001, SSN 123–45–6789''; ''Sarah Jones, Trustee under the Will of Matthew Smith, deceased, SSN 123–45–6789''; ''Jane Doe, Trustee of the Doe Family Trust dated January 1, 2001, EIN 12–3456789.''

* * * * *

Richard L. Gregg,

Fiscal Assistant Secretary.

[FR Doc. 2014–03371 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0047]

Drawbridge Operation Regulation; Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the operation of the Cape Fear River Memorial Bridge, across the Cape Fear River, mile 26.8, at Wilmington, NC. The deviation is necessary to restrict the operation of the draw span to facilitate the biannual inspections.

DATES: This deviation is effective from 8 a.m. on March 17, 2014 until 4 p.m. on March 28, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0047] 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 Mr. Jim Rousseau, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6557, email *James.L.Rousseau2@uscg.mil*. If you have questions on reviewing the docket, call Cheryl Collins, Program Manager, Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, who owns and operates this vertical lift bridge, has requested a temporary deviation to conduct the biannual inspections.

The existing drawbridge operation regulation for the Cape Fear River Memorial Bridge is listed in 33 CFR 117.822. The regulation allows the bridge to remain closed to navigation once in both July and November to accommodate annual marathon races. The drawbridge opens on demand at all other times.

Under this temporary deviation, the drawbridge will be closed to navigation beginning each day from 8 a.m. to 4 p.m., on March 17, 2014 until March 28, 2014; however, vessel openings will be provided if at least two hours advance notice is given. At all other times, the drawbridge will operate under its normal schedule.

The Cape Fear River Memorial Bridge, at mile 26.8, at Wilmington, NC, has vertical clearances in the open and closed positions of 135 feet and 65 feet above mean high water, respectively. Typical vessel traffic on the Cape Fear River includes a variety of vessels from freighters, tug and barge traffic, and recreational vessels. Vessels that can pass under the bridge without a bridge opening may continue to do so at anytime. There are no alternate routes for vessels transiting this section of the Cape Fear River. The drawbridge will be able to open in the event of an emergency. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users. The Coast Guard will inform all users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts 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: February 6, 2014.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2014–03307 Filed 2–13–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0528; FRL–9906–60–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Standard Permit for Oil and Gas Facilities and Standard Permit Applicability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the revisions to the Texas New Source Review (NSR) State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on September 20, 1995; April 19, 1996; July 22, 1998; and September 11, 2000. These revisions to the Texas SIP establish the Standard Permit for Installation and/or Modification of Oil and Gas Facilities. EPA is also approving non-substantive revisions to the Texas Standard Permit SIP rules relating to applicability, submitted on February 1, 2006, and March 11, 2011. EPA is taking these actions in accordance with section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective on March 17, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2011–0528. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment.

FOR FURTHER INFORMATION CONTACT: Adina Wiley, Air Permits Section (6PD–R), telephone (214) 665–2115, email *wiley.adina@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Table of Contents

I. Background
II. Response to Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

The background for today's action is discussed in detail in our December 24, 2013, proposal (78 FR 77261). In that notice, we proposed to approve four submittals from the State of Texas as revisions to the Texas New Source Review (NSR) State Implementation Plan (SIP) that incorporate the Standard Permit for Installation and/or Modification of Oil and Gas Facilities (hereafter referred to as the ''Oil and Gas Standard Permit''). Texas initially submitted the Standard Permit provisions on September 20, 1995, and submitted subsequent revisions to those provisions on April 19, 1996; July 22, 1998; and September 11, 2000. The proposed approval and accompanying Technical Support Document explain the existing SIP-approved Standard Permit Program in Texas; give a summary of each of the submittals being addressed in this action; and explain how those submittals comply with the applicable federal requirements. The proposal further explains that the Oil and Gas Standard Permit includes standardized conditions for the emission units located at oil and gas facilities that may be authorized by the Standard Permit. If a proposed project at an oil and gas facility includes any emission units that are not explicitly covered by the Oil and Gas Standard Permit, the permit applicant must obtain another type of Standard Permit authorization, a permit-by-rule (PBR) or, if necessary, case-by-case NSR permitting for authorization.

In the December 24, 2013 proposal, we also proposed to approve submittals from the State of Texas as a revision to the NSR SIP that contain non-substantive changes to the applicability

provisions of the Standard Permits SIP permitting program. Texas submitted revisions to the Standard Permit applicability provisions on February 1, 2006 and resubmitted them on March 11, 2011.

II. Response to Comments

We received comments from the Texas Commission on Environmental Quality (TCEQ) and the Texas Pipeline Association (TPA) on our December 24, 2013 proposal. The comments we received can be accessed from the *www.regulations.gov* Web site (Docket No. EPA–R06–OAR–2011–0528). Generally, both the TCEQ and TPA were supportive of our proposed action and expressed agreement with our analysis. However, each commenter provided the following information concerning our proposed rulemaking for which EPA would like to provide clarification.

Comment 1: The TCEQ notes that the commission adopts standard permits in an open meeting, for which notice is posted at least seven days in advance and which provides additional opportunity for public comment on the standard permit. Further, registration is required for the Oil and Gas Standard Permit.

Response 1: EPA acknowledges the TCEQ's support of our rulemaking and appreciates the additional information provided by the TCEQ regarding the rules and processes for implementing the Standard Permit program. We agree that, in addition to a public hearing, the TCEQ is required to adopt Rule Standard Permits in an open meeting and post notice of the open meeting seven days in advance of the event. The public meetings provided the public with an additional opportunity for public comment on the Oil and Gas Standard Permit as adopted and amended. EPA has prepared a Supplement to the Technical Support Document to include the clarification from TCEQ. This Supplement to the Technical Support Document is available in our rulemaking docket, EPA–R06–OAR–2011–0528. EPA also recognizes that applicants must register the use of the Standard Permit.

Comment 2: The TPA commented that ''Through incorporation by reference in TCEQ's Non-Rule Standard Permit, the terms of the Oil and Gas Standard Permit continue to authorize existing and unchanged facilities throughout the State of Texas and new projects and dependent facilities in all Texas counties except for 15 counties located in the Barnett Shale area.''

Response 2: EPA acknowledges the support of the TPA for our rulemaking, but must clarify and correct that statement made in Comment 2 above. The Oil and Gas Standard Permit addressed in this action is a separate Minor NSR permit mechanism from the Non-Rule Standard Permit for Oil and Gas. While similar source categories are authorized under each, the Non-Rule Standard Permit for Oil and Gas applies only to the 15 counties in the Barnett Shale region. The Oil and Gas Standard Permit applies throughout the State of Texas, with the exception of the 15 counties, for the listed categories of sources. Additionally, Texas promulgated this Oil and Gas Standard Permit by regulation at 30 TAC 116.620, and it is not incorporated into the Non-Rule Standard Permit, which was developed through a separate process under the SIP.[1]

III. Final Action

We are approving SIP submittals from the State of Texas for the Minor NSR Oil and Gas Standard Permit at 30 TAC Section 116.620 as submitted September 20, 1995; April 19, 1996; July 22, 1998; and September 11, 2000. The types of emission units that may be authorized by this section are the following: Internal combustion engines (ICEs), natural gas turbines (NG turbines), flares, other combustion units (design heat input >40 million BTU per hour), natural gas glycol dehydration units, storage tanks, separators, condensers, vapor recovery units, process vents, and process fugitives. We are also approving the submittals for the Standard Permit SIP rules making non-substantive changes to the Standard Permit applicability provisions in 30 TAC Sections 116.610(a) and (b) as submitted February 1, 2006, and resubmitted March 11, 2011. We are approving these SIP revisions in accordance with section 110 of the CAA.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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 Clean Air Act; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

[1] Texas adopted the Non-Rule Standard Permit in accordance with 30 TAC Section116.601(a)(2). EPA approved this process for Texas to adopt non-rule standard permits into the Texas SIP on November 14, 2003. 68 FR 64543.

the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 15, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 3, 2014.

Ron Curry,

Regional Administrator, Region 6.

40 CFR Part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. The table in § 52.2270(c) titled ''EPA Approved Regulations in the Texas SIP'' is amended by revising the entry for 116.610 and adding a new entry for Section 116.620 immediately after the entry for Section 116.615.

The amendments read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 116 (Reg 6)—Control of Air Pollution by Permits for New Construction or Modification				
*	*	*	*	*
Subchapter F—Standard Permits				
*	*	*	*	*
Section 116.610	Applicability	1/11/2006	2/14/2014 [Insert *FR* page number where document begins].	The SIP does not include subsection 116.610(d).
*	*	*	*	*
Section 116.620	Installation and/or Modification of Oil and Gas Facilities.	8/9/2000	2/14/2014 [Insert *FR* page number where document begins].	The types of emission units that may be authorized by this section are the following: • Internal combustion engines (ICEs), • Natural gas turbines (NG turbines), • Flares, • Other combustion units (design heat input >40 million BTU per hour), • Natural gas glycol dehydration units, • Storage tanks, • Separators, • Condensers, • Vapor recovery units, • Process vents, and • Process fugitives
*	*	*	*	*

* * * * *

[FR Doc. 2014–03173 Filed 2–13–14; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Correcting amendments.

SUMMARY: The Legal Services Corporation (Corporation) published a document in the **Federal Register** on February 5, 2014 (79 FR 6836), revising Corporation rules. The heading for the table in Appendix A to Part 1611 of this document incorrectly lists the information as the Legal Services Corporation 2013 Income Guidelines,

rather than the 2014 Income Guidelines. This document corrects the final regulation by revising Appendix A to Part 1611.

DATES: *Effective date:* February 14, 2014.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K St. NW., Washington, DC 20007; (202) 295–1563; *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION: This document corrects the final rule published in the **Federal Register** on February 5, 2014.

List of Subjects in 45 CFR Part 1611

Grant programs—Law, Legal services, Financial eligibility.

Accordingly, 45 CFR part 1611 is corrected by making the following correcting amendments:

PART 1611—ELIGIBILITY

■ 1. The authority citation for part 1611 continues to read as follows:

Authority: 42 U.S.C. 2996e(b)(1), 2996e(b)(3), 2996f(a)(1), 2996f(a)(2), 2996g(e); Section 509(h) of Pub. L. 104–134, 110 Stat. 1321 (1996); Pub. L. 105–119, 11 Stat. 2512 (1998).

■ 2. Amend Appendix A to part 1611 by revising the first table to read as follows:

Appendix A to Part 1611—Income Level for Individuals Eligible for Assistance

LEGAL SERVICES CORPORATION 2014 INCOME GUIDELINES *

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	$14,588	$18,225	$16,775
2	19,663	24,575	22,613
3	24,738	30,925	28,450
4	29,813	37,275	34,288
5	34,888	43,625	40,125
6	39,963	49,975	45,963
7	45,038	56,325	51,800
8	50,113	62,675	57,638
For each additional member of the household in excess of 8, add:	5,075	6,350	5,838

* The figures in this table represent 125% of the poverty guidelines by household size as determined by DHHS.

* * * * *

Legal Services Corporation.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2014–03273 Filed 2–13–14; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 28

[Docket No. USCG–2010–0625]

RIN 1625–AB50

Waiver of Citizenship Requirements for Crewmembers on Commercial Fishing Vessels

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard amends its regulations to include a description of the procedures for requesting and processing waivers of citizenship requirements on commercial fishing vessels. We seek to improve our efforts to inform the commercial fishing industry of this opportunity by codifying the application procedure policy into the Code of Federal Regulations.

DATES: This final rule is effective March 17, 2014, except for §§ 28.1105 and 28.1110 which contain collection of information requirements that have not yet been approved by the Office of Management and Budget (OMB). The Coast Guard will publish a document in the **Federal Register** announcing the effective date of those sections/paragraphs.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0625 and are available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2010–0625 in the ''Keyword'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. David Belliveau, Office of Commercial Vessel Compliance, Fishing Vessel Safety Division (CG–CVC–3), Coast Guard; telephone 202–372–1247, email *David.J.Belliveau@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

BLS Bureau of Labor Statistics
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
INA Immigration and Nationality Act, as amended (8 U.S.C. 1101 *et seq.*)
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget

§ Section symbol
U.S.C. United States Code

II. Regulatory History

On August 18, 2011, we published a notice of proposed rulemaking (NPRM) titled ''Waiver of Citizenship Requirements for Crewmembers on Commercial Fishing Vessels'' in the **Federal Register** (76 FR 51317). We received four comments on the proposed rule. No public meeting was requested and none was held.

III. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to provide relief from the citizenship requirements on fishing vessels. Title 46 United States Code (U.S.C.) 8103(b)(3)(C) authorizes the Secretary of the Department of Homeland Security to waive these citizenship requirements. The Secretary has delegated this authority to the Coast Guard.

Through this final rule, we amend 46 CFR part 28, Requirements for Commercial Fishing Industry Vessels, by adding a new subpart to specifically address the citizenship waiver program. This subpart will formally incorporate our policy, which has been in place since 2001, into the CFR.

IV. Background

Under 46 U.S.C. 8103(i)(1), each unlicensed seaman on a fishing, fish processing, or fish tender vessel who is engaged in the fisheries in the navigable waters of the United States or the exclusive economic zone must be—

1. A citizen of the United States;
2. An alien lawfully admitted to the United States for permanent residence; or
3. Any other alien allowed to be employed under the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*).

Furthermore, 46 U.S.C. 8103(i)(2) states that no more than 25 percent of the unlicensed seamen on these vessels may be non-permanent resident aliens authorized for employment in the United States under the INA, category 3 above.

Relief from these citizenship and permanent resident status requirements is provided in 46 U.S.C. 8103(b)(3)(C). If the Secretary of Homeland Security determines, after an investigation, that qualified seamen who are citizens of the United States are not available, the Secretary may waive these citizenship requirements.

Congress did not specify a procedure for requesting the waiver allowed under section 8103(b)(3). To fill the need for a procedure, we published a policy letter in June 2001 titled ''Procedures for Waiver of Requirements for Citizenship Aboard Commercial Fishing Vessels'' (G–MOC Policy Letter 01–02). This policy letter is available at *http://homeport.uscg.mil/mycg/portal/ep/programView.do?channelId=-17679&programId=12861.* This policy letter explains the steps involved in the request for a waiver process. We intended the letter to be the means of informing the fishing industry of the waiver opportunity and the application procedure.

In past years, we received between 125 and 200 waiver requests annually. In 2008, that volume slowed appreciably.[1] Through experience gained during the 10 years since the publication of the 2001 policy letter and feedback received from the Commercial Fishing Safety Advisory Committee, we believe that not all fishing vessel owners, operators, and employers are aware they can request a waiver from citizenship requirements. As a result, these vessels either sail short-handed, creating potential safety issues, or choose to exceed the 25 percent limit for non-permanent resident aliens authorized for employment in the United States under the INA without an approved waiver. This rule mirrors the requirements that exist in the 2001 policy letter.

In the NPRM, we proposed a requirement for a mandatory dockside examination that was not required in the 2001 policy letter. That requirement has been removed from this final rule. See section V.C. of this preamble for a discussion of this change to the final rule. However, it is still incumbent on owners, operators, and employers to ensure the vessel is in full compliance with all safety, survival equipment, and systems requirements.

V. Discussion of Comments and Changes

We received four written comments on the NPRM to the docket. These comments are available for viewing in the public docket for this rulemaking, where indicated under **ADDRESSES.**

Below, we summarize these comments and our responses to them. Each of the four comments raised different issues, so each comment summary provides a response directly to the comment submitted.

A. Foreign Workers

The first commenter does not favor allowing waivers for foreign workers, but suggests instead that fishing boat captains improve their searches for American workers. The commenter also stresses that the Coast Guard should not remove a 2001 policy that requires resident alien workers to present an H2B visa. The commenter also states that foreign workers should be required to speak English as a safety measure.

The purpose of this regulation is to codify procedures for requesting a waiver already allowed by law under 46 U.S.C. 8103(b)(3). This regulation is not an immigration, labor, or national security regulation per se, and intends no other purpose than what has been stated. However, these rules maintain the 2001 policy in regard to H2B visas. The remaining comments raise issues that fall outside of the scope of this rulemaking.

B. Availability of Seamen

Despite the improvement to safety and efficiency that fully-staffed fishing vessels would provide, the second commenter is not convinced that this regulation would achieve its intended purpose. The commenter reasons that the pool of potential workers is limited because it is composed of those seamen who are already employed by other vessels.

This regulation allows a waiver so that non-resident aliens can be employed as unlicensed seamen aboard U.S. flag fishing vessels beyond the 25 percent limitation. Historically, companies and individual vessels that apply for citizenship waivers represent a very small cross section of the commercial fishing industry. Furthermore, requests usually coincide with seasonal manning requirements (e.g., shrimp fishery in the Gulf of Mexico, menhaden fishery in the Gulf of Mexico and mid-Atlantic). In essence, waivers are only requested to fulfill a temporary need. Additionally, the Coast Guard does not have evidence to support the assertion that the population of seamen from which candidates are selected comprises ''seamen who are already employed, but whose employer is going out of business or no longer needs their services,'' since they are non-resident aliens. Therefore, the Coast Guard does not agree with the comment and no change to the rule was made.

C. Unnecessary Burden of Dockside Inspection on Employers

The third commenter supports the proposed rule as a means to inform commercial fishing vessel employers about the waiver requirements. However, the commenter states that the dockside safety examination is an unnecessary burden to employers and

[1] In 2008, the Coast Guard received a total of 6 waiver requests.

redundant, given that the Coast Guard already requires and enforces compliance of safety measures. The commenter claims that the dockside safety inspections unnecessarily target fishing vessels employing foreign workers.

We agree, in part, so the requirement for completion of the dockside examination has been removed in the final rule. We do not intend to target nor impose an additional burden on employers in the commercial fishing industry. However, commercial fishermen, vessel owners, and operators should be aware that the Coast Guard and Maritime Transportation Act of 2012 (Pub. L. 112–213) amended 46 U.S.C. 4502(f) to require a dockside safety examination at least once every 5 years for vessels operating beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes. For the fishing vessels that operate inside 3 nautical miles from shore, the dockside examination remains voluntary. However, the Coast Guard does recommend that those vessels operating inside 3 nautical miles complete the dockside examination for the safety of the vessel and crew.

D. Exception to Foreign Crew Rule of the Magnuson-Stevens Act

The last commenter suggests that this rule does not mention, but should, the exception to the foreign crew rule of 46 U.S.C. 8103(i)(1) contained in the Magnuson-Stevens Act for U.S. flag fishing vessels fishing for highly migratory species on the high seas. Furthermore, the commenter states the long time periods provided for the Coast Guard to act under this rule are not conducive to the commercial fishing business, where crew replacements must be made within hours, or at most days, due to death, injury, or sickness.

We agree that the citizenship requirements in 46 U.S.C. 8103(i)(1) and (2) do not apply to fishing vessels fishing exclusively for highly migratory species (as that term is defined in the Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. 1802)). Title 46 U.S.C. 8103(i)(3) provides the exception to the citizenship requirements for these vessels. This exception is now included in the regulatory text. Additionally, companies and/or individual vessel owners that apply for these citizenship waivers do not do so to provide for urgent manning needs caused by death, injury, or sickness, but rather have traditionally used the process for filling the anticipated, temporary manning requirements that coincide with seasonal needs (e.g., shrimp fishery in the Gulf of Mexico, menhaden fishery in the Gulf of Mexico and mid-Atlantic).

VI. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below, we summarize our analyses based on 14 of these statutes or executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the 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 final rule has not been designated 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 that Order. Accordingly, the final rule has not been reviewed by the Office of Management and Budget (OMB).

Based on comments received, we have adjusted our policy to remove the dockside examination requirement when applying for a waiver. This will reduce the cost burden from that presented in the NPRM. No comments were received during the comment period addressing the regulatory assessment and thus no other changes to the rule were made.

The following table (Table 1) summarizes the costs and benefits of this rule. We estimated annual and 10-year costs of the rule and, based on data availability, we identified qualitative benefits of the rule.

TABLE 1—SUMMARY OF COSTS AND BENEFITS

Category	Estimate
Costs	
Annual Cost to Apply for Waiver	$42,505.
Ten Year Monetized Costs (rounded values, 7% discount rate)	$298,538.
Benefits	
Qualitative Benefits	This rule will provide industry greater awareness and knowledge of the waiver application procedures.

This rule will create a regulatory burden for those owners and operators of commercial fishing vessels electing to request a waiver. From 2005 to 2009, the Coast Guard received an average of 91 requests for waivers per year. Applications for waivers declined from a high of 203 in 2005 to 20 in 2009. The number of applications for waivers will vary from year to year based on many factors, such as national and regional economic conditions and management programs for specific fisheries. We use a 5-year average to reflect the range of conditions that may occur over the 10-year period of analysis. In addition, during the period of 2005 to 2009, the Coast Guard issued an average of 108 reports of violations of 46 U.S.C. 8103. Some of these violations were related to the citizenship requirements for the crew of fishing vessels and the citizenship requirements for the master and officer in charge of deck or engineering watches. During 2009, 75 such reports of violations were issued. Due to the variability in waiver requests, the five year average number of requests is used to provide a more conservative estimate when calculating the burden.

We estimate that it takes an owner or operator approximately 9.25 hours [2] to compile and submit the appropriate documentation to the Coast Guard per the 2001 policy letter. The Bureau of Labor Statistics (BLS) lists a wage of $33.89 for captains, mates, and pilots of water vessels.[3] We apply a load factor of 1.49 to this wage to account for labor compensation and benefits, which makes the hourly wage for a captain, mate, or pilot approximately $50.50.[4] At a cost of $50.50 per hour to the civilian sector, the cost is $467 per request for a waiver ($50.50 per hour × 9.25 hours). The total annual burden would be approximately 842 labor hours (9.25 hours per request × 91 requests per year), for a cost to industry of $42,505 [5] ($50.50 × 842 hours) to submit the request for a waiver. This cost is only borne if a vessel owner, operator, or employer chooses to seek relief of the citizenship requirement. The total annual cost to industry associated with this rule will be approximately $42,505 .[6]

Reviewing a waiver application currently takes a Coast Guard employee approximately 3 hours ,[7] on average. We assume a wage rate equal to that of a GS–13 for the reviewer. Based on Commandant Instruction (COMDTINST) 7310.1M, Coast Guard Reimbursable Standard Rates, (available at *http://uscg.mil/directives/ci/7000-7999/CI_7310_1M.PDF*), the hourly wage for the reviewer is $77. The total annual projected cost to the Coast Guard to review applications is $21,021 (3 hours × $77 × 91 requests). As with the costs to industry, government costs will only be incurred if owners, operators, or employers opt to apply for a waiver.

Although we cannot quantify benefits for this rulemaking, we do expect some functional benefits. By incorporating the current policy into regulation, we will promote greater awareness of the policy and provide commercial fishermen with one location for all rules governing their operations. Greater visibility of the application procedures may help reduce the number of crew requirement violations related to citizenship requirements onboard commercial fishing vessels. Furthermore, waiver applications are voluntary, and will only be made if the owner/operator/employer sees a net benefit to doing so. As such, the collective burden described previously is expected to be more than offset by the increased labor pool.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of fewer than 50,000.

Based on 2009 data, we identified 74,337 entities owning fishing vessels. Of these, a small number (13) were owned by government entities or non-profits, all of which exceed the threshold for being classified as a small entity. The remaining owners are classified as businesses. Based on available revenue data, approximately 99.8 percent (74,228) of the commercial fishing businesses fall below the Small Business Administration threshold for a small business based on their primary North American Industry Classification System designation.

Based on historical data, we expect an average of 91 requests for a waiver per year. If we assume that all of these requests are from small commercial fishing businesses, we can assess the potential impacts of this rule on the industry. Our records show that the majority of vessels requesting waivers in the period from 2006–2009 were between 50 and 70 feet in length. By comparing the $467 cost of the rule per vessel to the revenues for commercial fishing vessels in the 50 to 70 feet size range, we estimate that 38 percent of the affected population will have a revenue impact greater than 1 percent, and only 3 percent of all commercial fishing vessels will have a revenue impact greater than 3 percent from this rule. Table 2 shows the percent of vessels by revenue impact.

TABLE 2—REVENUE IMPACTS OF FINAL RULE

Revenue impact	Percent of vessels
0% < Impact <= 1%	62
1% < Impact <= 3%	35
3% < Impact <= 5%	3
5% < Impact <= 10%	0
Above 10%	0

The primary purpose of this rule is to codify existing policy into regulation. We estimate that only 91 of approximately 80,000 commercial fishing vessels apply for a waiver annually. Furthermore, because the waiver process is voluntary, we assume vessel owners, operators, or employers would apply for a waiver only if the benefits of doing so outweigh the costs. We can assume that if the approximate $467 per vessel cost of this rule is prohibitive, vessel owners would choose to not pursue a waiver. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

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

D. Collection of Information

This rule will call for a revision to an existing collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). This revision is explained below under Estimate Of Total Annual Burden. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collection, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Commercial Fishing Industry Vessel Safety Regulations.

OMB Control Number: 1625–0061.

Summary Of The Collection Of Information: This information collection is intended to improve safety on board vessels in the commercial fishing industry. The requirements apply to those vessels and to seamen on them.

[2] Time estimates provided by Coast Guard Fishing Vessel Safety Division subject matter experts.

[3] *http://www.bls.gov/oes/current/oes535021.htm.* This wage information is from May 2010 and is the most recent figure from BLS.

[4] The load factor is determined by dividing BLS total compensation (series CMU2010000520000D) by BLS wages (series CMU2020000520000D). *http://www.bls.gov/ncs/ect/data.htm.*

[5] Values may not total due to rounding.

[6] Values may not total due to rounding.

[7] Time estimates provided by Coast Guard Fishing Vessel Safety Division subject matter experts.

Need For Information: We need to collect this information for all vessels requesting a waiver for relief of the citizenship requirements on a commercial fishing vessel.

Proposed Use Of Information: We will use this information solely to determine whether or not a vessel should be granted relief of the citizenship requirements on a commercial fishing vessel.

Description Of The Respondents: The respondents are vessel owners, operators, and employers of U.S. commercial fishing vessels who opt to seek relief of the citizenship requirements on a commercial fishing vessel.

Number Of Respondents: The existing OMB-approved number of respondents, as adjusted in July 2011, is 4,808. The rule would not change that total.

Frequency Of Response: 91 respondents per year, based on a 5-year average.

Burden Of Response: Those vessels that voluntarily choose to request a waiver bear the burden of this collection. We estimate that a request for a waiver will take about 9.25 hours per response.

Estimate Of Total Annual Burden: The existing OMB-approved total annual burden, as adjusted in July 2011, is 5,945 hours. The annual increase from the rule will be approximately 842 hours to the public, assuming 91 waiver requests are submitted per year. The total estimated annual burden is 6,787 hours.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we will submit a copy of this rule to OMB for its review of the collection of information.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the Coast Guard could enforce the collection of information requirements in this rule, OMB would need to approve the Coast Guard's request to collect this information.

E. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt state law or impose a substantial direct cost of compliance on them.

Congress charged the Secretary of Homeland Security with the authority to administer and enforce immigration laws. See 8 U.S.C. 1103(a)(1). With respect to this rulemaking, the Secretary delegated the authority to waive the citizenship requirements found in 46 U.S.C. 8103 to the Commandant of the Coast Guard. It is well established that states do not have the authority to regulate immigration. Therefore, we have determined that this rule does not have implications for federalism under E.O. 13132.

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

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

H. Civil Justice Reform

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

I. Protection of Children

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

J. Indian Tribal Governments

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

K. Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraphs (34)(a), (c) and (d) of the Instruction. This rule involves regulations which are editorial or procedural and regulations concerning the qualifying of maritime personnel and the manning of vessels. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 46 CFR Part 28

Alaska, Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 28 as follows:

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

■ 1. The authority citation for part 28 is revised to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4505, 4506, 6104, 8103, 10603; Department of Homeland Security Delegation No. 0170.1.

Subpart H—[Added and Reserved]

■ 2. Add and reserve subpart H to part 28.

■ 3. Add new subpart I to part 28 to read as follows:

Subpart I—Citizenship Waiver Procedures

Sec.
28.1100 General.
28.1105 Request for a waiver.
28.1110 Waiver approval.
28.1115 Waiver request and approval records.

Subpart I—Citizenship Waiver Procedures

§ 28.1100 General.

(a) As set forth in 46 U.S.C. 8103, a citizenship requirement, other than a requirement that applies to the master of a documented vessel, on commercial fishing vessels may be waived for unlicensed seamen when qualified seamen who are citizens of the United States are not available. Under the provisions of this subpart, the Coast Guard approves or denies requests for a waiver of the citizenship requirement from owners, operators, or employers seeking to exceed the 25 percent limit applicable to unlicensed seamen aboard fishing industry vessels who are non-permanent resident aliens authorized for employment in the United States under the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*).

(b) This subpart does not apply to a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)).

(c) The regulations in this subpart have preemptive effect over State or local regulation within the same field.

§ 28.1105 Request for a waiver.

(a) Vessel owners, operators, or employers who desire a waiver of citizenship requirements from the Coast Guard must submit a written request to the Commandant, United States Coast Guard, 2100 Second St. SW., Stop 7581, Washington, DC 20593–7581.

(b) The written request required under paragraph (a) of this section must contain—

(1) The vessel owner's, operator's, or employer's contact information—

(i) Full name (last, first, middle initial);

(ii) Address;

(iii) Work phone number;

(iv) Fax number (if applicable); and

(v) Email address (if applicable);

(2) Information on fishing vessel(s) for which the owner, operator, or employer requests a citizenship waiver. For each listed vessel, the owner's, operator's, or employer's must include—

(i) Fishing vessel name;

(ii) Fishing vessel official number;

(iii) Fishing vessel length (in feet);

(iv) Fishing vessel gross tonnage; and

(v) Each type of fishery in which the vessel is engaged;

(3) Information on persons who will work on the vessel. For each listed vessel, the owner, operator, or employer must include—

(i) The total number of unlicensed crew normally employed;

(ii) The name, nationality, birth place, position to be held, and basis for employment authorization in the United States of each alien who is not lawfully admitted for permanent residence but is otherwise authorized for employment in the United States under the Immigration and Nationality Act (INA); and

(iii) The number of alien seamen who are not lawfully admitted for permanent residence but are otherwise authorized for employment in the United States under the INA for which the waiver is requested; and

(4) The time period over which the 25 percent limit will be exceeded—

(i) Start date (MM/DD/YYYY); and

(ii) Expiration date (MM/DD/YYYY).

(c) The owner, operator, or employer submitting a request for a waiver under paragraph (a) of this section must include a statement certifying that the vessel(s) will operate in compliance with all other applicable citizenship requirements regarding the master or other officers in charge of deck or engineering watches on U.S.-documented vessels.

(d) The owner, operator, or employer submitting a request for a waiver under paragraph (a) of this section must provide evidence that aliens who are not lawfully admitted for permanent residence are authorized for employment with the owner, operator, or employer under the INA and evidence that qualified seamen who are U.S. citizens are not available for employment. The following documentation for H2B non-immigrants is satisfactory evidence both of authorization for employment with the owner, operator, or employer under the INA and that qualified seamen who are U.S. citizens are not available:

(1) U.S. Citizenship and Immigration Services (USCIS) Form I–797, ''Notice of Action: Approval Notice'' classifying the alien as an H2B non-immigrant for purposes of employment with the owner, operator, or employer submitting a request for a waiver under paragraph (a) of this section.

(2) USCIS Form I–94, ''Arrival/Departure Record'' indicating that the alien has been lawfully admitted to the United States (or has been lawfully granted a change of nonimmigrant status or extension of non-immigrant stay in H2B classification) for the dates covered by the proposed employment.

(e) Upon receipt of a request submitted under paragraph (a) of this section and required information submitted in accordance with paragraphs (b) through (d) of this section, the Coast Guard will evaluate the information and may investigate further, as necessary, to determine the validity of the information provided.

§ 28.1110 Waiver approval.

(a)(1) If, within 30 days of receipt of a properly submitted request for a waiver, the Coast Guard does not make a determination whether to approve the request or does not advise the owner, operator, or employer that additional time is needed for consideration, the request will be considered provisionally approved for 90 days from the end of that 30-day period.

(2) If the Coast Guard does not make a determination whether to approve a properly submitted request for a waiver in writing within 30 days of receipt, the owner, operator, or employer must have a copy of the request and supporting documentation available on board the vessel as proof of submission of a request for waiver of the citizenship requirement for unlicensed seamen for that vessel.

(b)(1) If the Coast Guard determines, based on the waiver request, supporting documentation, and any other relevant information, that no qualified U.S. citizen seamen are available, the Coast Guard will grant the waiver to exceed the 25-percent limit for employment of non-permanent resident alien seaman for the period of employment authorized for each alien under the Immigration and Nationality Act (INA). The Coast Guard will issue a letter of approval to the owner, operator, or employer for the applicable vessel(s).

(2) The owner, operator, or employer must have a copy of the waiver approval letter available on board the vessel as proof of waiver of the citizenship requirement for unlicensed seamen for that vessel.

§ 28.1115 Waiver request and approval records.

The Coast Guard will maintain a record of citizenship waiver requests and approvals. Approvals will be documented for the applicable vessel(s) in the Coast Guard's vessel information database.

Dated: February 11, 2014.

J.C. Burton,

Captain, U. S. Coast Guard, Director of Inspections & Compliance.

[FR Doc. 2014–03302 Filed 2–13–14; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–261; RM–11707; DA 14–131]

Television Broadcasting Services; Birmingham, Alabama

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by the Alabama Educational Television Commission (''AETC''), the licensee of station WBIQ(TV), Birmingham, Alabama. Previously, the Commission substituted channel *39 for channel *10 at AETC's request and AETC now seeks to return to its previously allotted channel *10. AETC states that allowing the station to remain on its previously allotted channel *10 will serve the public interest by allowing the station to conserve its limited resources, avoid disruption of service, eliminate the need for new facilities, and allow the funds saved to be redirected back into public interest programming.

DATES: This rule is effective March 17, 2014.

FOR FURTHER INFORMATION CONTACT: Adrienne Y. Denysyk, *Adrienne.Denysyk@fcc.gov*, Media Bureau, (202) 418–2651.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 13–261, adopted February 4, 2014, and released February 4, 2014. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be available via ECFS (*http://fjallfoss.fcc.gov/ecfs/*). This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via the company's Web site, *http://www.bcpiweb.com*. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Alabama is amended by removing channel *39 and adding channel *10 at Birmingham.

[FR Doc. 2014–03336 Filed 2–13–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 130306200–4084–02]

RIN 0648–BD03

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Amendment 102

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

ACTION: Final rule.

SUMMARY: NMFS publishes regulations to implement Amendment 102 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), and a regulatory amendment to the Individual Fishing Quota Program for the Fixed-Gear Commercial Fisheries for Pacific Halibut and Sablefish in Waters in and off Alaska (IFQ Program). Amendment 102 and the implementing regulations create, in halibut IFQ regulatory area 4B (Area 4B) and the sablefish Aleutian Islands regulatory area, a Community Quota Entity (CQE) Program that is similar to the existing CQE Program in the Gulf of Alaska (GOA). These actions allow an eligible community in Area 4B and in the Aleutian Islands to establish a non-profit organization as a CQE to purchase halibut catcher vessel quota share (QS) assigned to Area 4B and sablefish QS assigned to the Aleutian Islands. The CQE would assign the annual halibut and sablefish IFQ derived from the QS to participants according to defined CQE Program elements. In addition, this action revises the IFQ Program regulations to allow IFQ derived from D share halibut QS to be fished on Category C vessels in Area 4B. These actions provide additional fishing opportunities for residents of fishery dependent communities and sustain participation in the halibut and sablefish IFQ fisheries. These actions are intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Northern Pacific Halibut Act of 1982, the BSAI FMP, and other applicable law.

DATES: Effective March 17, 2014.

ADDRESSES: Electronic copies of the Regulatory Impact Review (RIR) for Amendment 102 and the RIR/Initial Regulatory Flexibility Analysis (RIR/

IRFA) for the regulatory amendment to allow IFQ derived from D share halibut QS to be fished on Category C vessels in Area 4B prepared for this action may be obtained from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov*. An electronic copy of the 2010 Review of the CQE Program under the Halibut/Sablefish IFQ Program, Anchorage, Alaska, March 2010 by the North Pacific Fishery Management Council (Council) is available from the Council Web site at *www.npfmc.org/community-quota-entity-program/*.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted by mail to NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Ellen Sebastian, Records Officer; in person at NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, AK; or by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Peggy Murphy, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

Regulatory Authority

NMFS issues regulations to implement Amendment 102 to the BSAI FMP and a regulatory amendment to the IFQ Program to authorize a CQE Program for halibut and sablefish in the Aleutian Islands. NMFS also amends the halibut and sablefish IFQ regulations to allow IFQ derived from D share halibut QS to be fished on Category C vessels in Area 4B and to describe current CQE QS use caps. The North Pacific Fishery Management Council (Council) recommended and NMFS approved the BSAI FMP in 1982 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*). Regulations implementing the BSAI FMP and general regulations governing sablefish appear at 50 CFR part 679. Fishing for Pacific halibut (*Hippoglossus stenolepis*) is managed by the International Pacific Halibut Commission (IPHC) and the Council under the Northern Pacific Halibut Act of 1982 (Halibut Act). Section 773(c) of the Halibut Act authorizes the Council to develop regulations that are in addition to, and not in conflict with, regulations adopted by the IPHC. Such Council-recommended regulations may be implemented by NMFS only after approval by the Secretary of Commerce (Secretary).

Background

The Notice of Availability for Amendment 102 was published in the **Federal Register** on November 1, 2013 (78 FR 65602), with a 60-day comment period that ended December 31, 2013. The Secretary approved Amendment 102 on January 30, 2014. The Council submitted the proposed rule to NMFS, and it was published in the **Federal Register** on November 14, 2013 (78 FR 68390). The 30-day comment period on the proposed rule ended on December 16, 2013. NMFS received a total of nine comment letters on Amendment 102 and the proposed rule during the comment periods. Three comment letters addressed Amendment 102 and the proposed regulations for the amendment. The letters contained six substantive comments. Four comment letters addressed the proposed regulations to allow D share QS to be fished on category C vessels in Area 4B. These letters contained one substantive comment. Two comment letters concerned fishery management policies that are beyond the scope of this final action. A summary of the comments and the responses by NMFS are provided under the Comments and Responses section of this preamble.

A detailed review of the provisions of Amendment 102, the proposed regulations, and the rationale for these regulations is provided in the preamble to the proposed rule (78 FR 68390, November 14, 2013), and a brief summary is provided here. The proposed rule is available from the NMFS Alaska Region Web site (see **ADDRESSES**).

This final rule implements two separate actions, it: (1) Establishes a CQE Program in the Aleutian Islands (Amendment 102); and (2) allows IFQ derived from D share halibut QS to be fished on vessels less than or equal to 60 ft. length overall (LOA) in Area 4B. Action 1, as it relates to sablefish, amends the BSAI FMP. Action 1, as it relates to halibut, and action 2 amend the IFQ Program and CQE Program regulations. The following sections provide background on the need for, objectives of, and the provisions of Amendment 102 and this final rule.

The IFQ and CQE Programs

The IFQ Program, a limited access privilege program for the fixed-gear halibut and sablefish (*Anoplopoma fimbria*) fisheries off Alaska, was recommended by the Council in 1992 and approved by NMFS in 1993. Initial implementing rules were published November 9, 1993 (58 FR 59375), and fishing under the IFQ Program began on March 15, 1995. The IFQ Program limits access to the halibut and sablefish fisheries to those persons holding QS in specific management areas. The IFQ Program for the sablefish fishery is implemented by the BSAI FMP and Federal regulations at 50 CFR part 679 under the authority of the Magnuson-Stevens Act. The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 679 under the authority of the Halibut Act. A comprehensive explanation of the IFQ Program can be found in the final rule implementing the program (58 FR 59375, November 9, 1993).

Under the IFQ Program, NMFS issued QS in the fixed-gear halibut and sablefish fishery by area and vessel size. Halibut QS was issued specific to one of eight IPHC halibut management areas throughout the Bering Sea and Aleutian Islands (BSAI) and GOA, and four vessel categories: Freezer (catcher/processor) category (A share); catcher vessel greater than 60 ft. LOA (B share); catcher vessel greater than 35 ft. to 60 ft. LOA (C share); and catcher vessel less than or equal to 35 ft. LOA (D share). Sablefish QS was issued specific to one of six sablefish management areas throughout the BSAI and GOA, and three vessel categories: Freezer (catcher/processor) category (A share); catcher vessel greater than 60 ft. LOA (B share); and catcher vessel less than or equal to 60 ft. LOA (C share). The amount of halibut and sablefish that each QS holder may harvest is calculated annually and issued as IFQ in pounds on an IFQ permit. An IFQ halibut permit authorizes participation in the fixed-gear fishery for Pacific halibut in and off Alaska, and an IFQ sablefish permit authorizes participation in most fixed-gear sablefish fisheries off Alaska. IFQ permits are issued annually to persons holding Pacific halibut and sablefish QS, or to those persons who are recipients of IFQ transfers from QS holders.

Actions Implemented by this Rule

Action 1: Aleutian Islands CQE Program

Since the inception of the IFQ Program, many residents of Alaska's small, remote, coastal communities who held QS have transferred their QS to non-community residents or moved out of these communities. As a result, the number of resident QS holders has declined substantially in most remote coastal communities throughout Alaska. This transfer of halibut and sablefish QS and the associated fishing effort from the small, remote, coastal communities has limited the ability of residents to locally purchase or lease QS and

reduced the diversity of fisheries to which fishermen in these communities have access. The ability of fishermen in these communities to purchase QS or maintain existing QS may be limited by factors shared among and unique to each community. Although the reasons for decreasing QS holdings in a community may vary, the net effect is overall lower participation by residents of these communities in the halibut and sablefish IFQ fisheries. The substantial decline in the number of resident QS holders and the total amount of QS held by residents of small, remote, coastal communities may have aggravated unemployment and related social and economic conditions in those communities (see North Pacific Fishery Management Council. 2010. Review of the CQE Program under the Halibut/Sablefish IFQ Program. Anchorage, Alaska. March 2010. This document is available from the Council [see **ADDRESSES**]).

In 2001, the Council recognized that a number of small, remote, coastal communities, particularly in the GOA, were struggling to remain economically viable. The Council developed the CQE Program to provide these communities with long-term opportunities to access the halibut and sablefish resources. In 2002, the Council recommended the CQE Program in the GOA as Amendment 66 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP)) and an amendment to the IFQ Program. NMFS implemented the program in 2004 (69 FR 23681, April 30, 2004). The CQE Program allows small, remote, coastal communities that meet historic participation criteria in the halibut and sablefish fisheries to purchase and hold catcher vessel halibut QS in halibut Areas 2C, 3A, and 3B, and catcher vessel sablefish QS in the GOA. A comprehensive explanation of CQE Program provisions can be found in the final rule implementing the CQE program (69 FR 23681, April 30, 2004).

The communities are eligible to participate in the CQE Program once they are represented by a CQE, which is a NMFS-approved non-profit organization. The CQE receives the QS by transfer and becomes the holder of the QS. NMFS issues the corresponding IFQ annually to the CQE. Once the CQE holds QS, the CQE can lease the annual IFQ resulting from the CQE-held QS to individual community residents. Individual community residents who lease annual IFQ from the CQE can use IFQ revenue to purchase their own QS. With certain exceptions, the QS must remain with the CQE. This program structure creates a permanent asset for the community to use. The structure promotes community access to QS to generate participation in, and fishery revenues from, the commercial halibut and sablefish fisheries. The Council believed, and NMFS agrees, that both the CQE and non-CQE-held QS are important in terms of providing community residents fishing access that promotes the economic health of communities.

In 2002, the Council recommended the CQE Program for the GOA, but not for the BSAI. When the CQE Program was initially adopted by the Council, and implemented by NMFS, it was specifically intended to provide opportunities to GOA communities that had a historic dependence on the halibut and sablefish fisheries in the GOA. The Council considered but did not recommend applying the CQE Program to the BSAI because nearly all small, remote, coastal communities located in the BSAI also participate in the Western Alaska Community Development Quota Program (CDQ Program) that is authorized under section 305(i) of the Magnuson-Stevens Act. The CDQ Program allocates a percentage of all BSAI quotas for groundfish, prohibited species, halibut and crab to CDQ groups that represent 65 coastal communities throughout the BSAI. This allocation to the CDQ Program allows the distribution of benefits from that allocation to be shared among the residents of the CDQ Program communities. In contrast, the CQE Program requires communities to purchase halibut and sablefish QS for use by community residents. At the time the Council recommended, and NMFS implemented, the CQE Program for the GOA, communities located in the BSAI did not meet the geographic scope, or intent, of the CQE Program.

Amendment 102 amends the BSAI FMP and this final rule revises halibut and sablefish IFQ Program regulations to allow a designated non-profit organization to purchase and hold catcher vessel QS on behalf of any rural community located adjacent to the coast of the Aleutian Islands (defined in regulations at § 679.2 as the Aleutian Islands Subarea of the BSAI) that meets specific qualification criteria. This final rule revises Federal regulations at §§ 679.2, 679.5, 679.41, 679.42, and Table 21 to part 679 to authorize an Aleutian Islands CQE to purchase a limited amount of Area 4B halibut and Aleutian Islands sablefish QS and lease the resulting IFQ.

The Council initiated the analysis to develop a CQE Program for the Aleutian Islands after receiving a proposal from the Adak Community Development Corporation (ACDC) in January of 2010. Specifically, ACDC requested that the Council modify the existing CQE Program to allow ACDC to use revenues generated from its holdings of Western Aleutian Islands golden king crab to purchase Area 4B halibut and Aleutian Islands sablefish QS for use by fishery participants delivering to Adak, AK. Under regulations established for the BSAI Crab Rationalization Program (70 FR 10174, March 2, 2005), the Adak Community Entity is designated (50 CFR 680.2) to receive an exclusive allocation of 10 percent of the total allowable catch issued for Western Aleutian Islands golden king crab (§ 680.40(a)(1)). ACDC was formed by representatives of the community of Adak as the Adak Community Entity to promote the development of fishery related resources, infrastructure, and assets for the community of Adak. The purchase of Area 4B halibut and Aleutian Islands sablefish QS would be consistent with those goals.

As described in the proposed rule to implement Amendment 102 (78 FR 68390, November 14, 2013), the Council recognized that there may be opportunity for Adak or other similarly situated communities in the Aleutian Islands to maintain and improve access to commercial halibut and sablefish fisheries through a community QS holding program similar to the GOA CQE Program. In February 2012, the Council recommended establishing a CQE Program in the Aleutian Islands that would be similar to the current CQE Program in the GOA. When the Council was requested to consider implementing a CQE program in the Aleutian Islands, there was no similar request for the Bering Sea. Therefore, the Council did not develop a CQE Program for the Bering Sea.

The Council considered comments from the public, NMFS, and the State of Alaska, and incorporated the foundation of the GOA CQE program in its recommendation for the Aleutian Islands CQE Program. As noted earlier, the GOA CQE Program was developed to provide harvest opportunities for small, remote, coastal communities that lacked access to fishery resources. The Aleutian Islands CQE Program is intended to meet that same purpose.

The Council included provisions of the current GOA CQE Program in the Aleutian Islands CQE Program, as the goals of the programs are similar. After reviewing the applicable criteria for the GOA CQE Program, the Council and NMFS found that the Aleutian Islands CQE Program required only limited changes from the GOA CQE Program regulations. Therefore, the basic

provisions for the Aleutian Islands CQE Program are similar to those described in the final rule implementing the CQE Program for GOA communities (69 FR 23681, April 30, 2004), and as amended by the final rule implementing Amendment 94 to the GOA FMP and associated regulatory amendments (78 FR 33243, June 4, 2013). Additional information on the criteria considered in developing the Aleutian Islands CQE Program is provided in the proposed rule and in Section 2.6.2 of the RIR prepared for this action (see **ADDRESSES**). The provisions of the Aleutian Islands CQE Program are briefly summarized here.

1. Eligible Community

The Amendment and the final rule list the criteria a potentially eligible community must meet to participate in the Aleutian Islands CQE Program. An evaluation of the criteria indicates no communities in the Aleutian Islands other than Adak will satisfy the criteria to participate in the CQE program. A description of Adak's eligibility for the Aleutian Islands CQE Program and the reasons other communities (Atka, Attu Station and CDQ communities) are not included are detailed in the Eligible Community section of the proposed rule preamble (78 FR 68390, November 14, 2013).

Under this final rule, Table 21 to part 679 is amended to include Adak as the only eligible Aleutian Islands CQE community. This regulatory amendment ensures that if an Aleutian Islands community other than Adak appears to meet the eligibility criteria but is not specifically designated on the list of communities adopted by the Council, then that community would have to apply directly to the Council to be included. In this event, the Council may modify the list of eligible communities adopted by the Council through a regulatory amendment.

2. Community Quota Entity

This final rule modifies the definition of a CQE at § 679.2 to specify that in addition to meeting the eligibility criteria currently defined at § 679.2 and § 679.41(l), an Aleutian Islands CQE also needs to be the non-profit corporation defined at § 680.2 as the Adak Community Entity that is formed for the purpose of holding the allocation of Western Aleutian Islands golden king crab made to Adak under the provisions of § 680.40(a)(1). CQE Program regulations at § 679.2 and § 679.41(l) define a CQE as a non-profit organization incorporated under the laws of the State of Alaska for the purpose of transferring, holding, and managing QS for an eligible community. Since Adak is the only community that is eligible in the Aleutian Islands CQE Program, the provision identifying the non-profit organization that can serve as the CQE for the community of Adak is specific to Adak. The current Adak Community Entity is ACDC. The Council recommended that the entity eligible to hold the Western Aleutian Islands golden king crab allocation (i.e., the Adak Community Entity) serve as the eligible CQE for Adak, because the overall responsibility of the entity is to hold an exclusive fishery allocation for use on behalf of Adak. This responsibility is identical to the responsibility of a non-profit organization that serves as a CQE in the GOA CQE Program.

An Aleutian Islands CQE must meet the three existing requirements that define a CQE at § 679.2. First, the non-profit organization needs to be incorporated after April 10, 2002, the date the Council took final action on the GOA CQE Program. Second, the community represented by the non-profit organization needs to be listed in Table 21 to part 679. Third, the CQE needs to be approved by NMFS to obtain QS by transfer and to hold QS as well as to lease IFQ resulting from the QS on behalf of an eligible community (see regulations at § 679.41(l) for the CQE application process).

ACDC meets the first requirement for a CQE defined at § 679.2. If ACDC dissolves, or otherwise ceases to be designated as the Adak Community Entity, a new Adak Community Entity could form to hold the Western Aleutian Islands golden king crab allocation and represent Adak for purposes of the Aleutian Islands CQE Program. This new entity would need to have been incorporated after April 10, 2002, to meet the first requirement for a CQE. This final rule amends Table 21 to part 679 to list Adak, to meet the second requirement for a CQE, and the Aleutian Islands CQE will need to be approved by NMFS under existing regulations at § 679.41(l)(3) to meet the third requirement.

This final rule retains the regulation at § 679.41(l)(3) (Transfer of QS to CQEs) specifying that the non-profit organization (i.e., ACDC) must apply to NMFS for eligibility as a CQE. The Administrative Oversight section of the proposed rule preamble explains the specific procedure a community must follow to demonstrate its support for a CQE. Once an application to become a CQE has been approved, then that CQE is eligible to receive and hold QS for community members to use as IFQ. With certain exceptions, the QS remains with the CQE (see the Transfer and Use Restrictions section in the proposed rule preamble for additional detail). NMFS will issue the IFQ annually to the CQE. An approved CQE can lease IFQ under the mechanisms described in § 679.41 and § 679.42 (see the Transfer and Use Restrictions section in the proposed rule preamble for additional detail).

Existing regulations at § 679.41(l)(2) specify that a community cannot be represented by more than one CQE. This final rule applies this provision to the Aleutian Islands.

3. Individual Community Use Caps

Community use caps limit the amount of halibut QS and sablefish QS that each CQE can purchase and hold on behalf of an eligible community.

This final rule establishes CQE use caps for halibut and sablefish, respectively, equal to 15 percent of the Area 4B halibut QS pool (1,392,716 QS units) and 15 percent of the Aleutian Islands sablefish QS pool (4,789,874 QS units). This final rule modifies regulations at § 679.42(e)(6) and (f)(5) to establish the applicable use caps for the Aleutian Islands CQE. The use caps also address existing QS holders' concerns that shifting potential QS holdings to communities could disadvantage individual fishermen by reducing the amount of QS available to them in the QS market. In examining appropriate use caps, the Council considered both the problem statement and the current level of exploitation of the halibut and sablefish resource. On average from 2005 through 2010 about 45 percent of the Aleutian Islands sablefish IFQ and about 15 percent of the Area 4B halibut IFQ were not harvested. Thus the Council determined and NMFS agrees that the 15 percent use caps are of sufficient size to accommodate the purchase and holding of QS for the community's benefit and existing harvests by individual fishermen. The Individual Community Use Caps section of the proposed rule preamble and section 2.6.2.3 of the Analysis provide additional detail on the rationale for Aleutian Islands CQE Program use caps.

This final rule modifies Table 21 to this part and adds a regulation at § 679.42(e)(9) to limit the transfer or use of Aleutian Islands sablefish QS by the Aleutian Islands CQE representing the eligible community of Adak to those management areas that are adjacent to the CQE eligible community in the Aleutian Islands. Only IFQ regulatory Area 4B, for halibut, and IFQ regulatory area Aleutian Islands, for sablefish, are adjacent to the Aleutian Islands. These limits support a principal goal of the Council in creating the Aleutian Islands

CQE Program, which is to improve the access of residents of the eligible community to local resources.

4. Cumulative Community Use Cap

This final rule establishes a 15 percent cumulative community use cap that limits the amount of halibut QS and sablefish QS that all Aleutian Islands CQEs combined can purchase and hold collectively. Under this final action, Adak is the only eligible community; therefore, the individual CQE community use cap of 15 percent of the Area 4B halibut QS pool (1,392,716 QS units) and 15 percent of the Aleutian Islands sablefish QS pool (4,789,874 QS units) also serve as the cumulative CQE community use cap. See the Cumulative Community Use Cap section of the proposed rule preamble for additional details on the rationale for the cumulative community use cap.

This final rule modifies regulations at § 679.42(e)(6) and (f)(5) to remove regulatory text describing the mechanism for phasing in the use cap for GOA CQE communities that is outdated and no longer applicable. This final rule clarifies that GOA CQEs are now subject to a 21 percent use cap for halibut and sablefish QS in the GOA.

5. Transfer and Use Restrictions

This final rule establishes restrictions in the Aleutian Islands on the type of blocked QS that a CQE may purchase; the type of vessel category QS that a CQE may purchase; the permanent transfer of QS from a CQE once the CQE holds QS; who can lease IFQ from a CQE; how much IFQ can be used by an individual lessee; and how much IFQ can be used on an individual vessel. See the Transfer and Use Restrictions section of the proposed rule preamble for additional detail on the purpose for, and effects of, these restrictions on the Aleutian Islands CQE Program.

a. Block Limits

Two block provisions apply to an Aleutian Islands CQE under this final rule. The first block provision allows an Aleutian Islands CQE to purchase both blocked and unblocked Area 4B halibut QS and Aleutian Islands sablefish QS, without restrictions on the size of blocked QS that may be held. Blocked QS are aggregates of small units of QS that were designated as blocks when they were initially issued and that cannot be subdivided upon transfer.

Because existing regulations at § 679.41(e)(4) and (5) do not limit the size of Area 4B halibut and Aleutian Islands sablefish QS blocks that a CQE can hold, no change in regulations is necessary to implement this provision.

The second block provision limits the number of QS blocks the Aleutian Islands CQE may hold to a maximum of 10 blocks of halibut QS and 5 blocks of sablefish QS in each IFQ regulatory area for halibut and sablefish. No change to existing regulations at § 679.42(g)(1)(ii) is necessary to implement this provision.

b. Vessel Category Restrictions

This final rule allows an Aleutian Islands CQE to purchase and hold all categories of Area 4B halibut catcher vessel QS (B, C, and D share QS), and all categories of Aleutian Islands sablefish catcher vessel QS (B and C share QS). Because existing regulations at § 679.41(g)(5) restrict CQEs from holding D share QS only in Area 2C, and not in Area 4B, no changes to the regulations are necessary to implement this provision.

This final rule does not limit the amount of D share halibut QS that an Aleutian Islands CQE may hold because residents of the only CQE eligible community in the Aleutian Islands (i.e., Adak) were not initially issued any halibut or sablefish QS. Because existing regulations at § 679.41(g)(5)(iii) restrict CQEs from holding more than a specific amount of D share QS in Area 3A, no changes to the regulations are necessary to implement this provision.

This final rule modifies regulations at § 679.42(a)(2)(iii) to specify that IFQ derived from B and C share catcher vessel QS held by the Aleutian Islands CQE can be fished from a vessel of any size regardless of the QS vessel category from which the IFQ was derived. This provision applies only to QS held by the CQE. The vessel category requirements for use of the QS would apply if the QS were transferred from a CQE to a qualified recipient that was not a CQE.

Action 2 of this final rule allows Area 4B D share halibut IFQ to be harvested on a vessel less than or equal to 60 ft (18.3 m) LOA. This limitation on the size of vessel that may be used to harvest IFQ derived from D share halibut QS applies to both CQE and non-CQE D share QS holders in Area 4B, and is addressed in the section on Action 2 in this preamble.

c. Sale Restrictions

Under this final rule, the regulations that apply to a CQE transfer of QS in the GOA (§ 679.41(g)(7) and (8)) will apply to a CQE transfer of QS in the Aleutian Islands. An Aleutian Islands CQE may only transfer its catcher vessel QS to an individual or initial QS recipient eligible to receive QS under the IFQ Program or to another eligible CQE in the Aleutian Islands CQE Program. Under this final rule, Adak is the only community eligible to be represented by a CQE in the Aleutian Islands; therefore a CQE representing Adak is only able to transfer its catcher vessel QS to an individual or initial recipient. An Aleutian Islands CQE cannot transfer Area 4B halibut QS or Aleutian Islands sablefish QS to any of the GOA CQEs eligible to hold QS under the GOA CQE Program because those CQEs are prohibited under existing regulations from purchasing QS outside the GOA.

Regulations at § 679.41(g)(7) specify the conditions under which a CQE may transfer QS: (1) To generate revenue to provide funds to meet administrative costs for managing the community QS holdings; (2) to generate revenue to improve the ability of residents within the community to participate in the halibut and sablefish IFQ fisheries; (3) to generate revenue to purchase QS to yield IFQ for use by community residents; (4) to dissolve the CQE; or (5) as a result of a court order, operation of law, or as part of a security agreement.

Existing regulations at § 679.41(g)(8) require that if the Regional Administrator determines that a CQE transferred QS for purposes other than to sustain, improve, or expand the opportunities for community residents, then (1) the CQE must divest itself of any remaining QS holdings and will not be eligible to receive QS by transfer for a period of 3 calendar years after the effective date of final agency action on the Regional Administrator's determination; and (2) the Regional Administrator will not approve a CQE to represent the eligible community in whose name the CQE transferred QS for a period of 3 years after the effective date of the final agency action on the Regional Administrator's determination. The 3-year restriction is intended to discourage CQEs from speculating in the QS market or using potential assets to fund other unrelated projects.

These restrictions encourage the CQE community to hold its QS as a long-term asset to provide access to and benefits from fisheries over time. The restrictions provide the CQE some flexibility to respond to unanticipated circumstances and to act in its best interest and the interests of community residents.

Under this final rule, NMFS will approve a transfer of QS held by an Aleutian Islands CQE on behalf of a community only if the community for which the CQE holds the QS authorizes that transfer (see § 679.41(l)(3)(v)(E)(*4*)). This authorization needs to be in the form of a signature on the Application for Transfer of QS/IFQ to or from a Community Quota Entity (CQE) by an

authorized representative of the governing body of the community. The purpose of the authorization is to ensure that the community is fully aware of the transfer because of the consequences of the restrictions explained above.

Under existing regulations applicable to CQEs, if the Regional Administrator determines that a transfer of QS was made by the Aleutian Islands CQE for reasons other than to sustain, improve, or expand the opportunities for community residents, or to comply with a court order, operation of law, or security agreement, NMFS will withhold annual IFQ permits on any remaining QS held by the CQE on behalf of that community and will disqualify that CQE from holding QS on behalf of that community for 3 calendar years after the effective date of final agency action on the Regional Administrator's determination (see § 679.41(g)(8)).

As under existing regulations applicable to CQEs, NMFS will not impose this restriction on an Aleutian Islands CQE until the CQE has received full administrative due process, including notice of the potential action and the opportunity to be heard. The procedures for appeal are provided at § 679.43. No regulatory changes are required to implement these existing CQE requirements.

d. Use Restrictions

This final rule modifies regulations at § 679.41(g)(6) and § 679.42(e)(8) and (f)(7) to establish limitations on the use of halibut and sablefish QS and IFQ held by an Aleutian Islands CQE and to provide, for a limited time, additional flexibility on the use of IFQ derived from QS held by an Aleutian Islands CQE.

An Aleutian Islands CQE is allowed to lease any IFQ derived from their QS to either an eligible community resident of Adak or a non-resident for a period of up to 5 years after the effective date of this final rule. This additional flexibility was allowed because a limited number of harvesters that have landed catch in Adak in the past were Adak residents. After the 5 year period, the CQE is required to lease the annual IFQ derived from QS it holds only to an eligible community resident of Adak. The intent of this requirement is to tie the potential long-term benefits of QS held by an Aleutian Island CQE to the residents of Adak.

For GOA CQEs, an eligible community resident is defined at § 679.2 as an individual who is a citizen of the United States; maintains a domicile in one of the communities listed in Table 21 to part 679 for the 12 consecutive months preceding the time when the assertion of residence is made, and who is not claiming residency in another community, state, territory, or country; and is an IFQ crew member. An IFQ crew member is defined in regulations at § 679.2 as any individual who has at least 150 days experience working as part of the harvesting crew in any U.S. commercial fishery, or any individual who receives an initial allocation of QS. IFQ Program regulations at § 679.41(d) require that for an individual to be eligible to receive QS or IFQ by transfer, that individual must submit an Application for Eligibility to Receive QS/IFQ to obtain a Transfer Eligibility Certificate (TEC). A TEC requires that the individual be a U.S. citizen and approved by NMFS as an IFQ crew member.

This final rule modifies the definition of an eligible community resident at § 679.2 to create an exception to the requirement that an individual needs to be an IFQ crew member when that person is receiving halibut or sablefish IFQ that is derived from QS held by an Aleutian Islands CQE. This change allows an Aleutian Islands CQE to lease IFQ to an individual who is a citizen of the United States and who has maintained a domicile in one of the communities listed in Table 21 to part 679 for the 12 consecutive months preceding the time when the assertion of residence is made, and who is not claiming residency in another community, state, territory, or country, but is not an ''IFQ crew member'' and so may have less than 150 days experience on board a vessel working as part of the harvesting crew in a U.S. commercial fishery. The individual will still need to obtain a TEC; however, this final rule also modifies regulations at § 679.41(d)(6) to provide that NMFS will not disapprove an application for a TEC on the basis that a person has fewer than 150 days of experience working as an IFQ crew member if the person attests that he or she is an eligible community resident of Adak and that person is receiving only IFQ from an Aleutian Islands CQE for Area 4B halibut or Aleutian Islands sablefish. The Transfer and Use Restrictions section of the proposed rule's preamble describes the process for applying to receive a transfer of IFQ from the Aleutian Islands CQE and the process NMFS will use to review and approve the transfer applications.

This final rule retains regulations at § 679.42(i)(5) specifying that an individual who receives IFQ derived from QS held by a CQE may not designate a hired master to fish the community IFQ: The individual must be on board the vessel when the IFQ is being fished. Individuals who hold leases of IFQ from communities will be considered IFQ permit holders and will be subject to the regulations that govern other permit holders, including the payment of annual fees as required under § 679.45.

e. Individual and Vessel Use Caps

This final rule does not modify the vessel use caps currently applicable to vessels fishing either halibut or sablefish IFQ derived from CQE-held QS. Under regulations at § 679.42(h), a vessel may not be used to harvest more than 50,000 pounds (22.7 mt) of IFQ derived from QS held by a CQE. In addition, a vessel that harvests IFQ derived from CQE-held QS is subject to the overall vessel use caps described at § 679.42(h). In effect, a vessel cannot use more than 50,000 pounds of halibut IFQ and 50,000 pounds of sablefish IFQ derived from QS held by a CQE during the fishing year. A vessel can be used to harvest additional IFQ from non-CQE-held QS up to the overall vessel use caps applicable in the IFQ Program, if the overall vessel use caps are greater than 50,000 pounds. If the vessel use caps in the IFQ Program are lower than 50,000 pounds in a given year, then the lowest vessel use cap will apply. Because existing regulations at § 679.42(h) apply to all CQEs, which includes the Aleutian Islands CQE, no additional regulatory changes are required to implement this provision.

6. Joint and Several Liability for Violations

Consistent with current regulations at § 679.42(h)(4), both the Aleutian Islands CQE and the individual fisherman to whom the CQE leases its IFQ will be considered jointly and severally liable for any IFQ fishery violation committed while the individual fisherman is fishing the CQE leased IFQ. This joint and several liability is analogous to the joint and several liability currently imposed on IFQ permit holders and any hired masters fishing the permit holders' IFQ. Because existing regulations at § 679.42(h)(4) apply to all CQEs, including the Aleutian Islands CQE, no additional regulatory changes are required to implement this provision.

7. Performance Standards

The performance standards for the Aleutian Islands CQE Program will be the same as those established for the GOA CQE Program and are described in the Performance Standards section of the proposed rule preamble and Section 2.6.2.5 of the RIR (see **ADDRESSES**). These performance standards serve as

guidance to the public in how the Council and NMFS intend that CQE QS and IFQ be used. The performance standards describe the CQE Program goals and allow the CQE to describe the steps to meet those goals. As guidance, compliance is voluntary and not implemented in regulation. CQE performance is monitored through the CQE annual report and evaluated through periodic review of the CQE Program.

8. Administrative Oversight

This final rule applies administrative oversight provisions applicable to GOA CQEs to the Aleutian Islands CQE at § 679.41(l)(3)) and 679.5(t). Implementation of the Aleutian Islands CQE requires that NMFS (1) review an application of eligibility for a non-profit organization seeking to be qualified as a CQE for a community in the Aleutian Islands and certify the CQE as eligible; and (2) review an annual report detailing the use of QS and IFQ by the CQE and Aleutian Islands fishery participants. See the Administrative Oversight section of the proposed rule preamble for additional detail on these requirements. If a CQE does not remain in compliance, (e.g., by failing to submit a complete annual report) then NMFS can initiate administrative proceedings to deny the transfer of QS to or IFQ from the CQE. As with other administrative determinations under the IFQ Program, any such determination could be appealed under the procedures set forth in regulations at § 679.43.

a. CQE Eligibility Application

This final rule requires an Aleutian Islands community to form a non-profit corporation under the laws of the State of Alaska before submitting an application to NMFS for approval to be eligible as a CQE consistent with existing regulations at § 679.41(l)(3)(i). Under the CQE Program for the Aleutian Islands, the Council identified the CQE for the community of Adak as the Adak Community Entity approved by NMFS to hold the allocation of Western Aleutian Islands golden king crab provided under regulations at § 680.40(a)(1). The non-profit corporation that currently holds the Western Aleutian Islands golden king crab allocation is ACDC. Even though ACDC is the Adak Community Entity, ACDC is still required to submit an application to the NMFS Regional Administrator that contains specific eligibility information. Should the holder of the Western Aleutian Islands golden king crab allocation change, then a new CQE would need to be incorporated and apply to NMFS to be an eligible CQE.

To minimize potential conflict that may exist among non-profit entities seeking qualification as a CQE, NMFS will not consider a recommendation from a community governing body supporting more than one non-profit entity to hold QS on behalf of that community. The specific governing body that provides the recommendation is defined in regulations at § 679.41(l)(3)(v). Because Adak is the only identified eligible community in the Aleutian Islands that qualifies under this final rule, and that community is incorporated as a municipality under State of Alaska statutes, the City Council of Adak will recommend the non-profit organization to serve as the CQE for that community.

Under regulations at § 679.41(l)(3), a non-profit entity seeking approval from the Regional Administrator to become an Aleutian Islands CQE must submit a complete application to NMFS. This final rule modifies the application process at § 679.41(l)(3)(iv) to require a non-profit entity to provide a statement describing the procedures that will be used to determine the distribution of IFQ to eligible community residents and non-residents of Adak, including procedures used to solicit requests from eligible community residents and non-residents to lease IFQ; and criteria used to determine the distribution of IFQ leases among eligible community residents and non-residents and the relative weighting of those criteria. Because this final rule allows an Aleutian Islands CQE to lease IFQ to eligible community residents and non-residents for the first 5 years after the effective date of the final rule, this modification clarifies the mechanisms for considering and distributing IFQ among eligible community residents and non-residents of Adak.

b. Annual Report

Consistent with current annual reporting requirements applicable to CQEs at § 679.5(t), by January 31 the Aleutian Islands CQE will need to submit an annual report to NMFS and to the governing body for the community represented by the CQE (i.e., City of Adak). The report must detail the use of QS and IFQ by the CQE and fishery participants during the previous year's fishing season. This final rule modifies § 679.5(t)(5)(v)(B), (C), (E), and (J) to require the Aleutian Islands CQE to provide a description of the process used to solicit applications from eligible community residents and non-residents; the total number of eligible community residents and non-residents who applied to use IFQ; a detailed description of the criteria used by the CQE to distribute IFQ among eligible community residents and non-residents who applied to use IFQ; and any payments made to the CQE for use of the IFQ by eligible community residents and non-residents. These revisions are necessary to gather information on the use of IFQ by persons who are not residents of Adak during the first 5 years after the effective date of this final rule. These provisions do not affect GOA CQEs. Existing regulations at § 679.42(e)(8) and (f)(7) prohibit persons other than eligible community residents from fishing the IFQ held by GOA CQEs; therefore, no additional reporting of information on non-residents is required from GOA CQEs.

Consistent with regulations applicable to CQEs at § 679.41(l)(3), if an Aleutian Islands CQE fails to submit a timely and complete annual report, or if other information indicates that the CQE is not adhering to the procedures for distributing or managing QS and IFQ on behalf of a community as established under its application and these regulations, then NMFS will initiate an administrative action to suspend the ability of the CQE to transfer QS and IFQ, and to receive additional QS by transfer. This action is implemented consistent with the administrative review procedures provided at § 679.43.

Action 2: Allow D Share IFQ To Be Fished on Category C Vessels

The purpose of Action 2 is to allow both CQE and non-CQE D share halibut IFQ to be fished on vessels less than or equal to 60 ft. LOA (vessel category C) in IFQ regulatory area 4B. This action is commonly known as a ''fish-up'' action because it allows IFQ derived from QS designated for a small vessel category to be fished ''up'' on a larger vessel category. In 2007, NMFS implemented a similar action for Areas 3B and 4C (72 FR 44795, August 9, 2007).

The proposed rule and the RIR/FRFA prepared for Action 2 (See **ADDRESSES**) describe that this action is intended to addresses economic hardship and safety concerns resulting from fishing on small vessels. This final rule relieves a restriction placed on IFQ fishery participants in Area 4B and furthers the Council's and NMFS' goals for the IFQ Program by effectively increasing the amount of IFQ that may be harvested by category C vessels.

This final rule modifies regulations at § 679.42(a)(2)(iv) to allow IFQ derived from Area 4B halibut D share QS to be fished on vessels less than or equal to 60 ft (18.3 m) LOA.

Comments and Responses

During the public comment period on the Notice of Availability for Amendment 102, and the proposed rule to revise the halibut and sablefish IFQ Program regulations, NMFS received nine comment letters. Two letters from a member of the public expressed a general dislike of fishery management policies that are outside the scope of this action. Three comment letters addressed Amendment 102 to establish a CQE in the Aleutian Islands (Action 1). One letter supported Amendment 102 and the implementation of Action 1 in this final rule. Two comment letters did not support Amendment 102 or the implementation of Action 1 in this final rule. Four comment letters supported the proposed action to allow vessel D share QS to be fished on category C vessels (Action 2). Two of these comment letters were submitted by participants in the halibut IFQ fishery. No changes were made to this final rule in response to the comment letters received. NMFS' response to the substantive public comments on Amendment 102 and the proposed rule is presented below.

Comment 1: The commenter supports adoption of the final rule to implement Amendment 102 as soon as possible to allow acquisition of QS, preparation of the CQE application, and timely certification of the CQE for the 2014 IFQ fishery season. The commenter states that the proposed rule correctly captures the intent of the Council's recommendation to create an Aleutian Islands CQE Program.

Response: NMFS acknowledges the comment.

Comment 2: Amendment 102 ignores National Standard 4 of the Magnuson-Stevens Act, which specifies that conservation and management measures shall not discriminate between residents of different states and that any allocation of fishing privileges must be fair and equitable. Instead, the proposed action unfairly and unlawfully relies on National Standard 8 of the Magnuson-Stevens Act, which specifies that conservation and management measures shall take into account the importance of fishery resources to fishing communities and provide for the sustained participation of such communities. Amendment 102 benefits selected Alaskans at the expense of other non-Alaskan residents that participate in the fishery. This is unfair, discriminatory, and contrary to the requirements of National Standard 4.

Response: The Council and NMFS have determined that Amendment 102 is consistent with the requirements of the Magnuson-Stevens Act. This Amendment specifically defines an eligible community that may be included in the Aleutian Islands CQE Program and cannot help but exclude others. However, those that have been excluded from participation in the program include both Alaskan and non-Alaskan communities, so this action is not predicated upon any effort to discriminate between residents of different states.

As described in the proposed rule preamble (78 FR 68390, November 14, 2013) and in section 2.1 of the RIR, this final rule promotes the Council's objective to provide an opportunity for Adak to improve access to the commercial halibut and sablefish fisheries in the Aleutian Islands and to provide stability to shoreside processing operations in Adak through a structure similar to the GOA CQE Program. The Aleut Corporation and the Adak Community Development Corporation have invested significant effort into developing Adak as a commercial center and civilian community with a private sector economy focused heavily on commercial fishing (see section 2.4.5 of the RIR for additional detail). Section 2.6.2.4 of the RIR notes that residents of Adak were not initially issued halibut and sablefish QS during implementation of the IFQ Program, and the costs of purchasing QS have restricted the ability of residents to participate in the halibut and sablefish IFQ fisheries. Individuals in small, remote communities such as Adak may realize a higher cost of participation than larger communities with road access to markets (see section 2.6.2.4 of the RIR). The Council and NMFS intend for Amendment 102 and this final rule to provide fishing opportunities for residents of Adak, as well as to minimize the adverse economic impacts of the costs of entering the current IFQ program for CQE Program fishery participants.

The Council and NMFS have determined that Amendment 102 and this final rule meet the objectives of National Standard 8 by facilitating long-term access to and participation in the commercial halibut and sablefish fisheries by residents of a small, remote, coastal community in the Aleutian Islands. The mechanism implemented by this final rule to help facilitate participation is to allow the Aleutian Islands CQE to purchase a limited amount of QS and lease the annual IFQ to community residents. Amendment 102 and this final rule are intended to benefit one community, Adak, which is the only community in the area with historical participation in the halibut and sablefish fisheries that is not also eligible under the western Alaska Community Development Quota (CDQ) Program. The Council and NMFS determined that under Amendment 102 and this final rule, individuals residing in communities other than Adak will still realize the majority of the benefit from halibut QS in Area 4B and sablefish QS in the Aleutian Islands, but more of the revenues will be captured in the community of Adak than are currently, and less in the larger, more accessible communities, or in communities outside Alaska, where other QS holders reside (see section 3.1 of the RIR for additional detail).

Comment 3: Two commenters asserted that an Aleutian Islands CQE Program was unlikely to provide the intended benefits to the community of Adak. One commenter stated that Amendment 102 does not guarantee that Adak residents receiving benefits from QS held by the CQE will continue to live in Adak. The other commenter stated that Adak's reliance on a fishing economy is not sustainable in the long term.

Response: NMFS acknowledges the comments and agrees that Amendment 102 and this final rule do not guarantee that the community of Adak or residents of Adak will participate in, or receive benefits, from the IFQ fisheries in the Aleutian Islands. As described in the response to comment 2, Amendment 102 and this final rule provide an opportunity for a non-profit entity representing Adak to purchase QS on the open market. The Council determined, and NMFS agrees, that Amendment 102 and this final rule may provide an opportunity for Adak to improve access to the commercial halibut and sablefish fisheries in the Aleutian Islands and to provide stability to shoreside processing operations in Adak through a structure similar to the GOA CQE Program.

NMFS notes that a number of small, remote, coastal communities in Alaska are reliant on commercial fisheries for a significant portion of their economic activity. This reliance is reasonable given the communities' proximity to salt water, lack of road access to larger communities, and limited infrastructure. As described in section 2.4.5 of the RIR and in the response to comment 2, the Aleut Corporation and ACDC have pursued a number of strategies to develop community participation in harvesting and processing activities in a broad range of fisheries in the Aleutian Islands. The Council and NMFS have determined that Amendment 102 and this final rule may further aid in the development of

seafood harvesting and processing activities within Adak.

Comment 4: Two commenters did not support the proposed requirement for a non-profit organization (i.e., the Aleutian Islands CQE) to be the designated entity to purchase and hold halibut and sablefish QS for the Aleutian Islands CQE. One commenter noted that a non-profit CQE is exempt from paying taxes, and this would give the organization a competitive advantage over non-CQE fishermen in purchasing QS. This advantage could flow to a limited number of eligible lessees of CQE IFQ, who could use their IFQ-derived income to purchase QS. The second commenter suggested that non-profit organizations may not provide sufficient benefits to warrant their tax-exempt status.

Response: The Council and NMFS determined that a non-profit entity is the appropriate type of entity to hold halibut and sablefish QS on behalf of Adak for the Aleutian Islands CQE Program. This determination was based on the Council's consideration of the GOA CQE Program and the objectives for the Aleutian Islands CQE Program. This response addresses the rationale for determining that a non-profit entity is appropriate as the Aleutian Islands CQE. NMFS notes that the decision to grant non-profit organizations tax-exempt status is based on State of Alaska law and is outside NMFS's authority and the scope of this action.

The proposed rule to implement the GOA CQE Program describes that the Council selected a non-profit entity as the appropriate holder of QS for communities based on recommendations from GOA communities (68 FR 59564, October 16, 2003). These recommendations indicated that a non-profit entity could be more flexible and cost-effective than either a for-profit corporation or an existing governmental body.

The preamble to the proposed rule and section 2.6.2.2 of the RIR describe that the GOA CQE Program is premised on the ability of a non-profit entity to purchase and hold halibut and sablefish catcher vessel QS on behalf of a community for lease to and use by community residents. The intent of the Council in establishing the Program is to provide a long-term asset (i.e., halibut or sablefish QS) for individual and community use and benefit. The QS cannot be sold unless it improves the community's ability to enhance or expand its participation in the CQE Program (e.g., the CQE could sell some amount of QS at a price that would facilitate the purchase of more QS) (see § 679.41(g)(7)). Individual QS holders and for-profit corporations could leave the community, sell their QS, or otherwise act in their own best interest, rather than in the best interest of the community. The GOA CQE Program and the Aleutian Islands CQE Program are intended to ensure that some level of QS access remains for community residents for the long term. The Council determined, and NMFS agrees, that designating a non-profit entity to hold QS on behalf of the community best meets this objective.

As described in section 2.6.2.7 of the RIR and in the response to comment 2, NMFS does not anticipate that this final rule will have significant effects on individual participants in the IFQ fisheries or residents of non-CQE communities. NMFS expects that this final rule will allow some redistribution of QS because it is intended to have distributional effects among QS holders by promoting the transfer of QS from existing QS holders to the CQE.

The Council and NMFS considered the impacts of Amendment 102 and this final rule on non-CQE participants in the IFQ fisheries. Section 2.6.2.7 of the RIR notes that authorizing a CQE to purchase QS could create the potential for greater competition in the market for purchasing Area 4B halibut QS and Aleutian Islands sablefish QS, which could result in a higher QS price. However, a significant portion of the QS pool remains unused each year in these areas because the IFQ is not fully harvested, suggesting there is limited existing demand for QS. Section 2.6.2.3 of the RIR indicates that under the QS use caps implemented by this final rule, the Aleutian Islands CQE would be able to purchase QS that is not currently being used. Therefore, NMFS expects potential competition between individual QS holders and the CQE would be limited.

Several other factors are also likely to limit the impact of the Aleutian Islands CQE Program on non-CQE fishery participants. The most important factors are that the CQE must purchase QS on the open market, only one community is eligible to participate, and the Adak CQE will be subject to QS purchase and use limits. Section 2.6.2.7 of the RIR notes that the cumulative community use caps of 15 percent of the QS pools for halibut and sablefish (see § 679.42(e)(4)(ii) and (f)(2)(ii)) and the block limits (see § 679.41(e)(4) and (5)) ensure that even if the Adak CQE purchases QS up to the program limits, non-CQE participants would continue to have access to the remaining QS pool without potential competition from CQEs. Additionally, the Aleutian Islands CQE Program does not affect IFQ participants' access to QS in areas other than Area 4B for halibut and the Aleutian Islands for sablefish.

Section 2.6.4 of the RIR notes that if an Aleutian Islands CQE is provided the opportunity to purchase QS, then use of the resulting IFQ will provide economic benefits that are not currently realized. In addition, because current demand for QS in these areas is relatively low, including a CQE in the market for QS may benefit private sellers of QS.

Comment 5: Individuals who are not qualified to lease IFQ from the Aleutian Islands CQE would be disadvantaged compared to fishermen harvesting CQE-held IFQ, because non-CQE fishery participants are subject to more restrictive QS and IFQ transfer and limits. These restrictions include QS block and use limits, vessel category restrictions for harvesting IFQ, and eligibility to lease IFQ.

Response: In recommending transfer and use restrictions for the Aleutian Islands CQE Program, the Council and NMFS balanced the objective of promoting community access to QS and IFQ with the intent to maintain entry-level opportunities for fishermen residing in other fishery-dependent communities, consistent with the goals of the IFQ Program. The Council and NMFS do not anticipate that the provisions of Amendment 102 implemented by this final rule will have significant effects on individual participants in the IFQ fisheries or residents of non-CQE communities (see the response to comment 4 and section 2.6.2.7 of the RIR for additional detail).

The rationale for each of the transfer and use provisions implemented by this final rule was examined in section 2.6.2.4 of the RIR for the action and described in the Transfer and Use Restrictions section of the proposed rule preamble. The rationale for the specific transfer and use provisions referenced by the commenter is summarized here.

The Council did not recommend, and NMFS does not establish, restrictions on the size of QS blocks the Aleutian Islands CQE can purchase. The Council and NMFS reviewed data on the number of and size of QS blocks in Area 4B and the Aleutian Islands and determined that implementing a block size restriction would greatly limit the QS available for purchase by the CQE (see Section 2.6.2.4 of the RIR for additional information). This final rule applies the same QS block limits to the Aleutian Islands CQE that apply to GOA CQEs because large portions of the QS in the Aleutian Islands are available only in blocked shares. Limiting the Aleutian Islands CQE to existing unblocked QS would effectively limit the QS available

to a small portion of the QS pool that is typically higher priced than the more available blocked QS. The Council and NMFS determined that the potential impacts of its recommended block restrictions on new entrants to this fishery would be limited because not all QS is currently being used to harvest halibut and sablefish IFQ in Area 4B and the Aleutian Islands (see Transfer and Use Restrictions in the proposed rule preamble for additional detail).

This final rule applies the same regulations on the vessel categories of QS to the Aleutian Islands CQE that currently apply to CQEs in Areas 3A and 3B of the GOA. Specifically, under this final rule, the Aleutian Islands CQE could purchase and hold (1) all categories of Area 4B halibut catcher vessel QS (B, C, and D share QS); (2) all categories of Aleutian Islands sablefish catcher vessel QS (B and C share QS); and (3) any amount of Area 4B catcher vessel D share halibut QS, up to the program limit of 15 percent of the total QS pool. As described in the proposed rule and section 2.6.2.4 of the RIR, the Council and NMFS determined that allowing the Aleutian Islands CQE to hold D share QS would not conflict with new entrants in the Aleutian Islands IFQ fisheries, because there is likely to be minimal competition between individuals and the Aleutian Islands CQE for D share QS in the Area 4B halibut QS market. As described in the proposed rule, approximately 70 percent of the D share halibut QS in Area 4B is not used on an annual basis. This suggests that there is little market demand for D share QS in the Aleutian Islands.

This final rule allows IFQ derived from B and C catcher vessel share QS held by an Aleutian Islands CQE to be fished from a vessel of any size regardless of the QS vessel category from which the IFQ was derived. This provision is consistent with the same provisions in the GOA CQE Program on which the Aleutians Islands CQE is modeled, and facilitates the use of IFQ on the wide range of vessel types that fish in Aleutian Islands communities.

This final rule establishes limitations on the use of QS and IFQ assigned to an Aleutian Islands CQE. These limitations are consistent with regulations for the GOA CQE Program, with minor modifications to provide additional flexibility on the use of IFQ derived from QS held by an Aleutian Islands CQE. This final rule allows an Aleutian Islands CQE to lease any IFQ derived from QS it holds to either eligible community residents of Adak or non-residents for a period of up to 5 years after the effective date of the regulations. After the 5-year period, the CQE will be required to lease the IFQ derived from QS it holds only to eligible community residents of Adak. This final rule limits the period during which non-residents may lease IFQ from an Aleutian Islands CQE to explicitly tie the potential long-term benefits of QS held by an Aleutian Islands CQE to the residents of Adak. The five-year time period is intended to provide adequate time to accrue benefits to the community of Adak through IFQ deliveries, provide crew opportunities for residents, and earn revenue that could assist in the purchase of additional QS.

Under this final rule, an eligible community resident of an Aleutian Islands CQE community is relieved from the requirement to have 150 days of experience working as part of the harvesting crew in a U.S. commercial fishery in order to lease IFQ from the Adak CQE. This provision of the Aleutian Islands CQE Program is not limited to the first five years of the program, like the non-resident IFQ leasing provision. Removing the 150 days of experience requirement for eligible community residents of Adak accommodates younger residents of Adak who may seek employment but who lack 150 days of experience as a crew member. Many younger fishermen have experience operating a vessel out of Adak fishing subsistence halibut, but in the western Aleutian Islands there are few commercial fisheries in which they can gain the necessary number of days of experience as crew members, compared to what is available for residents of GOA communities. This is due in part to fewer fishermen operating out of the Aleutian Islands on whose vessels one might be employed as a crew member.

Comment 6: The Aleutian Islands CQE is not required to be an owner onboard, is allowed to lease out its IFQ, and is able to benefit from QS through multiple generations. In contrast, an individual who was not initially issued QS and purchased their QS is restricted by the owner onboard requirement and is not able to lease their IFQ. Furthermore, an individual QS holder's beneficiaries do not receive the long-term benefit of the QS after the death of the QS holder. The QS holder's beneficiary may only lease the resulting IFQ for three years and after that time, the beneficiary must meet the eligibility requirements to hold QS and must be onboard the vessel when the IFQ is harvested, or they must transfer the QS.

Response: The comment refers to IFQ Program regulations at § 679.42(c) that require, with some exceptions, a catcher vessel QS holder to be onboard the vessel during harvest and offloading of IFQ derived from their QS. As described in the final rule to implement the IFQ Program, this requirement is intended to promote stewardship by providing active fishermen with a vested interest in the long-term productivity of the halibut and sablefish resources (58 FR 59375, November 9, 1993). By design, CQE community fishermen do not hold QS but instead are allowed to lease IFQ derived from CQE-held QS. However, the lessee is required by regulations at§ 679.42(c) and § 679.42(h)(5) to be onboard the vessel fishing the IFQ leased from the CQE during harvest and offloading, consistent with the owner onboard objective for the IFQ Program (see the Transfer and Use Restrictions section of the proposed rule preamble for additional detail).

The commenter is correct that the Aleutian Islands CQE could lease IFQ to multiple generations of CQE community fishermen. NMFS notes this is consistent with the CQE Program objective to provide Adak with long-term opportunities to access the halibut and sablefish fisheries, as described in the proposed rule and in Section 2.1 of the RIR. Also see the response to comment 2.

The commenter contrasts the Aleutian Islands CQE objective to promote long-term QS holdings by the community entity with regulations at § 679.41(k) that impose a limit on the amount of time a non-CQE QS holder's beneficiary may hold the QS after the QS holder's death, if the beneficiary is not otherwise eligible to hold QS under IFQ Program requirements. The final rule implementing the GOA CQE Program (68 FR 59564, October 16, 2003) and the proposed rule to implement Amendment 102 describe that the Council and NMFS have determined that the CQE Program structure promotes community access to QS to generate participation in, and fishery revenues from, the commercial halibut and sablefish fisheries. This is consistent with the goals for the IFQ Program (58 FR 59375, November 9, 1993). NMFS notes that the Council has identified specific objectives for the Aleutian Islands CQE Program and rationale for specific provisions that result in different requirements for CQE and non-CQE participants in the IFQ fisheries (see the proposed rule preamble and section 2.1 of the RIR for additional detail). NMFS has determined that this final rule meets the Council's objective to provide the community of Adak with long-term opportunities to access the halibut and sablefish fisheries, is consistent with the

goals for the IFQ Program, and is not likely to have significant effects on individual participants in the IFQ fisheries or residents of non-CQE communities. Also see the response to comment 4.

Comment 7: Four commenters supported the proposed rule to allow D share IFQ to be fished on category vessels. The commenters believe that allowing IFQ derived from D share QS to be fished on vessels less than or equal to 60 ft. LOA would address the economic hardship and safety concerns resulting from fishing on small vessels in the Aleutian Islands.

Response: NMFS acknowledges the comment.

Changes From the Proposed Rule to the Final Rule

NMFS modified the proposed regulatory text to change the definition of an eligible community resident at § 679.2. As proposed, the definition would have provided that an individual must be an IFQ crew member only if the person was receiving halibut or sablefish IFQ that is derived from QS held by a CQE on behalf of an eligible community in the GOA. For purposes of clarity, the proposed definition has been rewritten and, as included in this final rule, creates an exception to the IFQ crew member requirement when that person is receiving halibut or sablefish IFQ that is derived from QS held by an Aleutian Islands CQE. There is no change in the substantive effect of the definition.

Classification

The NMFS Assistant Administrator determined that Amendment 102 to the BSAI FMP and this final rule are necessary for the conservation and management of the halibut and sablefish IFQ and CQE fisheries and that they are consistent with the Magnuson-Stevens Act, Halibut Act, and other applicable laws.

Regulations governing the U.S. fisheries for Pacific halibut are developed by the International Pacific Halibut Commission (IPHC), the Pacific Fishery Management Council, the North Pacific Fishery Management Council (Council), and the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) allows the regional council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters as long as those regulations do not conflict with IPHC regulations. The final action is consistent with the Council's authority to allocate halibut catches among fishery participants in the waters off Alaska.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis (FRFA), the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall also explain the actions a small entity is required to take to comply with a rule or group of rules. The preamble to the proposed rule and this final rule serve as the small entity compliance guide. This action does not require any additional compliance from small entities that is not described in the proposed and final rules. Copies of this final rule are available from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov*.

Executive Order 12866

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

Final Regulatory Flexibility Analysis

A final regulatory flexibility analysis (FRFA) is required by the Regulatory Flexibility Act (RFA). This FRFA incorporates the Initial Regulatory Flexibility Analysis (IRFA) prepared for the proposed rule and addresses the applicable requirements of section 604 of the RFA. A statement of the need for, and objectives of, this final rule is described in the preamble to this rule and is not repeated here. This information also was provided in the preamble to the proposed rule.

Comments on the IRFA

NMFS published a proposed rule to implement Amendment 102 and a regulatory amendment on November 14, 2013 (78 FR 68390), with comments invited through December 16, 2013. NMFS received nine comment letters from the public on Amendment 102 and the proposed rule. None of these comments specifically addressed the IRFA, but comments 2, 4, 5, and 6 expressed concerns about the potential impacts of establishing a CQE in the Aleutian Islands on current participants in the halibut and sablefish IFQ fisheries. NMFS' responses to these comments explain that the Council and NMFS considered the potential impacts of Amendment 102 on participants in the halibut and sablefish fisheries and determined that it is unlikely to have negative impacts on non-CQE participants in the halibut and sablefish fisheries. Several provisions of the Aleutian Islands CQE Program, including the QS transfer and use limits implemented by this final rule, limit the amount of total QS that a CQE may obtain and use. NMFS has determined that this final rule balances the objectives of the action with consideration of the impacts on non-CQE participants in the halibut and sablefish fisheries.

No comments on the proposed rule were filed with NMFS by the Chief Counsel for Advocacy of the Small Business Administration.

Number and Description of Directly Regulated Small Entities

The determination of the number and description of small entities regulated by these actions is based on small business standards established by the Small Business Administration (SBA). On June 20, 2013, the SBA issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398, June 20, 2013). The rule increased the size standard for Finfish Fishing from $4.0 to 19.0 million, Shellfish Fishing from $4.0 to 5.0 million, and Other Marine Fishing from $4.0 to 7.0 million. Id., at 37400 (Table 1). The new size standards were used to prepare the FRFA for this action.

At present, NMFS does not have sufficient ownership and affiliation information to determine precisely the number of entities in the IFQ Program that are ''small'' based on SBA guidelines, nor the number that would be adversely impacted by either of the present actions. This FRFA therefore assumes that all directly regulated operations are small.

Action 1: Aleutian Islands CQE Program

Action 1 applies to communities in the Aleutian Islands that meet the CQE Program eligibility criteria. For the foreseeable future, Adak, Alaska, is the only community in the Aleutian Islands that meets the CQE eligibility criteria. The eligible community of Adak, AK, is considered a small entity (small governmental jurisdiction) under the RFA, since it is a government of a town or village with a population of less than 50,000. The purpose and intent of this action is to have the affected community entity acquire QS and make the resulting IFQ available by lease to eligible harvesters. This action requires those harvesters to make a series of reports and declarations to NMFS in order to be found eligible to participate. Therefore, those commercial fishing

operations are directly regulated small entities, although their number is unknown at this time. Further, NMFS anticipates that any economic impacts accruing from the action to these small entities are beneficial because it is expected to improve access to the IFQ fisheries for affected small entities.

Action 2: Allow D Share IFQ To Be Fished on Category C Vessels

Businesses operating in the commercial halibut fisheries will also be directly regulated by Action 2 of this rule. There are 12 halibut QS holders who are eligible to transfer D share QS in Area 4B. This action directly regulates all of these holders, although NMFS expects the actual number of participants will be smaller. Additionally, the entities affected by Action 2 may be divided into two, mutually exclusive groups to estimate their size relative to the $19 million threshold. There are operations that harvest both halibut and groundfish (sablefish is considered a groundfish species, while halibut is not) for which gross revenue data exist. There are also operations that harvest halibut but no groundfish that have gross receipts data. These entities may also harvest species such as herring or salmon.

In 2009, the most recent year of complete ex-vessel price data, the total standard ex-vessel value of the total catch taken in the commercial halibut fishery in Area 4B was about $3 million. Since this action only affects up to 12 Area 4B D share IFQ holders, who hold potentially 3 percent of the total Area 4B IFQ, the affected IFQ holdings can be valued at about $90,000. Action 2 directly affects participants in the Area 4B halibut fishery who hold D share QS, and indirectly affects an unknown number of owners of larger, category C vessels upon whose vessels those D share QS may be used.

Section 2.0 of the RIR/IRFA for Action 2 (see **ADDRESSES**) estimates that in 2009 the total gross revenues for fixed-gear catcher vessels by entity, from all sources off Alaska (not just Area 4B), did not exceed $19 million in gross revenues, which has been the case since 2003. The average gross revenue for the small fixed-gear catcher vessels was about $510,000. Thus, all of the entities that harvest both halibut and groundfish in Area 4B are under the threshold. Since the IFQ Program limits the amount of annual IFQ that any single vessel may use to harvest halibut and sablefish and the maximum number of QS units an entity may use, NMFS believes that no vessels that harvest halibut exclusively would exceed the $19 million threshold, either.

Based upon gross receipts data for the halibut fishery, and more general information concerning the probable economic activity of vessels in this IFQ fishery, no entity (or at most a *de minimis* number) directly regulated by these restrictions could have been used to land fish worth more than $19 million in combined gross receipts in 2009. Therefore, all halibut vessels have been assumed to be ''small entities'' for purposes of the FRFA. This simplifying assumption may overestimate the number of small entities, since it does not take account of vessel affiliations, owing to an absence of reliable data on the existence and nature of these relationships.

Based on the low revenues for the average groundfish vessel and the low cap on maximum halibut and sablefish revenues, additional revenues from herring, salmon, crab, or shrimp likely would be relatively small for most of this class of vessels. Therefore, the available data and FRFA (see **ADDRESSES**) suggest that there are few, if any, large entities among the directly regulated entities subject to the action.

Recordkeeping and Reporting

Implementation of Action 1 in this final rule will not change the recordkeeping requirements or overall reporting structure of the vessels in the IFQ fisheries. This action requires additional recordkeeping, reporting, and other compliance requirements for the Aleutian Islands CQE entity. The community of Adak will have to qualify as a non-profit entity to purchase, hold, and lease the QS on behalf of the community in order to participate in the CQE Program. Specifically, to become a CQE, an Application for a Non-Profit Corporation to be Designated as a Community Quota Entity (CQE) is filed with the State of Alaska. A CQE must then submit an application of eligibility for a non-profit organization seeking to be qualified as a CQE for a community in the Aleutian Islands before the NMFS Regional Administrator may certify the CQE as eligible. Once an eligible CQE is formed, the CQE is subject to the same recordkeeping and reporting requirements for QS and IFQ transfers as are individuals who hold QS. The CQE also is required to submit to NMFS an annual report detailing the use of QS and IFQ by the CQE and Aleutian Islands fishery participants.

The cost to the CQE representing Adak in fulfilling these administrative requirements will vary, but is expected to be minimal relative to the potential benefits. Neither the applications to be designated and certified as a CQE nor the annual report is intended to be significantly burdensome on the entity. In sum, the CQE representing Adak would not be mandated to fulfill these reporting requirements unless it chooses to participate in the CQE program, and participation in the program is on a voluntary basis.

Individuals that lease IFQ from the CQE representing Adak will generally be subject to the same recordkeeping and reporting requirements as are individuals who hold QS. The primary recordkeeping and reporting requirements beyond those required for individual QS holders, as discussed above, are the responsibility of the CQE representing Adak, which would be listed as the QS holder. These requirements are necessary to monitor how QS held by the CQE representing Adak is being used among eligible harvesters and to collect information necessary to evaluate the program.

No new requirements for recordkeeping and reporting were identified for Action 2 to remove the current restrictions on vessel length associated with D share QS. Implementation of this final rule will not change the overall recordkeeping and reporting requirements of the vessels in the IFQ fisheries.

Description of Significant Alternatives to the Final Action That Minimize Adverse Impacts on Small Entities

A FRFA must describe the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected. ''Significant alternatives'' are those that achieve the stated objectives for the action, consistent with prevailing law with potentially lesser adverse economic impacts on small entities, as a whole.

Action 1: Aleutian Islands CQE Program

During consideration of this action, the Council evaluated two alternatives, including (1) no action, and (2) establish an Aleutian Islands CQE Program to allow a community in Area 4B to hold commercial Area 4B halibut and Aleutian Islands sablefish QS for lease to and use by community residents. Although the analysis identifies two primary alternatives, Alternative 2 contains seven elements and multiple options within each element that effectively operate as separate

alternatives. Thus, the Council was able to specify options within each of the elements under Alternative 2 independent of each other. These elements and options effectively provided the Council with hundreds of different possible combinations, or ''alternatives'' from which to select a preferred alternative at final action. The Council therefore identified a wide range of elements to be analyzed that would meet the stated objective of this action, while minimizing, to the extent practicable, any adverse impacts on small entities. The no action alternative did not meet the objectives of the action, but would have a smaller adverse impact on small entities when compared with the preferred alternative.

Since participation in the CQE Program is completely voluntary, Action 1 of this final rule is not expected to result in adverse impacts on directly regulated small entities. NMFS expects that there will be some redistribution of halibut and sablefish QS under this action, because it is intended to have distributional effects among QS holders by promoting the transfer of a limited amount of QS from persons to the CQE. However, this redistribution will not have significant costs to the fishery participants.

The maximum amount of QS that could be purchased by an Aleutian Islands CQE is 15 percent of the regulatory Area 4B halibut QS and 15 percent of the Aleutian Islands sablefish QS (Area 4B coincides with the Aleutian Islands). Overall, individuals residing in communities other than Adak, AK, will still realize the majority of the benefit from Aleutian Islands sablefish QS, but more of the revenues will be retained in the community of Adak than are currently, and less in the larger, more accessible communities, or in communities outside of Alaska, where other Aleutian Islands sablefish and Area 4B halibut QS holders reside. The effect of this action on Adak will depend on the willingness and ability of the CQE to purchase Area 4B halibut QS and Aleutian Islands sablefish QS. Benefits from increased QS holdings could include lower costs to participate in fisheries and help maintain access to and participation in the IFQ fisheries.

All available evidence suggests that by the voluntary nature of the CQE Program and the program provisions themselves, there is no potential for proposed Action 1 to impose significant adverse economic impacts on a substantial number of small entities.

Action 2: Allow D Share IFQ To Be Fished on Category C Vessels

During consideration of this action, the Council evaluated two alternatives, including (1) no action, and (2) removing the category D vessel-size restriction for Area 4B halibut QS to allow harvest of the resulting IFQ on larger vessels. Retention of the no action alternative would impose adverse economic impacts on directly regulated small entities. Under the status quo, D share QS holders (all of whom are assumed to be small entities) must fish their quota from boats 35 feet or less in LOA. This requirement puts these entities at some physical and economic risk, owing to the remoteness and severity of weather and sea conditions under which they operate.

Alternative 2, the preferred alternative, seeks to mitigate these adverse economic and operational impacts on directly regulated small entities. It does so by removing the category D vessel-size restriction for Area 4B halibut QS; thus allowing harvest of the resulting IFQ from vessels better suited to the extremes of this region. By allowing these entities to harvest IFQ derived from D share QS on larger vessels, the action recognizes the unique needs of, and burdens imposed upon, directly regulated small entities in Area 4B, and makes accommodation for these limitations. On the basis of the foregoing analysis, the preferred alternative (relative to the status quo) appears to be the least burdensome for directly regulated small entities, among all available alternatives.

Based on the analyses prepared for these actions, as well as consideration of the objectives of the actions, it appears that there are no alternatives to the actions with potentially less adverse economic impact while also accomplishing the stated objectives of the Magnuson-Stevens Act and other applicable statutes.

Taking public comment into consideration, NMFS has identified no additional significant alternatives that accomplish statutory objectives and minimize any significant economic impacts of this final rule on small entities.

Collection-of-Information Requirements

This rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) and which have been approved by OMB. The collections are listed below by OMB control number.

OMB Control Number 0648–0272

Public reporting burden is estimated to average per response two hours for the Application for Eligibility to Receive QS/IFQ.

OMB Control Number 0648–0665

Public reporting burden is estimated to average per response two hours for an Application for Transfer of QS to or from a Community Quota Entity (CQE) and two hours for an Application for a CQE to transfer IFQ to or from an eligible community resident or non-resident.

Public reporting burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comment regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

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

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: February 10, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

■ 2. In § 679.2, revise paragraph (3) and add paragraph (4) of the definition of ''Community quota entity'', revise paragraph (2) introductory text and add paragraph (3) of the definition of ''Eligible community'', and revise paragraph (1)(iii) to the definition of ''Eligible community resident'' to read as follows:

§ 679.2 Definitions.

* * * * *

Community quota entity (CQE) (for purposes of the IFQ Program) means a non-profit organization that:

* * * * *

(3) Has been approved by the Regional Administrator to obtain by transfer and hold QS, and to lease IFQ resulting from the QS on behalf of an eligible community; and

(4) Must be the Adak Community Entity as defined at § 680.2 if that non-profit organization represents the eligible community of Adak, AK.

* * * * *

Eligible community means:

* * * * *

(2) For purposes of the IFQ program in the GOA, a community that is listed in Table 21 to this part, and that:

* * * * *

(3) For purposes of the IFQ program in the Aleutian Islands subarea, a community that is listed in Table 21 to this part, and that:

(i) Is a municipality or census designated place, as defined in the 2000 United States Census, located on the Aleutian Islands subarea coast of the North Pacific Ocean;

(ii) Is not an entity identified as eligible for the CDQ Program under 16 U.S.C. 1855(i)(1)(D);

(iii) Has a population of not less than 20 and not more than 1,500 persons based on the 2000 United States Census;

(iv) Has had a resident of that community with at least one commercial landing of halibut or sablefish made during the period from 1980 through 2000, as documented by the State of Alaska Commercial Fisheries Entry Commission; and

(v) Is not accessible by road to a community larger than 1,500 persons based on the 2000 United States Census.

Eligible community resident means:

(1) * * *

(iii) Is an IFQ crew member except when that person is receiving halibut or sablefish IFQ that is derived from QS held by a CQE on behalf of an eligible community in the Aleutian Islands.

* * * * *

■ 3. In § 679.5, revise paragraphs (t)(5)(v)(B), (C), (E), and (J) to read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

* * * * *

(t) * * *

(5) * * *

(v) * * *

(B) A description of the process used by the CQE to solicit applications from eligible community residents and non-residents to use IFQ that is derived from QS that the CQE is holding on behalf of the eligible community;

(C) The total number of eligible community residents and non-residents who applied to use IFQ derived from QS held by the CQE;

* * * * *

(E) A detailed description of the criteria used by the CQE to distribute IFQ among eligible community residents and non-residents who applied to use IFQ held by the CQE;

* * * * *

(J) For each community whose eligible community residents and non-residents landed IFQ derived from QS held by the CQE, provide any payments made to the CQE for use of the IFQ.

* * * * *

■ 4. In § 679.41, revise paragraphs (d)(6)(i), (g)(6), and (l)(3)(iv) to read as follows:

§ 679.41 Transfer of quota shares and IFQ.

* * * * *

(d) * * *

(6) * * *

(i) Fewer than 150 days of experience working as an IFQ crew member, unless that person attests in the Application for Eligibility that he or she is an eligible community resident of Adak, AK, who will receive only halibut IFQ in regulatory area 4B or sablefish IFQ in the regulatory area of the Aleutian Islands subarea that is derived from QS held by a CQE on behalf of Adak, AK.

* * * * *

(g) * * *

(6) IFQ derived from QS held by a CQE on behalf of an eligible community:

(i) In the GOA may be used only by an eligible community resident of that community.

(ii) In the Aleutian Islands subarea may be used by any person who has received an approved Application for Eligibility as described in paragraph (d) of this section prior to March 17, 2019 and only by an eligible community resident of Adak, AK, after March 17, 2019.

* * * * *

(l) * * *

(3) * * *

(iv) A statement describing the procedures that will be used to determine the distribution of IFQ to eligible community residents and non-residents of the community represented by that CQE, including:

(A) Procedures used to solicit requests from eligible community residents and non-residents to lease IFQ; and

(B) Criteria used to determine the distribution of IFQ leases among qualified community residents and non-residents and the relative weighting of those criteria.

* * * * *

■ 5. In § 679.42,

■ a. Revise paragraphs (a)(2)(iii), (a)(2)(iv), (e)(1), (e)(3), (e)(4), (e)(6), (e)(8), (f)(1) introductory text, (f)(3), (f)(5), and (f)(7), and

■ b. Add paragraphs (e)(9) and (f)(2)(iii) to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

(a) * * *

(2) * * *

(iii) IFQ derived from QS held by a CQE may be used to harvest IFQ species from a vessel of any length, with the exception of IFQ derived from QS in IFQ regulatory areas 3A and 4B that are assigned to vessel category D.

(iv) In IFQ regulatory areas 3B, 4B, and 4C, category D QS and associated IFQ authorizes an IFQ permit holder to harvest IFQ halibut on a vessel less than or equal to 60 ft (18.3 m) LOA.

* * * * *

(e) * * *

(1) No person other than a CQE representing the community of Adak, AK, individually or collectively, may use more than 3,229,721 units of sablefish QS, except if the amount of a person's initial allocation of sablefish QS is greater than 3,229,721 units, in which case that person may not use more than the amount of the initial allocation.

* * * * *

(3) No CQE may hold sablefish QS in the IFQ regulatory area of the Bering Sea subarea.

(4) No CQE may hold more than:

(i) 3,229,721 units of sablefish QS on behalf of any single eligible community in the GOA; or

(ii) 4,789,874 units of sablefish QS on behalf of any single eligible community in the Aleutian Islands subarea.

* * * * *

(6) In the aggregate, all CQEs are limited to holding a maximum of:

(i) 21 percent of the total QS in each regulatory area specified in § 679.41(e)(2)(i) through (e)(2)(iv) of this part for sablefish.

(ii) 15 percent of the total QS specified in § 679.41(e)(2)(v) of this part for sablefish.

* * * * *

(8) A CQE receiving category B or C sablefish QS through transfer and representing an eligible community:

(i) In the GOA may lease the IFQ resulting from that QS only to an eligible community resident of the eligible community on whose behalf the QS is held; and

(ii) In the Aleutian Islands subarea may lease the IFQ resulting from that

QS to any person who has received an approved Application for Eligibility as described in paragraph (d) of this section prior to March 17, 2019 and only to an eligible community resident of Adak, AK, after March 17, 2019.

(9) A CQE representing an eligible community in the Aleutian Islands subarea may receive by transfer or use sablefish QS only in the Aleutian Islands subarea.

* * * * *

(f) * * *

(1) Unless the amount in excess of the following limits was received in the initial allocation of halibut QS, no person other than a CQE representing the community of Adak, AK, individually or collectively, may use more than:

* * * * *

(2) * * *

(iii) *IFQ regulatory area 4B.* 1,392,716 units of halibut QS.

(3) No CQE may hold halibut QS in the IFQ regulatory areas 4A, 4C, 4D, and 4E.

* * * * *

(5) In the aggregate, all CQEs are limited to holding a maximum of:

(i) 21 percent of the total QS in each regulatory area specified in § 679.41(e)(3)(i) through (e)(3)(iii) of this part for halibut.

(ii) 15 percent of the total QS specified in § 679.41(e)(3)(v) of this part for halibut.

* * * * *

(7) A CQE receiving category B, C, or D halibut QS through transfer:

(i) In an IFQ regulatory area specified in § 679.41(e)(3)(i) through (e)(3)(iii) of this part may lease the IFQ resulting from that QS only to an eligible community resident of the eligible community represented by the CQE.

(ii) In IFQ regulatory area 4B may lease the IFQ resulting from that QS to any person who has received an approved Application for Eligibility as described in paragraph (d) of this section prior to March 17, 2019 and only to an eligible community resident of Adak, AK, after March 17, 2019.

* * * * *

■ 6. Revise Table 21 to part 679 to read as follows:

TABLE 21 TO PART 679—ELIGIBLE COMMUNITIES, HALIBUT IFQ REGULATORY AREA LOCATION, COMMUNITY GOVERNING BODY THAT RECOMMENDS THE CQE, AND THE FISHING PROGRAMS AND ASSOCIATED AREAS WHERE A CQE REPRESENTING AN ELIGIBLE COMMUNITY MAY BE PERMITTED TO PARTICIPATE

Eligible GOA or AI community	Halibut IFQ regulatory area in which the community is located	Community governing body that recommends the CQE	May hold halibut QS in halibut IFQ regulatory				May hold sablefish QS in sablefish IFQ regulatory areas		Maximum number of CHPs that may be held in halibut IFQ regulatory		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be assigned in the GOA groundfish regulatory area	
			Area 2C	Area 3A	Area 3B	Area 4B	CG, SE, WG, and WY (All GOA)	AI	Area 2C	Area 3A	Central GOA	Western GOA
Adak	4B	City of Adak				X		X				
Akhiok	3A	City of Akhiok		X	X		X			7	2	
Angoon	2C	City of Angoon	X	X			X		4			
Chenega Bay	3A	Chenega IRA Village		X	X		X			7	2	
Chignik	3B	City of Chignik		X	X		X				3	
Chignik Lagoon.	3B	Chignik Lagoon Village Council.		X	X		X				4	
Chignik Lake	3B	Chignik Lake Traditional Council.		X	X		X				2	
Coffman Cove.	2C	City of Coffman Cove	X	X			X		4			
Cold Bay	3B	City of Cold Bay		X	X		X					2
Craig	2C	City of Craig	X	X			X					
Edna Bay	2C	Edna Bay Community Association.	X	X			X		4			
Elfin Cove	2C	Community of Elfin Cove	X	X			X					
Game Creek	2C	N/A	X	X			X		4			
Gustavus	2C	Gustavus Community Association.	X	X			X					
Halibut Cove	3A	N/A		X	X		X			7	2	
Hollis	2C	Hollis Community Council	X	X			X		4			
Hoonah	2C	City of Hoonah	X	X			X		4			
Hydaburg	2C	City of Hydaburg	X	X			X		4			
Ivanof Bay	3B	Ivanof Bay Village Council		X	X		X					2
Kake	2C	City of Kake	X	X			X		4			
Karluk	3A	Native Village of Karluk		X	X		X			7	2	
Kasaan	2C	City of Kasaan	X	X			X		4			
King Cove	3B	City of King Cove		X	X		X					9
Klawock	2C	City of Klawock	X	X			X		4			
Larsen Bay	3A	City of Larsen Bay		X	X		X			7	2	
Metlakatla	2C	Metlakatla Indian Village	X	X			X		4			
Meyers Chuck.	2C	N/A	X	X			X		4			
Nanwalek	3A	Nanwalek IRA Council		X	X		X			7	2	
Naukati Bay	2C	Naukati Bay, Inc	X	X			X		4			
Old Harbor	3A	City of Old Harbor		X	X		X			7	5	
Ouzinkie	3A	City of Ouzinkie		X	X		X			7	9	
Pelican	2C	City of Pelican	X	X			X		4			
Perryville	3B	Native Village of Perryville		X	X		X					2
Point Baker	2C	Point Baker Community	X	X			X		4			
Port Alexander.	2C	City of Port Alexander	X	X			X		4			
Port Graham	3A	Port Graham Village Council.		X	X		X			7	2	
Port Lions	3A	City of Port Lions		X	X		X			7	6	

TABLE 21 TO PART 679—ELIGIBLE COMMUNITIES, HALIBUT IFQ REGULATORY AREA LOCATION, COMMUNITY GOVERNING BODY THAT RECOMMENDS THE CQE, AND THE FISHING PROGRAMS AND ASSOCIATED AREAS WHERE A CQE REPRESENTING AN ELIGIBLE COMMUNITY MAY BE PERMITTED TO PARTICIPATE—Continued

Eligible GOA or AI community	Halibut IFQ regulatory area in which the community is located	Community governing body that recommends the CQE	May hold halibut QS in halibut IFQ regulatory				May hold sablefish QS in sablefish IFQ regulatory areas		Maximum number of CHPs that may be held in halibut IFQ regulatory		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be assigned in the GOA groundfish regulatory area	
			Area 2C	Area 3A	Area 3B	Area 4B	CG, SE, WG, and WY (All GOA)	AI	Area 2C	Area 3A	Central GOA	Western GOA
Port Protection.	2C	Port Protection Community Association.	X	X			X		4			
Sand Point	3B	City of Sand Point		X	X		X					14
Seldovia	3A	City of Seldovia		X	X		X			7	8	
Tatitlek	3A	Native Village of Tatitlek		X	X		X			7	2	
Tenakee Springs.	2C	City of Tenakee Springs	X	X			X		4			
Thorne Bay	2C	City of Thorne Bay	X	X			X		4			
Tyonek	3A	Native Village of Tyonek		X	X		X			7	2	
Whale Pass	2C	Whale Pass Community Association.	X	X			X		4			
Yakutat	3A	City of Yakutat		X	X		X			7	3	

N/A means there is not a governing body recognized in the community at this time.
CHPs are Charter halibut permits.

[FR Doc. 2014–03291 Filed 2–13–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 31
Friday, February 14, 2014

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

DEPARTMENT OF ENERGY

10 CFR Part 429

[Docket No. EERE–2013–BT–NOC–0023]

RIN 1904–AD12

Energy Conservation Program: Certification of Commercial Heating, Ventilation, and Air-Conditioning (HVAC), Water Heating (WH), and Refrigeration (CRE) Equipment

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Energy is proposing to revise and expand its existing regulations governing certifying compliance with the applicable energy conservation standards and the reporting of related ratings for commercial heating, ventilating, air-conditioning, water heating, and refrigeration equipment covered by EPCA.

DATES: DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) no later than March 17, 2014. See section V, ''Public Participation,'' of this NOPR for details.

In compliance with the Paperwork Reduction Act, DOE is also seeking comment on a revised information collection. See the Paperwork Reduction Act section under Procedural Issues and Regulatory Review below. Please submit all comments relating to information collection requirements to DOE at the address listed in the **ADDRESSES** section on or before April 15, 2014. Comments to OMB are most useful if submitted within 30 days of publication.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2013–BT–NOC–0023, by any of the following methods:

- *Email:* to *ASRACworkgroup2013NOC0023@ee.doe.gov.* Include EERE–2013–BT–NOC–0023 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Revisions to Energy Efficiency Enforcement Regulations, EERE–2013–BT–NOC–0023, 1000 Independence Avenue SW., Washington, DC 20585–0121. Phone: (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586–2945. Please submit one signed paper original.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. 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: *Ashley.Armstrong@ee.doe.gov.* Phone: 202–586–6590; and Ms. Laura Barhydt, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC–32, 1000 Independence Avenue SW., Washington, DC 20585. Email: *Laura.Barhydt@hq.doe.gov* Phone: 202–287–5772.

SUPPLEMENTARY INFORMATION:

I. Authority and Background
II. Discussion of Specific Revisions to DOE's Certification Regulations
Engineered-to-Order Equipment
General Certification Information Applicable to All Basic Models of Commercial HVAC, WH, and Refrigeration Equipment
Equipment Specific Certification Information
III. Procedural Issues and Regulatory Review
IV. Public Participation
V. Approval of the Office of the Secretary

I. Authority and Background

Authority

Title III of the Energy Policy and Conservation Act of 1975, as amended (''EPCA'' or, in context, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. Part A of Title III (42 U.S.C. 6291–6309) provides for the Energy Conservation Program for Consumer Products Other Than Automobiles. The National Energy Conservation Policy Act (NECPA), Public Law 95–619, amended EPCA to establish an energy conservation program for certain industrial equipment. (42 U.S.C. 6311–6317) [1] The Department of Energy (''DOE'') is charged with implementing these provisions.

Under EPCA, this program consists essentially of four parts: (1) Testing; (2) labeling; (3) Federal energy conservation standards; and (4) certification and enforcement procedures. The Federal Trade Commission (FTC) is primarily responsible for labeling of consumer products, while DOE implements the remainder of the program. The testing requirements consist of test procedures that manufacturers of covered products and equipment must use (1) as the basis for certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) for making representations about the efficiency of those products and equipment. Similarly, DOE must use these test requirements to determine whether the products comply with any relevant standards promulgated under EPCA. For certain consumer products and commercial equipment, DOE's existing testing regulations allow the use of an alternative efficiency determination method (AEDM) or an alternative rating method (ARM), in lieu of actual testing, to simulate the energy consumption or efficiency of certain basic models of covered products and equipment under DOE's test procedure conditions.

In addition, sections 6299–6305, and 6316 of EPCA authorize DOE to enforce compliance with the energy and water conservation standards (all non-product specific references herein referring to energy use and consumption include

[1] For editorial reasons, Parts B (consumer products) and C (commercial equipment) of Title III of EPCA were re-designated as parts A and A–1, respectively, in the United States Code.

water use and consumption; all references to energy efficiency include water efficiency) established for certain consumer products and industrial equipment. (42 U.S.C. 6299–6305 (consumer products), 6316 (industrial equipment)) DOE has promulgated enforcement regulations that include specific certification and compliance requirements. *See* 10 CFR part 429; 10 CFR part 431, subparts B, U, and V.

Background

On March 7, 2011, DOE published a final rule in the **Federal Register** that, among other things, modified the requirements regarding manufacturer submission of compliance statements and certification reports to DOE (hereafter referred to as the March 2011 Final Rule). 76 FR 12422. This rule, among other things, imposed new or revised reporting requirements for some types of covered products and equipment, including a requirement that manufacturers submit annual reports to the Department certifying compliance of their basic models with applicable standards. See 76 FR 12428–12429 for more information.

In response to the initial deadline for certifying compliance imposed by the March 2011 Final Rule, certain manufacturers of particular types of commercial and industrial equipment (including manufacturers of commercial heating, ventilation, and air conditioning (HVAC) equipment, commercial water heating (WH) equipment, and commercial refrigeration equipment (CRE)) stated that, for a variety of reasons, they would be unable to meet that deadline. In response, DOE initially extended the deadline for certifications for commercial HVAC, WH, and refrigeration equipment in a final rule published June 30, 2011 (hereafter referred to as the June 2011 Final Rule). 76 FR 38287 (June 30, 2011). DOE subsequently extended the compliance date for certification by an additional 12 months to December 31, 2013, for these types of equipment (December 2012 Final Rule) to allow, among other things, the Department to explore the negotiated rulemaking process for this equipment. 77 FR 72763.

In the summer of 2012, DOE had an independent convener evaluate the feasibility of developing certification requirements for commercial HVAC, WH, and refrigeration equipment (not including walk-in coolers and freezers) through consensus-based negotiations among affected parties. In October 2012, the convener issued his report after completing confidential interviews of forty (40) parties from a wide range of commercial HVAC, WH, and refrigeration equipment interests. The convener found the interviewed parties believed negotiated rulemaking was superior to notice and comment rulemaking for certification-related issues. Because of this, the convener found that a negotiated rulemaking would have a reasonable likelihood of achieving consensus based on the factors set forth in the Negotiated Rulemaking Act. The entire report is available at *https://www1.eere.energy.gov/buildings/appliance_standards/pdfs/convening_report_hvac_cre_1.pdf.*

On February 26, 2013, members of the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) unanimously decided to form a working group to engage in a negotiated rulemaking effort on the certification of commercial HVAC equipment (10 CFR part 431, subparts D, E and F), WH equipment (10 CFR part 431, subpart G), and refrigeration equipment (10 CFR part 431, subpart C). A notice of intent to form the Commercial Certification Working Group was published in the **Federal Register** on March 12, 2013, to which DOE received 35 nominations. 78 FR 15653. On April 16, 2013, the Department published a notice of open meeting that announced the first meeting and listed the 22 nominations that were selected to serve as members of the Working Group, in addition to two members from ASRAC, and one DOE representative. 78 FR 22431. The members of the Working Group were selected to ensure a broad and balanced array of stakeholder interests and expertise, and included efficiency advocates, manufacturers, a utility representative, and third party laboratory representatives.

As required, the Working Group submitted an interim report to ASRAC on June 26, 2013, summarizing the group's recommendations regarding AEDMs for commercial HVAC, WH, and refrigeration equipment. The interim report to ASRAC can be found at *http://www.regulations.gov/#!documentDetail;D=EERE-2013-BT-NOC-0023-0046.* ASRAC subsequently voted unanimously to approve the recommendations in the interim report for AEDMs. Subsequently, the Working Group submitted a final report on August 30, 2013, summarizing the Working Group's recommendations for model grouping, certification requirements and deadlines, and features to be excluded from certification, verification, and enforcement testing as long as specific conditions were met. ASRAC voted unanimously to approve the recommendations in the final report. DOE proposed to adopt the Working Group's recommendations, without modification, for AEDMs, basic model definitions, and the initial compliance date for certification in a notice published on October 22, 2013. 78 FR 62472. In this notice of proposed rulemaking, DOE is proposing to adopt without modification the remaining recommendations for certification requirements from the Working Group. DOE still intends to issue separate rulemaking or guidance documents regarding the treatment of specific features when testing.

II. Discussion of Specific Revisions to DOE's Certification Regulations

The Commercial Certification Working Group held nine full meetings in Washington, DC, between April 30, 2013 and August 28, 2013. These meetings were attended by 57 interested parties, including members of the Working Group. Table II.1 lists the entities that attended the Commercial Certification Working Group meetings and their affiliation. The Working Group's recommendations regarding certification are presented in this notice of proposed rulemaking. A more detailed discussion of the recommendations can be found in the Commercial Certification Working Group meeting transcripts, which are located here: *http://www.regulations.gov/#!docketDetail;D=EERE-2013-BT-NOC-0023.*

TABLE II.1—INTERESTED PARTIES

Name	Acronym	Organization type
AAON, Inc	AAON	Manufacturer.
Air-Conditioning, Heating, and Refrigeration Institute	AHRI	Trade Association.
Allied Air Enterprises	Allied Air	Manufacturer.
American Council for an Energy-Efficient Economy	ACEEE	Energy Efficiency Advocacy Group.
American Society of Heating, Refrigerating and Air-conditioning Engineers	ASHRAE	Trade Association.

TABLE II.1—INTERESTED PARTIES—Continued

Name	Acronym	Organization type
Bard Manufacturing Company Inc	Bard	Manufacturer.
Bosch Thermotechnology Corp	Bosch	Manufacturer.
Bradford White Corporation	Bradford White	Manufacturer.
California Energy Commission	CEC	California State Government Agency.
Cleaver-Brooks		Manufacturer.
ClimateMaster Inc	ClimateMaster	Manufacturer.
Continental Refrigerator		Manufacturer.
CSA Group	CSA	Third-party laboratory.
Daikin McQuay		Manufacturer.
EarthJustice		Energy Efficiency Advocacy Group.
Edison Electric Institute	EEI	Energy Efficiency Advocacy Group.
Emerson Climate Technologies	Emerson	Component Manufacturer.
Estes Heating & Air Conditioning, Inc	Estes	Distributor.
General Electric Company	GE	Manufacturer.
Goodman Global, Inc	Goodman	Manufacturer.
Heat Transfer Products	HTP	Manufacturer.
Hillphoenix	Hillphoenix	Manufacturer.
Hoshizaki America, Inc	Hoshizaki	Manufacturer.
Hussmann Corporation	Hussmann	Manufacturer.
Intertek	Intertek	Third-party laboratory.
Johnson Controls Inc	JCI	Manufacturer.
Lennox International, Inc	Lennox	Manufacturer.
Lochinvar, LLC	Lochinvar	Manufacturer.
Mississippi College School of Law		Law School.
McDermott Will & Emery		Law Firm.
Mitsubishi Electric US, Inc	MEUS	Manufacturer.
National Comfort Products	NCP	Manufacturer.
National Electric Manufacturers Association	NEMA	Trade Association.
National Refrigeration and Air-Conditioning	National	Manufacturer.
Norlake Inc	Norlake	Manufacturer.
Northwest Energy Efficiency Alliance	NEEA	Energy Efficiency Advocacy Group.
Natural Resources Canada	NRCan	Canadian Government Agency.
Manitowoc Foodservice	Manitowoc	Manufacturer.
P2S Engineering, Inc	P2S	Consulting Firm.
Pacific Gas and Electric Company	PG&E	Utility.
PVI Industries Inc	PVI	Manufacturer.
Regal-Beloit Corporation	Regal-Beloit	Manufacturer.
Rheem Manufacturing Company	Rheem	Manufacturer.
Saudi Diyar Consultants	Diyar	Engineering Design Firm.
Schneider Electric SA	Schneider Electric	Consulting Firm.
San Francisco Department of the Environment	SF Environment	California State Government Agency.
SJI Consultants Inc	SJI	Consulting firm.
Southern California Gas Company	SoCal Gas	Utility.
Source Energy		Consulting Firm.
Southern Store Fixtures		Manufacturer.
Trane		Manufacturer.
Traulsen	Traulsen	Manufacturer.
True Manufacturing Co. Inc	True Manufacturing	Manufacturer.
Underwriters Laboratories LLC	UL	Third-party laboratory.
United CoolAir Corporation	United CoolAir	Manufacturer.
United Technologies Climate, Controls & Security and ITS Carrier	UTC/Carrier	Manufacturer.
Zero Zone Inc	Zero Zone	Manufacturer.

Engineered-to-Order Equipment

The Working Group recommended that a new concept, ''engineered-to-order equipment,'' be added to DOE's certification regulations. The Working Group recommended that this concept be applied to a basic model that is not listed in any catalogs or marketing literature and is designed and built to customer requirements. An engineered-to-order basic model does not include any models offered as a ''configure-to-order'' or ''menu-system'' set of options.[2] Additionally, the Working Group determined that a basic model may not be classified as engineered-to-order for more than one annual certification cycle, effectively meaning that the basic model cannot be classified as engineer-to-order for more than 24 months. If the manufacturer does not recertify the engineered-to-order product as a typical basic model by the second annual certification deadline then the manufacturer is effectively certifying that the model has been discontinued. In that case, DOE would automatically treat the basic model as discontinued.[3] DOE proposes to adopt

[2] The Working Group recommended the new concept to distinguish between models that are built to customer specifications from a list of options offered by the manufacturer (e.g., ''configure-to-order'') and models that are built to customer specifications that are completely unique, require original engineering design work, and are not built from options the manufacturer offers for sale (i.e., ''engineered-to-order'').

[3] In all other circumstances, the manufacturer must affirmatively certify that a basic model has been discontinued as required by 10 CFR 429.12(f). Because engineered-to-order basic models are, by design, unlikely to be distributed more than once, the manufacturer would not be required to submit

the engineered-to-order concept by adding a definition of this term and the associated certification requirements and requests comment on this approach.

General Certification Information Applicable to All Basic Models of Commercial HVAC, WH, and Refrigeration Equipment

The Working Group recommended that manufacturers submit the following general information to DOE in all certification reports.

- Product or equipment type;
- Product or equipment class;
- Manufacturer name and address;
- Private labeler name and address, if applicable;
- Brand name;
- Basic model number;
- Individual model numbers covered by the basic model;
- Customer-specified model numbers, if applicable;
- Status (new certification, discontinued, existing, etc.);
- Test sample size (''0'' if an AEDM was used);
- U.S. Customs and Border Protection (CBP) importer ID number, if applicable;
- Whether the certification was based on test procedure waiver and the date of such waiver;
- Whether the certification was based on exception relief from the Office of Hearings and Appeals and the date of such relief; and
- AEDM name or identifier, if the test sample size is ''0.''

The only items listed above that manufacturers are not currently required to provide DOE in accordance with 10 CFR 429.12 are customer-specified model numbers and the name of the AEDM used.

Additionally, the Working Group recommended that only the information specified below be publicly posted on DOE's Web site. Accordingly, DOE is proposing to revise 10 CFR 429.7(a) to include these items as ''not exempt from public disclosure.''

- Product or equipment type;
- Product or equipment class
- Private labeler name
- Brand name
- Individual model numbers covered by the basic model
- Whether the certification was based on test procedure waiver and the date of such waiver; and
- Whether the certification was based on exception relief from the Office of Hearings and Appeals and the date of such relief

During the Working Group discussions, manufacturers of commercial refrigeration equipment inquired about what ''equipment classes'' there are for commercial refrigeration equipment. DOE provides templates for certification reports that provide the current list of equipment classes, which correspond to the classes described in the relevant regulatory text promulgating standards for each piece of equipment. See, e.g., the Product Description tab of the Commercial Refrigeration Equipment templates available at *https://www.regulations.doe.gov/ccms/templates* and 10 CFR 431.66. DOE reviews the current equipment classes each time it analyses amended standards for equipment, so the list of equipment classes may change if amended standards are adopted by the Department.

As stated above, DOE is proposing that commercial HVAC, WH and refrigeration equipment manufacturers provide customer-specified model numbers and the name of the AEDM used in addition to the other current reporting requirements found within 10 CFR 429.12(b). The Working Group used the term ''customer-specified model number'' to describe an individual model number that is specified by a customer in lieu of the manufacturer's normal model numbering system. This ''customer-specified model number'' often includes the customer's name or brand name, and thus may reveal confidential business information about company relationships. Therefore, in the proposed regulatory text, DOE is proposing to call this ''customer-specified model number'' a ''private model number'' to differentiate it from a manufacturer's individual model number, which is considered public information.

The Working Group also recommended significant changes to the AEDM provisions applicable to commercial HVAC, WH and refrigeration equipment. DOE addressed those recommendations in a separate rulemaking. See 78 FR 79579 (Dec. 31, 2013). As part of those recommendations, the Working Group developed the concept of having multiple, unique AEDMs. Because certain verification provisions are tied to which basic models are part of an AEDM, the Working Group recommended that manufacturers use a name or other identifier to designate which basic models were rated using which AEDM. The Working Group recommended that a manufacturer include that AEDM name/identifier as part of the certification of a basic model that was rated using the AEDM. DOE is proposing to require the AEDM name or identifier as part of the certification of a basic model where the basic model was rated using an AEDM.

The Working Group also recommended that certification reports for these types of equipment identify whether the basic model was engineered-to-order. The Working Group further recommended that DOE modify the language regarding sample size in 429.12(b)(8) to indicate that models certified with performance data based upon an AEDM should indicate the sample size is ''0''. DOE proposes to adopt these modifications and requests comment on the proposed changes to the certification requirements applicable to all of these equipment types.

DOE requires manufacturers to certify to DOE, prior to distribution in commerce, the compliance of each basic model subject to an applicable energy conservation standard set forth in 10 CFR 430 or 10 CFR 431 before distribution in commerce. The Working Group made several recommendations regarding when manufacturers should be required to submit a certification report to DOE based on the specific circumstances regarding manufacturing of commercial HVAC, WH, and refrigeration equipment. For domestically manufactured, engineered-to-order products, the Working Group recommended that DOE consider distribution in commerce to begin on the date on which the basic model is shipped. For all other domestic products, it recommended that DOE consider distribution in commerce to begin on the date on which a manufacturer is first willing to accept an order. For engineered-to-order products built outside of the U.S., the Working Group recommended that DOE consider distribution in commerce to begin on the date on which the basic model is imported. For all other foreign manufactured products, it recommended that DOE consider distribution in commerce to begin on either the date on which a basic model is imported for sale or the date on which a manufacturer is willing to accept an order, whichever is first. DOE is proposing to adopt these interpretations for the limited purposes of determining by what date certification reports must be submitted to the Department for commercial HVAC, WH and refrigeration equipment.

Equipment Specific Certification Information

DOE proposed in its October 2013 notice regarding the Working Group's recommendations for AEDMs that commercial HVAC, WH, and refrigeration equipment manufacturers

a certification report discontinuing an engineered-to-order basic model.

may elect to have a manufacturer's representative on-site to witness test set-up before verification testing of up to 10 percent of the manufacturer's certified basic models rated with an AEDM. A manufacturer would indicate its selection of basic models in its certification report(s). DOE has included this certification requirement in this proposal in the product-specific certification sections.

The Working Group outlined information specific to the commercial HVAC, WH, and refrigeration equipment that should be certified to DOE, listed in Table II.2, Table II.3, Table II.4, and Table II.5. In addition to the product-specific information, the Working Group recommended that manufacturers be permitted to submit a document in PDF format with additional testing instructions that are required to test the equipment according to the applicable DOE test procedure. For instance, the PDF with additional instructions may include the refrigerant charging instructions for a given basic model. As indicated in Table II.4 and II.5, the Working Group determined that the PDF with testing instructions should be optional for some types of equipment but mandatory for others due to the complexities with testing certain basic models and the unique nature associated with certain basic models of custom equipment. For those pieces of HVAC equipment that require submission of additional testing instructions, the Working Group further provided a list of specific information that must be included in those instructions as detailed in Table II.4. DOE proposes to adopt these certification requirements and requests comment on the specific proposals for each equipment type.

For commercial HVAC and refrigeration equipment, the Working Group recommended that certain features should not be subject to testing and, thus, should not be considered in determining the efficiency of a basic model. Models with these special features would only be excluded from testing and certification if the manufacturer offers an otherwise identical model without the feature(s) in the basic model. The Working Group recommended that a manufacturer identify in the PDF portion of a certification report whether a basic model includes any of these special features. That is, if the manufacturer does not offer an ''otherwise identical'' model without the feature—and thus the certification is based on testing *with* the feature—the manufacturer must specify in the PDF portion of the certification report which ''special'' features are included in the basic model's rating.

TABLE II.2—CRE CERTIFICATION REPORT REQUIREMENTS

Equipment type	Certification report must include	Supplemental PDF information
—Self-contained commercial refrigerators and freezer with solid doors. —Self-contained commercial refrigerators and freezers with transparent doors —Self-contained commercial refrigerator-freezers with solid doors —Remote condensing commercial refrigerators, freezers, and refrigerator-freezers. —Self-contained commercial refrigerators, freezers, and refrigerator-freezers without doors. —Commercial ice-cream freezers. —Commercial refrigeration equipment with two or more compartments. —Service over the counter refrigerators and freezers.	—Daily energy consumption (kWh/day) ..... —Chilled or frozen compartment volume (ft^3), adjusted volume (ft^3), or Total display area (ft^2), as applicable —Operating temperature (i.e., the lowest product application temperature).	—Additional testing instructions required —If applicable, must specify which, if any, excluded features are included in basic model.

TABLE II.3—HVAC CERTIFICATION REPORT REQUIREMENTS

Equipment type	Certification reports must include
Commercial Warm Air Furnaces	—Thermal efficiency (%). —Maximum rated input capacity (Btu/h).
Commercial Packaged Boilers	—Combustion efficiency (%) or thermal efficiency (%) as required in 431.87. —Maximum rated input capacity (Btu/h).
Commercial package air-cooled, Split and Packaged ACs and HPs less than 65,000 Btu/h cooling capacity (3-Phase).	—Seasonal energy efficiency ratio (Btu/Wh). —Heating seasonal performance factor (Btu/Wh) if applicable. —Rated cooling capacity (Btu/h).
Commercial package air-cooled, ACs and HPs greater than or equal to 65,000 Btu/h cooling capacity and evaporatively-cooled, and water cooled ACs and HPs.	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance, if applicable. —Rated cooling capacity (Btu/h). —Heating type (electric, gas, hydronic, none).
Packaged Terminal ACs	—Energy efficiency ratio (Btu/Wh). —Rated cooling capacity (Btu/h). —Wall sleeve dimensions (in).
Packaged Terminal HPs	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance. —Rated cooling capacity (Btu/h). —Wall sleeve dimensions (in).
Single Package Vertical ACs	—Energy efficiency ratio (Btu/Wh). —Rated cooling capacity (Btu/h).
Single Package Vertical HPs	—Energy efficiency ratio (Btu/Wh).

TABLE II.3—HVAC CERTIFICATION REPORT REQUIREMENTS—Continued

Equipment type	Certification reports must include
	—Coefficient of performance. —Rated cooling capacity (Btu/h).
Variable Refrigerant Flow Multi-Split ACs and HPs with less than 65,000 Btu/h rated cooling capacity.	—Seasonal energy efficiency ratio (Btu/Wh). —Heating seasonal performance factor (Btu/Wh) if applicable. —Rated cooling capacity (Btu/h).
Variable Refrigerant Flow Multi-Split AC and HPs with 65,000 Btu/h rated cooling capacity or more.	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance, if applicable. —Rated cooling capacity (Btu/h). —Heating type (electric, gas, hydronic, none).
Water Source Variable Refrigerant Flow HPs (all rated cooling capacities).	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance. —Rated cooling capacity (Btu/h). —Heating type (electric, gas, hydronic, none).
Computer Room ACs	—Net sensible cooling capacity (Btu/h). —Net cooling capacity (Btu/h). —Configuration (upflow/downflow). —Economizer presence (Yes or No). —Condenser medium (air, water, or glycol—cooled). —Sensible coefficient of performance. —Rated airflow (SCFM).
Water Source HPs (other than variable refrigerant flow)	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance. —Rated cooling capacity (Btu/h). —Heating type (electric, gas, hydronic, none).

TABLE II.4—HVAC REQUIREMENTS FOR PDF SUPPLEMENT TO CERTIFICATION REPORT

Equipment type	PDF Supplement to certification report
Commercial Warm Air Furnaces	Additional testing instructions optional.
Commercial Packaged Boilers	Additional testing instructions optional.
Air-Cooled, Split and Packaged ACs and HPs less than 65,000 Btu/h Cooling Capacity (3-Phase).	Additional testing instructions are required and must include: —Nominal cooling capacity (Btu/h). —Rated heating capacity (Btu/h), if applicable. —Rated airflow (SCFM) for each fan coil. —Rated static pressure (inches of water). —Refrigeration charging instructions (e.g., refrigerant charge, superheat, and/or subcooling temperatures). —Frequency or control set points for variable speed components (e.g., compressors, VFDs). —Required dip switch/control setting for step or variable components. —Statement whether model will operate at test conditions without manufacturer programming. Supplemental information must also include: —If a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor used to determine the certified rating. —Which, if any, special features were included in rating the basic model.
Commercial package air-cooled ACs and HPs with 65,000 Btu/h Cooling Capacity or More, Evaporatively-Cooled ACs and HPs, and Water-Cooled ACs and HPs.	Additional testing instructions are required and must include: —Nominal cooling capacity. —Rated heating capacity, if applicable. —Rated airflow (SCFM) for each fan coil. —Water flow rate (gpm) for water-cooled units only. —Rated static pressure. —Refrigeration charging instructions (e.g., refrigerant charge, superheat, and/or subcooling temperatures). —Frequency or control set points for variable speed components (e.g., compressors, VFDs, etc.). —Required dip switch/control setting for step or variable components. —Statement whether model will operate at test conditions without manufacturer programming. Supplemental information must also include:

TABLE II.4—HVAC REQUIREMENTS FOR PDF SUPPLEMENT TO CERTIFICATION REPORT—Continued

Equipment type	PDF Supplement to certification report
	—If a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor used to determine the certified rating. —Which, if any, special features were included in rating the basic model.
PTACs and PTHPs	Additional testing instructions optional.
SPVUs	Additional testing instructions optional. Supplemental information must include: —If a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor used to determine the certified rating. —Which, if any, special features were included in rating the basic model.
Variable Refrigerant Flow Multi-Split ACs and HPs less than 65,000 Btu/h Cooling Capacity.	Additional testing instructions are required and must include: —Nominal cooling capacity (Btu/h). —Rated heating capacity (Btu/h), if applicable. —Outdoor unit(s) and indoor units identified in the tested combination. —Components needed for heat recovery, if applicable. —Rated airflow (SCFM) for each indoor unit. —Water flow rate (gpm) for water-cooled units only. —Rated static pressure (inches of water). —Compressor frequency set points. —Required dip switch/control setting for step or variable components. —Statement whether model will operate at test conditions without manufacturer programming. Supplemental information must include: —If a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor used to determine the certified rating. —Which, if any, special features were included in rating the basic model. In addition to information provided with a certification report, upon request by DOE, manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with installation manual.
Variable Refrigerant Flow Multi-Split ACs and HPs with 65,000 Btu/h Cooling Capacity or More.	Additional testing instructions are required and must include: —Nominal cooling capacity (Btu/h). —Rated heating capacity (Btu/h), if applicable. —Outdoor unit(s) and indoor units identified in the tested combination. —Components needed for heat recovery, if applicable. —Rated airflow (SCFM) for each indoor unit. —Water flow rate (gpm) for water-cooled units only. —Rated static pressure (inches of water). —Frequency or control set points for variable speed components (e.g., compressors, VFDs, etc.). —Required dip switch/control setting for step or variable components. —Statement whether model will operate at test conditions without manufacturer programming. Supplemental information must include: —If a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor used to determine the certified rating; —Which, if any, special features were included in rating the basic model.

TABLE II.4—HVAC REQUIREMENTS FOR PDF SUPPLEMENT TO CERTIFICATION REPORT—Continued

Equipment type	PDF Supplement to certification report
	In addition to information provided with a certification report, upon request by DOE, manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with installation manual.
Water Source Variable Refrigerant Flow HPs	Additional testing instructions are required and must include: —Nominal cooling capacity (Btu/h). —Rated heating capacity (Btu/h). —Rated airflow (SCFM) for each indoor unit. —Water flow rate (gpm). —Rated static pressure (inches of water). —Refrigeration charging instructions (e.g., refrigerant charge, superheat, and/or subcooling temperatures). —Frequency set points for variable speed components (e.g., compressors, VFDs), including the required dip switch/control setting for step or variable components. —Statement whether model will operate at test conditions without manufacturer programming. Supplemental information must include: —If a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor used to determine the certified rating. —Which, if any, special features were included in rating the basic model.
	In addition to information provided with a certification report, upon request by DOE, manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with installation manual.
Computer Room ACs	Additional testing instructions optional Supplemental information must include: —Which, if any, special features were included in rating the basic model.
Water Source HPs	Additional testing instructions are required and must include: —Nominal cooling capacity (Btu/h). —Rated heating capacity (Btu/h), if applicable. —Rated airflow (SCFM). —Water flow rate (gpm). —Rated static pressure (inches of water). —Refrigeration charging instructions (e.g., refrigerant charge, superheat, and/or subcooling temperatures). —Frequency set points for variable speed components (e.g., compressors, VFDs, etc.), including the required dip switch/control setting for step or variable components. —Statement whether model will operate at test conditions without manufacturer programming. Supplemental information must include: —If a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor used to determine the certified rating; and —Which, if any, special features were included in rating the basic model.

TABLE II.5—WH CERTIFICATION REPORT REQUIREMENTS

Equipment type	Certification report must include	Additional testing instructions
Commercial Electric Storage Water Heaters	—Maximum standby loss (%/h) —Measured storage volume (gal).	Optional.
Commercial gas-fired and oil-fired storage water heaters	—Thermal efficiency (%) —Maximum standby loss (Btu/h). —Rated storage volume (gal). —Nameplate input rate (Btu/h).	Optional.

TABLE II.5—WH CERTIFICATION REPORT REQUIREMENTS—Continued

Equipment type	Certification report must include	Additional testing instructions
Commercial water heaters and hot water supply boilers (storage capacity > 140 gal).	—Thermal efficiency (%) —Statement whether storage volume is greater than 140 gal (Yes/No). —Statement whether tank surface area is insulated with at least R–12.5 (Yes/No). —Statement whether uses standing pilot light (Yes/No). —For gas or oil-fired water heater, statement whether has a fire damper or fan assisted combustion (Yes/No). —If "no" to any of the above, must also report standby loss (Btu/h) and measured storage volume (gal).	Optional.
Commercial gas-fired and oil-fired instantaneous water heaters less than 10 gallons and gas-fired and oil-fired hot water supply boilers less than 10 gallons.	—Thermal efficiency (%) —Rated storage volume (gal).	Optional.
Commercial gas-fired and oil-fired instantaneous water heaters greater than or equal to 10 gallons and gas-fired and oil-fired hot water supply boilers greater than or equal to10 gallons.	—Thermal efficiency (%) —Maximum standby loss (Btu/h). —Rated storage volume (gal). —Nameplate input rate (Btu/h).	Optional.
Commercial unfired hot water storage tanks	—Thermal insulation (R–value) —Stored water volume (gal).	Optional.

Current certification provisions for commercial packaged boilers and commercial warm air furnaces are located in section 429.43. DOE is proposing to move these provisions to sections 429.41 and 429.60, respectively. (Section 429.41, which is currently reserved for electric motors, would be moved to another available section.) This change would reflect that commercial packaged boilers and commercial warm air furnaces are types of equipment for which the regulations are typically amended through separate rulemakings and are located in different subparts of 10 CFR part 431 (subpart D for commercial warm air furnaces and subpart E for commercial packaged boilers) than commercial air conditioning and heat pump equipment (subpart F). DOE is not proposing any changes to the sampling provisions for these products; the modification would only make the structure of part 429 better reflect the structure of the part 431. DOE notes that section 429.43 would continue to provide the certification requirements for the equipment in 10 CFR part 431, subpart F (commercial air conditioners and heat pumps).

In a notice of proposed rulemaking published November 4, 2013, DOE proposed changes to the residential and commercial water heater test procedures. 78 FR 66201. DOE notes that changes to the certification requirements proposed in this rule may be needed, depending on the outcome of that rulemaking. Any changes would be considered in a separate rulemaking.

III. Procedural Issues and Regulatory Review

Review Under Executive Order 12866

Today's regulatory action is not a ''significant regulatory action'' 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).

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 (IRFA) 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 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 has prepared the following IRFA for the products that are the subject of this rulemaking.

For manufacturers of HVAC, WH, and refrigeration equipment, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 65 FR 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/category/navigation-structure/contracting/contracting-officials/small-business-size-standards*. Manufacturing of HVAC and commercial refrigeration equipment is classified under NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.''The SBA sets a threshold of 750 employees or less for an entity to be considered as a small business for this category. Manufacturing of WH equipment is classified under NAICS 333319, ''Other Commercial and Service Industry Machinery Manufacturing,'' for which SBA also sets a size threshold of 500 employees or fewer for being considered a small business.

1. Description and Estimated Number of Small Entities Regulated

To estimate the number of companies that could be small business manufacturers of equipment covered by this rulemaking, DOE conducted a market survey using publicly available information. DOE's research involved

industry trade association membership directories (including AHRI), information from previous rulemakings, product directories (AHRI Directory,[4] the California Energy Commission Appliance Efficiency Database [5]), individual company Web sites, and market research tools (e.g., Dunn and Bradstreet reports [6] and Hoovers reports [7]). DOE used information from these sources to create a list of companies that potentially manufacture commercial HVAC, WH, and refrigeration equipment covered by this rulemaking. DOE screened out companies that do not offer equipment covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated. Based on these efforts, DOE estimates that there are 5 small business manufacturers of all commercial HVAC equipment, 32 small business manufacturers of commercial refrigeration equipment, and 9 small business manufacturers of commercial WH equipment.

2. Description and Estimate of Compliance Requirements

DOE entered into negotiations with commercial HVAC, water heating, and refrigeration equipment manufacturers regarding the types of information to submit when certifying their equipment and when that certification must be made to the Department. The outcomes of the negotiation resulted in slight changes to the information that DOE is proposing to collect for commercial HVAC, WH, and refrigeration equipment. The most notable of these proposals is that DOE has proposed that manufacturers of commercial refrigeration equipment and some types of commercial HVAC equipment must submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of water heating equipment and some types of commercial HVAC equipment would have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. The proposals reflect the direct results of the negotiations, without modification. By permitting manufacturers to submit PDFs with additional testing instructions, individual manufacturers will have a mechanism to provide the Department with additional information necessary for testing each basic model.

In general, DOE is proposing to require manufacturers to submit a certification report indicating that all basic models distributed in commerce in the U.S. comply with the applicable standards using DOE's testing procedures, as well as the necessary product specific certification data describing the efficiency and characteristics of the basic model. The certification reports would be submitted for each basic model, either when the requirements go into effect (for models already in distribution), or when the manufacturer begins distribution of a particular basic model, and annually thereafter. Reports must be updated when a new model is introduced or a change affecting energy efficiency or use is made to an existing model resulting in a change in the certified rating.

DOE currently requires manufacturers or their party representatives to prepare and submit certification reports using DOE's electronic Web-based tool, the Compliance and Certification Management System (CCMS), which is the only mechanism for submitting certification reports to DOE. CCMS currently has product specific templates that manufacturers must use when submitting certification data to DOE. See *http://www.regulations.doe.gov/ccms*. This proposed rule would not change the electronic submission requirement for commercial HVAC, WH, and refrigeration equipment. DOE believes the availability of electronic filing through the CCMS system reduces reporting burdens, streamlines the process, and provides the Department with needed information in a standardized, more accessible form. This electronic filing system also ensures that records are recorded in a permanent, systematic way.

3. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with the rule being considered today.

4. Significant Alternatives to the Rule

This section considers alternatives to the proposals in today's certification, compliance, and enforcement rulemaking. DOE has tried to minimize the reporting burden as much as possible by: (1) Accepting electronic submissions; (2) providing preformatted templates that lay out the certification and compliance requirements for each product; and (3) allowing manufacturers to group individual models into basic models for the purposes of certification to reduce the number of discrete models reported to the Department. DOE also notes that the Working Group included representatives of small businesses and that this proposal reflects the recommendations of that Working Group. DOE has also made efforts to address the concerns of small businesses by expanding the ability of manufacturers to use alternative efficiency determination methods (AEDMs) in lieu of testing equipment. Further, DOE is proposing the certification provisions set forth in this rulemaking as negotiated by the Working Group for all manufacturers of covered products and covered equipment that would be affected by this proposal. DOE seeks input from businesses that would be affected by this rulemaking and will consider comments received in the development of any final rule.

Review Under the Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, et seq.), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. This proposal would mandate that manufacturers and importers of covered commercial HVAC, WH, and refrigeration equipment would need to certify to the Department that the products they are distributing in commerce in the U.S. comply with the applicable energy conservation standards.

In compliance with the PRA, DOE is seeking comment on this proposed expansion of the existing information collection. As noted earlier in the preamble, DOE negotiated these certification requirements with interested parties in an effort to minimize the burden of the reporting requirements, while providing DOE with important information about equipment being sold.

Agency: U.S. Department of Energy (DOE).

OMB Control Number: OMB No. 1910–1400.

Information Collection Request Title: Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards.

Type of Request: Revision and Expansion of an Existing Collection.

[4] See *www.ahridirectory.org/ahriDirectory/pages/home.aspx*.

[5] See *http://www.energy.ca.gov/appliances/*.

[6] ''D&B | Business Information | Get Credit Reports | 888 480–6007.''. Dun & Bradstreet (Available at: *www.dnb.com*) (Last accessed October 10, 2011). See *www.dnb.com/*.

[7] ''Hoovers | Company Information | Industry Information | Lists.'' D&B (2013) (Available at: See *http://www.hoovers.com/*) (Last accessed December 12, 2012).

Requested Expiration Date of Approval: Three years from the date of approval.

Purpose: Manufacturers of the covered products addressed in today's NOPR will be required to certify to DOE that their equipment comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their equipment according to the applicable DOE test procedures for the given equipment type, including any amendments adopted for those test procedures, or use AEDMs to develop the certified ratings of the basic models. The collection-of-information requirement for the certification proposals is subject to review and approval by OMB under the Paperwork Reduction Act (PRA).

Once compliance with the certification requirements is required, DOE is proposing to require that manufacturers certify: (1) New basic models before distribution in commerce; (2) existing basic models, whose certified rating remains valid, annually; (3) existing basic models, whose designs have been altered resulting in a change in rating that is more consumptive or less efficient, at the time the design change is made; and (4) previously certified basic models that have been discontinued annually. Respondents may submit reports to the Department at any time during the year using DOE's online system.

The outcomes of the negotiation resulted in slight changes to the information that DOE is proposing to collect for commercial HVAC, WH, and refrigeration equipment. The most notable of these changes is that DOE is proposing that manufacturers of commercial refrigeration equipment and some types of commercial heating, ventilation, and air conditioning (HVAC) equipment must submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of commercial water heating equipment and some types of commercial HVAC equipment have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. The proposals reflect the direct results of the negotiations, without modification.

DOE estimated that it will take each respondent approximately 30 hours total per company per year to comply with the certification requirements based on 20 hours of technician/technical work and 10 hours clerical work to submit the CCMS templates. For the purposes of estimating burden, DOE assumed that each respondent will submit approximately 10 CCMS templates during the course of the year, which is encompassed by the 30 hours total per company per year estimate. DOE recognizes that a respondent may submit a minimum of 1 report per year, whereas other respondents may submit one weekly. DOE estimates the burden for this rule as follows:

(1) *Annual Estimated Number of Respondents:* 100;

(2) *Annual Estimated Number of Total Responses:* 1,000;

(3) *Annual Estimated Number of Burden Hours:* 30,000 (14 hours for certification reports, compliance statements, and recordkeeping; 16 hours for testing pdfs);

(4) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $300,000.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Review Under the National Environmental Policy Act

DOE has determined that this proposed 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 proposed rule would adopt changes to the manner in which certain covered equipment would be certified, which would not affect the amount, quality or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A6 under 10 CFR part 1021, subpart D. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

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 has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of today's proposed 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.

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, the proposed rule meets the relevant standards of Executive Order 12988.

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. Pub. L. No. 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result 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 *www.gc.doe.gov*. DOE examined today's proposed 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.

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. This proposal would 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.

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 proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

Review Under the 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 proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

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 proposed 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 proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Today's proposal to amend the certification requirements for commercial HVAC, WH, and refrigeration equipment 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.

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. Today's proposal to amend the certification requirements for all covered consumer products and commercial equipment does not propose the use of any commercial standards.

IV. Public Participation

Submission of Comments

DOE will accept comments, data, and information regarding the proposed rule no later than the date provided at the beginning of this notice of proposed rulemaking. Comments, data, and information submitted to DOE's email address for this rulemaking should be provided in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format. Interested parties should avoid the use of special characters or any form of encryption, and wherever possible, comments should include the electronic signature of the author. Absent an electronic signature, comments submitted electronically must be followed and authenticated by submitting a signed original paper document to the address provided at the beginning of this notice of proposed rulemaking. Comments, data, and information submitted to DOE via mail or hand delivery/courier should include one signed original paper copy. No telefacsimiles (faxes) will be accepted.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: One copy of the document including all the information believed to be confidential and one copy of the document with the information believed to be confidential deleted. DOE will make its own determination as to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) a date upon which such information might lose its confidential nature due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE requests comment on the proposal to include ''engineered-to-order'' as a basic model classification and to limit the use of this classification to ensure that it cannot be used for more than one annual certification cycle. Additionally, DOE requests comment on its proposed definition of ''engineered-to-order.''

(2) DOE requests comment on its proposal to modify the general certification requirements by adding customer-specified model numbers, an engineered-to-order classification option, and the name of the AEDM used, if applicable, and changing the sample size specified when using an AEDM.

(3) DOE requests comment on the specific certification requirements proposed in Table II.2, Table II.3, Table II.4, and Table II.5.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's NOPR.

List of Subjects in 10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on February 7, 2014.

Kathleen B. Hogan,

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

For the reasons set forth in the preamble, DOE proposes to amend part 429 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.2 is amended by adding, in alphabetical order, the definition for ''engineered-to-order'' to read as follows:

§ 429.2 Definitions.

* * * * *

Engineered-to-order means a basic model of commercial water heating equipment, commercial packaged boiler, commercial HVAC equipment, or commercial refrigeration equipment that is not listed in any catalogs or marketing literature and is designed and built to specific customer requirements. A unit of an engineered-to-order basic model is not offered as a set of options (e.g., configure-to-order, menu-system).

* * * * *

■ 3. Section 429.7 is amended by revising paragraph (a), redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and adding new paragraph (b) to read as follows:

§ 429.7 Confidentiality.

(a) The following records are not exempt from public disclosure: The product or equipment type, the product or equipment class, the private labeler name, the brand name, the applicable model number(s) unless it means the criteria specified in paragraph (b) of this section, the energy or water rating submitted by manufacturers to DOE pursuant to § 429.12(b)(13), whether the certification was based on a test procedure waiver and the date of such waiver, and whether the certification was based on exception relief from the Office of Hearing and Appeals and the date of such relief.

(b) An individual manufacturer model number is public information unless it is:

(1) A unique model number of a commercial packaged boiler, commercial water heating equipment, commercial HVAC equipment or commercial refrigeration equipment that was developed for an individual customer,

(2) Not displayed on product literature, and

(3) The manufacturer treats the model number as confidential business information—in which case, the manufacturer may identify the individual manufacturer model number as a private model number on a certification report submitted pursuant to § 429.12(b)(6).

* * * * *

■ 4. Section 429.12 is amended by revising paragraph (b) to read as follows:

§ 429.12 General requirements applicable to certification reports.

* * * * *

(b) *Certification report.* A certification report shall include a compliance statement (see paragraph (c) of this section), and for each basic model, the information listed in this paragraph (b).

(1) Product or equipment type;

(2) Product or equipment class (as denoted in the provisions of part 430 or 431 containing the applicable energy conservation standard);

(3) Manufacturer's name and address;

(4) Private labeler's name(s) and address(es) (if applicable);

(5) Brand name;

(6) For each brand, the basic model number and the individual manufacturer model number(s) in that basic model with the following exceptions: For external power supplies that are certified based on design families, the design family model number and the individual manufacturer's model numbers covered by that design family must be submitted for each brand. For walk-in coolers, the basic model number for each brand must be submitted. For distribution transformers, the basic model number or kVA grouping model number (depending on the certification method) for each brand must be submitted. For commercial HVAC, WH, and refrigeration equipment, an individual manufacturer model number may be identified as a ''private model number'' if it meets the requirements of § 429.7(b).

(7) Whether the submission is for a new model, a discontinued model, a correction to a previously submitted

model, data on a carryover model, or a model that has been found in violation of a voluntary industry certification program;

(8) The test sample size (i.e., number of units tested for each basic model). Manufacturers must enter ''0'' if an AEDM was used in lieu of testing;

(9) The certifying party's U.S. Customs and Border Protection (CBP) importer identification numbers assigned by CBP pursuant to 19 CFR 24.5, if applicable;

(10) Whether certification is based upon any waiver of test procedure requirements under § 430.27 or § 431.401 of this chapter and the date of such waiver(s);

(11) Whether certification is based upon any exception relief from an applicable energy conservation standard and the date such relief was issued by DOE's Office of Hearings and Appeals;

(12) If the test sample size is listed as ''0'' to indicate the certification is based upon the use of an alternate way of determining measures of energy conservation, identify the method used for determining measures of energy conservation (such as ''AEDM'', ''ARM'' or ''linear interpolation'') and the approval date, if applicable, of any such alternate rating, testing, or efficiency determination method. Manufacturers of commercial packaged boilers, commercial water heating equipment, commercial refrigeration equipment and commercial HVAC equipment, must provide the manufacturer's designation (name or other identifier) of the AEDM used; and

(13) Product specific information listed in §§ 429.14 through 429.54.

* * * * *

■ 5. Revise § 429.41 to read as follows:

§ 429.41 Commercial warm air furnaces.

(a) *Determination of represented value.* Manufacturers must determine the represented value, which includes the certified rating, for each basic model of commercial warm air furnace either by testing, in conjunction with the applicable sampling provisions, or by applying an AEDM.

(1) *Units to be tested.* (i) If the represented value is determined through testing, the general requirements of § 429.11 are applicable; and

(ii) For each basic model selected for testing, a sample of sufficient size shall be randomly selected and tested to ensure that—

(A) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The upper 95 percent confidence limit (UCL) of the true mean divided by 1.05, where:

$$UCL = \bar{x} + t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n-1 degrees of freedom (from Appendix A to subpart B of part 429). And,

(B) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The lower 95 percent confidence limit (LCL) of the true mean divided by 0.95, where:

$$LCL = \bar{x} - t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n-1 degrees of freedom (from Appendix A to subpart B of part 429).

(2) *Alternative efficiency determination methods.* In lieu of testing, a represented value of efficiency or consumption for a basic model of commercial warm air furnace must be determined through the application of an AEDM pursuant to the requirements of § 429.70 and the provisions of this section, where:

(i) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the output of the AEDM and less than or equal to the Federal standard for that basic model; and

(ii) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the output of the AEDM and greater than or equal to the Federal standard for that basic model.

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial warm air furnaces; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public, product-specific information: The thermal efficiency in percent (%), and the maximum rated input capacity in British thermal units per hour (Btu/h).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional product-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report may include supplemental testing instructions in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part.

■ 6. Section 429.42 is amended by:

■ a. Removing ''can'' from paragraph (a) introductory text and adding ''must'' in its place; and

■ b. Revising paragraph (b) to read as follows:

§ 429.42 Commercial refrigerators, freezers, and refrigerator-freezers.

* * * * *

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial refrigerators, freezers, and refrigerator-freezers; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public, product-specific information:

(i) The daily energy consumption in kilowatt hours per day (kWh/day);

(ii) The rating temperature (e.g. lowest product application temperature, if applicable) in degrees Fahrenheit (°F); and

(iii) The chilled or frozen compartment volume in cubic feet (ft^3), the adjusted volume in cubic feet (ft^3), or the total display area (TDA) in feet squared (ft^2) (as appropriate for the equipment class).

(3) Pursuant to § 429.12(b)(13), a certification report must include the

following additional, product-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report must include supplemental information submitted in PDF format. The product-specific, supplemental information must include testing instructions (e.g., charging instructions); and which, if any, special features were included in rating the basic model. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part.

■ 7. Section 429.43 is amended by:

■ a. Removing ''can'' from paragraph (a) introductory text and adding ''must'' in its place; and

■ b. Revising paragraph (b) to read as follows:

§ 429.43 Commercial heating, ventilating, air conditioning (HVAC) equipment.

* * * * *

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial HVAC equipment; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public product-specific information:

(i) Commercial package air-conditioning and heating equipment (except commercial package air conditioning and heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h): The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP) (as applicable), the rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(ii) Commercial package air conditioning and heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h (3-Phase): The seasonal energy efficiency ratio (SEER in British thermal units per Watt-hour (Btu/Wh)), the heating seasonal performance factor (HSPF in British thermal units per Watt-hour (Btu/Wh)) (as applicable), and the rated cooling capacity in British thermal units per hour (Btu/h).

(iii) Package terminal air conditioners: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the rated cooling capacity in British thermal units per hour (Btu/h), and the wall sleeve dimensions in inches (in).

(iv) Package terminal heat pumps: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/W-h)), the coefficient of performance (COP), the rated cooling capacity in British thermal units per hour (Btu/h), and the wall sleeve dimensions in inches (in).

(v) Single package vertical air conditioners: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)) and the rated cooling capacity in British thermal units per hour (Btu/h).

(vi) Single package vertical heat pumps: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP), and the rated cooling capacity in British thermal units per hour (Btu/h).

(vii) Variable refrigerant flow multi-split air conditioners and heat pumps with rated cooling capacity less than 65,000 Btu/h: The seasonal energy efficiency ratio (SEER in British thermal units per Watt-hour (Btu/Wh)), the heating seasonal performance factor (HSPF in British thermal units per Watt-hour (Btu/Wh)) (as applicable), and rated cooling capacity in British thermal units per hour (Btu/h).

(viii) Variable refrigerant flow multi-split air conditioners and heat pumps with rated cooling capacity greater than or equal to 65,000 Btu/h: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP) (as applicable), rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(ix) Water source variable refrigerant flow heat pumps (all rated cooling capacities): The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP), rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(x) Computer room air-conditioners: The net sensible cooling capacity in British thermal units per hour (Btu/h), the net cooling capacity in British thermal units per hour (Btu/h), the configuration (upflow/downflow), economizer presence (yes or no), condenser medium (air, water, or glycol-cooled), sensible coefficient of performance (SCOP), and rated airflow in standard cubic feet per minute (SCFM).

(xi) Water source heat pumps (other than variable refrigerant flow): The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP), the rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional product-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report must include supplemental information submitted in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part. The product-specific, supplemental information must include at least the following:

(i) Commercial package air-conditioning and heating equipment (except commercial package air conditioning and heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h): The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h), if applicable; rated airflow in standard cubic feet per minute (SCFM) for each fan coil; water flow rate in gallons per minute (gpm) for water cooled units only; rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency or control set points for variable speed components (e.g., compressors, VFDs); required dip switch/control settings for step or variable components; statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and

the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(ii) Commercial package air conditioning and heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h (3-phase): The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h), if applicable; rated airflow in standard cubic feet per minute (SCFM) for each fan coil; rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency or control set points for variable speed components (e.g., compressors, VFDs); required dip switch/control settings for step or variable components; statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(iii) Variable refrigerant flow multi-split air conditioners and heat pumps with cooling capacity less than 65,000 Btu/h: The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h), if applicable; outdoor unit(s) and indoor units identified in the tested combination; components needed for heat recovery, if applicable; rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm) for water-cooled units only; rated static pressure in inches of water; compressor frequency set points; required dip switch/control settings for step or variable components; statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with the installation manual.

(iv) Variable refrigerant flow multi-split air conditioners and heat pumps with cooling capacity greater than or equal to 65,000 Btu/h: The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h), if applicable; outdoor unit(s) and indoor units identified in the tested combination; components needed for heat recovery, if applicable; rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm) for water-cooled units only; rated static pressure in inches of water; compressor frequency set points; required dip switch/control settings for step or variable components; statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with the installation manual.

(v) Water source variable refrigerant flow heat pumps: The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm); rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency set points for variable speed components (e.g., compressors, VFDs), including the required dip switch/control settings for step or variable components; statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with installation manual.

(vi) Water source heat pumps: The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm); rated static pressure in inches of water; refrigerant charging instructions, (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency set points for variable speed components (e.g., compressors, VFDs), including the required dip switch/control settings for step or variable components; statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(vii) Single package vertical air conditioners and single package vertical heat pumps: Any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(viii) Computer room air-conditioners: Any additional testing instructions, if applicable; and which, if any, special features were included in rating the basic model.

(ix) Package terminal air conditioners and package terminal heat pumps: Any additional testing instructions, if applicable.

* * * * *

■ 8. Section 429.44 is amended by:

■ a. Removing ''can'' in paragraph (a) introductory text and adding ''must'' in its place; and

■ b. Revising paragraph (b) to read as follows:

§ 429.44 Commercial water heating equipment.

* * * * *

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial WH equipment; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public product-specific information:

(i) Commercial electric storage water heaters: The maximum standby loss in percent per hour (%/hr) and the measured storage volume in gallons (gal).

(ii) Commercial gas-fired and oil-fired storage water heaters: The thermal efficiency in percent (%), the maximum standby loss in British thermal units per hour (Btu/h), the rated storage volume in gallons (gal), and the nameplate input rate in British thermal units per hour (Btu/h).

(iii) Commercial water heaters and hot water supply boilers with storage capacity greater than 140 gallons: The thermal efficiency in percent (%), whether the storage volume is greater than 140 gallons (Yes/No); whether the tank surface area is insulated with at least R–12.5 (Yes/No); whether a standing pilot light is used (Yes/No); for gas or oil-fired water heaters, whether the basic model has a fire damper or fan assisted combustion (Yes/No); and, if applicable pursuant to 10 CFR 431.110, maximum standby loss in British thermal units per hour (Btu/h) and measured storage volume in gallons (gal).

(iv) Commercial gas-fired and oil-fired instantaneous water heaters greater than or equal to 10 gallons and gas-fired and oil-fired hot water supply boilers greater than or equal to 10 gallons: The thermal efficiency in percent (%), the maximum standby loss in British thermal units per hour (Btu/h), the rated storage volume in gallons (gal), and the nameplate input rate in Btu/h.

(v) Commercial gas-fired and oil-fired instantaneous water heaters less than 10 gallons and gas-fired and oil-fired hot water supply boilers less than 10 gallons: The thermal efficiency in percent (%) and the rated storage volume in gallons (g).

(vi) Commercial unfired hot water storage tanks: The thermal insulation (i.e., R-value) and stored volume in gallons (gal).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional, product-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report may include supplemental testing instructions in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part.

* * * * *

■ 9. Add § 429.60 to read as follows:

§ 429.60 Commercial packaged boilers.

(a) *Determination of represented value.* Manufacturers must determine the represented value, which includes the certified rating, for each basic model of commercial packaged boilers either by testing, in conjunction with the applicable sampling provisions, or by applying an AEDM.

(1) *Units to be tested.* (i) If the represented value is determined through testing, the general requirements of § 429.11 are applicable; and

(ii) For each basic model selected for testing, a sample of sufficient size shall be randomly selected and tested to ensure that—

(A) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The upper 95 percent confidence limit (UCL) of the true mean divided by 1.05, where:

$$UCL = \bar{x} + t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n-1 degrees of freedom (from Appendix A to subpart B of part 429). And,

(B) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The lower 95 percent confidence limit (LCL) of the true mean divided by 0.95, where:

$$LCL = \bar{x} - t_{.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n-1 degrees of freedom (from Appendix A to subpart B of part 429).

(2) *Alternative efficiency determination methods.* In lieu of testing, a represented value of efficiency or consumption for a basic model of commercial packaged boiler must be determined through the application of an AEDM pursuant to the requirements of § 429.70 and the provisions of this section, where:

(i) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the output of the AEDM and less than or equal to the Federal standard for that basic model; and

(ii) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the output of the AEDM and greater than or equal to the Federal standard for that basic model.

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial packaged boilers; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public product-specific information: The combustion efficiency in percent (%) or the thermal efficiency in percent (%), as required in § 431.87 of this chapter; and the maximum rated

input capacity in British thermal units per hour (Btu/h).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional product-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report may include supplemental testing instructions in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part.

(c) Alternative methods for determining efficiency or energy use for commercial packaged boilers can be found in § 429.70.

■ 10. Section 429.70 is amended by revising the heading of paragraph (c) to read as follows:

§ 429.70 Alternative methods for determining energy efficiency and energy use.

* * * * *

(c) *Alternative efficiency determination method (AEDM) for commercial HVAC (includes commercial warm air furnaces and commercial packaged boilers), WH, and refrigeration equipment*— * * *

* * * * *

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DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Number EERE–2010–BT–STD–0027]

RIN 1904–AC28

Energy Conservation Program: Energy Conservation Standards for Commercial and Industrial Electric Motors

Correction

In proposed rule document 2013–28776 appearing on pages 73589–73681 in the issue of Friday, December 6, 2013, make the following corrections:

1. On page 73594, Table I.5 should appear as set forth below:

TABLE I.5—PROPOSED ENERGY CONSERVATION STANDARDS FOR INTEGRAL BRAKE ELECTRIC MOTORS AND NON-INTEGRAL BRAKE ELECTRIC MOTORS (COMPLIANCE STARTING DECEMBER 19, 2015)

Motor horsepower/standard kilowatt equivalent	Nominal full load efficiency (%)					
	4 Pole		6 Pole		8 Pole	
	Enclosed	Open	Enclosed	Open	Enclosed	Open
1/.75	85.5	85.5	82.5	82.5	75.5	75.5
1.5/1.1	86.5	86.5	87.5	86.5	78.5	77.0
2/1.5	86.5	86.5	88.5	87.5	84.0	86.5
3/2.2	89.5	89.5	89.5	88.5	85.5	87.5
5/3.7	89.5	89.5	89.5	89.5	86.5	88.5
7.5/5.5	91.7	91.0	91.0	90.2	86.5	89.5
10/7.5	91.7	91.7	91.0	91.7	89.5	90.2
15/11	92.4	93.0	91.7	91.7	89.5	90.2
20/15	93.0	93.0	91.7	92.4	90.2	91.0
25/18.5	93.6	93.6	93.0	93.0	90.2	91.0
30/22	93.6	94.1	93.0	93.6	91.7	91.7

2. On page 73627, Tables IV.10 and IV.11 should appear as follows:

TABLE IV.10—EFFICIENCY LEVELS FOR EQUIPMENT CLASS GROUP 3

Representative unit	EL 0 (EPACT 1992) (%)	EL 1 (NEMA premium) (%)	EL 2 (Best-in-market*) (%)	EL 3 (Max-tech) (%)
5 hp	87.5	89.5	90.2	91.0
30 hp	92.4	93.6	94.1	94.5
75 hp	94.1	95.4	95.8	96.2

TABLE IV.11—EFFICIENCY LEVELS FOR EQUIPMENT CLASS GROUP 2

Representative unit	EL 1 (EPACT 1992) (%)	EL 2 (NEMA premium) (%)	EL 3 (Max-tech) (%)
5 hp	87.5	89.5	91.0
50 hp	92.4	93.6	94.5

3. On page 73634, in Table IV.14, In the second row, in the second column ''1.61'' Should read ''51.61''.

TABLE IV.14—PRODUCT CONVERSION COSTS FOR EFFICIENCY LEVELS ABOVE NEMA PREMIUM

Representative unit	Per unit adder for 1 band above NEMA premium	Per unit adder for 2 bands above NEMA premium
5 HP, Design B	$11.06	$17.36
30 HP, Design B	$32.89	$51.61
75 HP, Design B	$66.18	$103.86
5 HP, Design C	$10.68	$16.75
50 HP, Design C	$60.59	$95.08

§ 431.25 [AMENDED]

4. On page 73679, in § 431.25(d), Table 4 should appear as set forth below:

TABLE 4—NOMINAL FULL-LOAD EFFICIENCIES OF NEMA DESIGN B GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I AND II), EXCEPT FIRE PUMP ELECTRIC MOTORS

Motor horsepower/standard kilowatt equivalent	Nominal full-load efficiency							
	Open motors (number of poles)				Enclosed motors (number of poles)			
	8	6	4	2	8	6	4	2
250/186	94.5	95.4	95.4	94.5	94.5	95.0	95.0	95.4
300/224	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
350/261	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
400/298	.....	.....	95.4	95.4	.....	.....	95.4	95.4
450/336	.....	.....	95.8	95.8	.....	.....	95.4	95.4
500/373	.....	.....	95.8	95.8	.....	.....	95.8	95.4

[FR Doc. C1–2013–28776 Filed 2–13–14; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL RESERVE SYSTEM

12 CFR Part 216

[Docket No. R–1483]

RIN 7100 AE13

Privacy of Consumer Information (Regulation P)

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking; request for public comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is proposing to repeal its Regulation P, 12 CFR Part 216, which was issued to implement section 504 of the Gramm-Leach-Bliley Act (GLB Act). Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) transferred rulemaking authority for a number of consumer financial protection laws from the Board, and six other Federal agencies, to the Bureau of Consumer Financial Protection (Bureau), including rulemaking authority for the provisions in Subtitle A of Title V of the GLB Act that were implemented in the Board's Regulation P. In December 2011, the Bureau published an interim final rule establishing its own Regulation P to implement these provisions of the GLB Act (Bureau Interim Final Rule). The Bureau's Regulation P covers those entities previously subject to the Board's Regulation P. Accordingly, the Board is proposing to repeal its Regulation P.

DATES: Comments must be received on or before April 15, 2014.

ADDRESSES: You may submit comments, identified by Docket No. R–1483, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-Mail: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets NW) between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Kara L. Handzlik, Counsel, Legal Division, at (202) 452–3852, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Discussion

Subtitle A of Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. 6801–6809, titled ''Disclosure of Nonpublic Personal Information,'' limits the circumstances in which a financial institution can disclose nonpublic personal information about a consumer to nonaffiliated third parties and requires financial institutions to provide certain privacy notices to their customers who are consumers. Prior to July 21, 2011, rulemaking authority under section 504 of the GLB Act was shared by eight Federal agencies, including the Board.[1] Each of the agencies issued consistent and comparable rules to implement the GLB Act's privacy provisions;[2] the Board implemented its rule as Regulation P, 12 CFR Part 216.

Section 1002(14) of the Dodd-Frank Act[3] transferred rulemaking authority for a number of consumer financial protection laws, including the authority to prescribe regulations under GLB Act section 504(a)(1)(A) as it pertains to sections 502 through 509 of the Act.[4] This transfer of rulemaking authority from the Board and other Federal agencies to the Bureau became effective on July 21, 2011. In connection with the transfer, the Bureau published an interim final rule to establish its own Regulation P, 12 CFR Part 1016, to implement the privacy provisions of the GLB Act (Bureau Interim Final Rule).[5] The Bureau Interim Final Rule substantially duplicates the Board's Regulation P and covers financial institutions and other persons for which the Bureau has rulemaking authority pursuant to section 504(a)(1)(A) of the GLB Act. The Bureau Interim Final Rule does not impose any new substantive obligations on regulated entities.

The scope of the Board's Regulation P is set forth in § 216.1(b)(1) and states that the part applies to state member banks, bank holding companies and certain of their nonbank subsidiaries or affiliates, state uninsured branches and agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge and agreement corporations. As a result, all of the entities formerly subject to the Board's rule are covered by the Bureau Interim Final Rule. Accordingly, the Board is proposing to repeal its Regulation P.

II. Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) generally requires an agency to perform an assessment of the impact a rule is expected to have on small entities. Based on its analysis, and for the reasons stated below, the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities. A final regulatory flexibility analysis will be conducted after consideration of comments received during the public comment period.

1. *Statement of the need for, and objectives of, the proposed rule.* As noted above, section 1002(14) of the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from the Board to the Bureau, effective July 21, 2011, including the Board's rulemaking authority under section 504(a)(1)(A) of the GLB Act. The Bureau issued the Bureau Interim Final Rule to implement the privacy provisions of the GLB Act in connection with the transfer of this rulemaking authority to the Bureau. All of the entities formerly subject to the Board's Regulation P are covered by the Bureau Interim Final Rule. Consequently, the Board's proposal to repeal the Board's Regulation P, 12 CFR Part 216, will not have any effect on entities that were formerly subject to the Board's rule.

2. *Small entities affected by the proposed rule.* The proposed rule would repeal the Board's Regulation P, 12 CFR Part 216, because the Board no longer has rulewriting authority for the provisions of the GLB Act that were implemented in this regulation. All of the entities previously subject to the Board's Regulation P are now subject to the Bureau's Regulation P. Consequently, the proposed repeal would not affect any entity, including any small entity.

3. *Recordkeeping, reporting, and compliance requirements.* The proposed rule would repeal the Board's Regulation P, 12 CFR Part 216, and would therefore not impose any recordkeeping, reporting, or compliance requirements on any entities. Existing requirements remain the same under the Bureau's Regulation P.

4. *Other federal rules.* The Board is proposing to repeal its Regulation P (12 CFR Part 216) because of the Bureau's overlapping Regulation P (12 CFR Part 1016).

5. *Significant alternatives to the proposed revisions.* Because the repeal of the Board's Regulation P (12 CFR Part 216) will have no impact, there are no significant alternatives that would further minimize the economic impact of the proposed rule on small entities.

III. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Federal Reserve by the Office of Management and Budget (OMB). The proposed rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 216

Banks, banking, Consumer protection, Foreign banking, Holding companies, Privacy, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, under 15 U.S.C. 6801 *et seq,* the Board proposes to amend Regulation P, 12 CFR Part 216, and the Official Staff Commentary, as set forth below:

PART 216—PRIVACY OF CONSUMER FINANCIAL INFORMATION (REGULATION P)

■ 1. Part 216 is removed and reserved.

By order of the Board of Governors of the Federal Reserve System, February 10, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–03267 Filed 2–13–14; 8:45 am]

BILLING CODE 6210–01–P

[1] The other Federal agencies included the Federal Deposit Insurance Corporation (FDIC), the Federal Trade Commission (FTC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), the Office of Thrift Supervision (OTS), the Securities and Exchange Commission (SEC), and the Commodity Futures Trading Commission (CFTC).

[2] The GLB Act's privacy provisions are set forth in sections 502 and 503. 15 U.S.C. 6802–6803.

[3] 12 U.S.C. 5481(14). The Dodd-Frank Act, Public Law No. 111–203, 124 Stat. 1376, was signed into law on July 21, 2010.

[4] The Dodd-Frank Act did not transfer the Board's authority under section 501(b) of the GLB Act to establish information security standards for financial institutions subject to its jurisdiction. 15 U.S.C. 6801(b). Therefore, the CFPB does not have authority to prescribe regulations for GLBA section 505 as it applies to section 501(b).

[5] 76 FR 79025 (Dec. 21, 2011).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0882; Directorate Identifier 2013–NE–29–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–725A1–12 turbofan engines. This proposed AD was prompted by reports of wear on the receptors of the double-ended unions in the fuel metering unit (FMU) housing on BR700–725A1–12 engines causing fuel leakage. This proposed AD would require removal of the affected FMUs. We are proposing this AD to prevent failure of the FMU, which could lead to damage to one or more engines and damage to the airplane.

DATES: We must receive comments on this proposed AD by April 15, 2014.

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

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

For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: 49 0 33–7086–1883; fax: 49 0 33–7086–3276. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

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–2013–0882; 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 proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800–647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7132; fax: 781–238–7199; email: *glorianne.neibuhr@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0882; Directorate Identifier 2013–NE–29–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2013–0229R1, dated November 21, 2013 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Occurrences have been reported of finding wear on the receptors of the double-ended unions in the Fuel Metering Unit (FMU) housing on BR700–725A1–12 engines.
>
> This condition, if not corrected, could lead to fuel leak resulting in engine in-flight shutdown and consequent reduced control of the aeroplane.

Failure of the FMU due to these conditions will result in loss of thrust control and damage to the engine. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0882.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of Germany, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require removal of the affected FMUs and their replacement with a part eligible for installation.

Costs of Compliance

We estimate that this proposed AD affects 24 RRD turbofan engines installed on aircraft of U.S. registry. We also estimate that it would take about 6 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Required parts cost about $293,960 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $7,067,280.

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 proposed regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

responsibilities among the various levels of government.

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

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

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

(3) Will not affect intrastate aviation in Alaska 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 a regulatory evaluation of the estimated costs to comply with this proposed 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2013–0882; Directorate Identifier 2013–NE–29–AD.

(a) Comments Due Date

We must receive comments by April 15, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–725A1–12 turbofan engines.

(d) Reason

This AD was prompted by reports of wear on the receptors of the double-ended unions in the fuel metering unit (FMU) housing on BR700–725A1–12 engines causing fuel leakage. We are issuing this AD to prevent failure of the FMU, which could lead to damage to one or more engines, and damage to the airplane.

(e) Actions and Compliance

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

(1) After the effective date of this AD, before the FMU has accumulated 650 flight hours (FHs) since new, or within 30 days, whichever occurs later, remove FMU part number (P/N) G3000FMU02 or P/N G3000FMU03, and replace it with a part eligible for installation.

(2) Thereafter, remove the FMU at intervals not to exceed 650 FHs and replace it with a part eligible for installation.

(f) Installation Prohibition

After the effective date of this AD, do not install FMU P/N G3000FMU02 onto any engine, or install any engine with FMU P/N G3000FMU02 onto any airplane.

(g) Definition

For the purpose of this AD, an FMU eligible for installation is a new FMU or an FMU with P/N G3000FMU03 that has accumulated fewer than 650 FHs since installation on any airplane or since last repair using RRD Alert Non-Modification Service Bulletin (NMSB) No. ALERT SB–BR700–73–A900309, Revision 1, dated November 8, 2013.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7132; fax: 781–238–7199; email: *glorianne.niebuhr@faa.gov*.

(2) Refer to MCAI European Aviation Safety Agency AD 2013–0229R1, dated November 21, 2013. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0882.

(3) RRD Alert NMSB No. ALERT SB–BR700–73–A900309, Revision 1, dated November 8, 2013, which is not incorporated by reference in this AD, can be obtained from RRD, using the contact information in paragraph (i)(4) of this AD.

(4) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: 49 0 33–7086–1944; fax: 49 0 33–7086–3276.

(5) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on February 6, 2014.

Colleen M. D'Alessandro,

Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2014–03252 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. FDA–2013–N–0013]

Sanitary Transportation of Human and Animal Food; Public Meetings on Proposed Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public meetings.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing three public meetings to discuss the proposed rule that would establish requirements for shippers, carriers by motor vehicle and rail vehicle, and receivers engaged in the transportation of food, including food for animals, to use sanitary transportation practices to help ensure the safety of the food they transport. The proposed rule is part of our larger effort to focus on prevention of food safety problems throughout the food chain and is part of our implementation of the Sanitary Food Transportation Act of 2005 (2005 SFTA) and the FDA Food Safety Modernization Act (FSMA). The purpose of the public meetings is to inform the public of the provisions of the proposed rule and the rulemaking process (including how to submit comments, data, and other information to the rulemaking docket) as well as solicit oral stakeholder and public comments on the proposed rule and to respond to questions about the rule.

DATES: See section II, ''How to Participate in the Public Meetings,'' in the **SUPPLEMENTARY INFORMATION** section for dates and times of the public meetings, closing dates for advance registration, and information on deadlines for submitting either electronic or written comments to FDA's Division of Dockets Management.

ADDRESSES: See section II, ''How to Participate in the Public Meetings,'' in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: *For questions about registering for the meeting, to register by phone, or to*

submit a notice of participation by mail, fax, or email, contact: Nick Cane, Nakamoto Group, Inc., 11820 Parklawn Dr., Suite 240, Rockville, MD 20852, 240–357–1176, FAX: 301–468–6536, email: *nick.cane@nakamotogroup.com. For general questions about the meeting; to request an opportunity to make an oral presentation at the public meeting; to submit the full text, comprehensive outline, or summary of an oral presentation; or for special accommodations due to a disability, contact:* Juanita Yates, Center for Food Safety and Applied Nutrition (HFS–009), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1731, email: *juanita.yates@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FSMA (Pub. L. 111–353), was signed into law by President Obama on January 4, 2011, to better protect public health by helping to ensure the safety and security of the food supply. FSMA amends the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to establish the foundation of a modernized, prevention-based food safety system. FSMA was the first major legislative reform of FDA's food safety authorities in more than 70 years, even though FDA has increased the focus of its food safety efforts on prevention over the past several years. Among other things, FSMA requires FDA to implement the 2005 SFTA. The 2005 SFTA requires FDA to issue regulations requiring shippers, carriers by motor vehicle or rail vehicle, receivers, and other persons engaged in the transportation of food to use sanitary transportation practices to help ensure that food is not transported under conditions that may render the food adulterated. Isolated incidents of insanitary transportation practices for human and animal food and outbreaks and illnesses caused by contamination of these foods during transport there have resulted in concerns over the past decades about the potential that food can become contaminated during transportation. The goal of the proposed rule is to help ensure that transportation practices do not create food safety risks.

FDA is announcing two public meetings entitled ''The Food Safety Modernization Act Public Meeting on Focused Mitigation Strategies to Protect Food Against Intentional Adulteration and Sanitary Transportation of Human and Animal Food'' and a third public meeting entitled ''The Food Safety Modernization Act Public Meeting on Sanitary Transportation of Human and Animal Food'' so that the food industry, consumers, foreign governments, and other stakeholders can evaluate and comment on the proposals. As stated, the first two meetings will cover both the focused mitigation strategies to protect food against international adulteration and sanitary transportation of human and animal food proposed rules and will be held in Chicago, IL, and Anaheim, CA; the third meeting in College Park, MD, will cover only the sanitary transport proposed rule during the proposed rule comment period. All three public meetings are intended to facilitate and support the proposed rules' evaluation and commenting process.

II. How To Participate in the Public Meetings

FDA is holding the public meetings on the sanitary transport proposed rule to inform the public about the rulemaking process, including how to submit comments, data, and other information to the rulemaking docket; to respond to questions about the proposed rules; and to provide an opportunity for interested persons to make oral presentations. Due to limited space and time, FDA encourages all persons who wish to attend the meetings to register in advance. There is no fee to register for the public meetings, and registration will be on a first-come, first-served basis. Early registration is recommended because seating is limited. Onsite registration will be accepted, as space permits, after all preregistered attendees are seated.

Those requesting an opportunity to make an oral presentation during the time allotted for public comment at the meetings are asked to submit a request and to provide the specific topic or issue to be addressed. Due to the anticipated high level of interest in presenting public comment and the limited time available, FDA is allocating 3 minutes to each speaker to make an oral presentation. Speakers will be limited to making oral remarks; there will not be an opportunity to display materials such as slide shows, videos, or other media during the meeting. If time permits, individuals or organizations that did not register in advance may be granted the opportunity to make an oral presentation. FDA would like to maximize the number of individuals who make a presentation at the meeting and will do our best to accommodate all persons who wish to make a presentation or express their opinions at the meeting.

FDA encourages persons and groups who have similar interests to consolidate their information for presentation by a single representative. After reviewing the presentation requests, FDA will notify each participant before the meeting of the approximate time their presentation is scheduled to begin, and remind them of the presentation format (i.e., 3-minute oral presentation without visual media).

While oral presentations from specific individuals and organizations will be necessarily limited due to time constraints during the public meetings, stakeholders may submit electronic or written comments discussing any issues of concern to the administrative record (the docket) for the rulemaking. All relevant data and documentation should be submitted with the comments to Docket No. FDA–2013–N–0013.

Table 1 of this document provides information on participation in the public meetings:

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETINGS AND ON SUBMITTING COMMENTS TO THE RULEMAKING DOCKETS

	Date	Electronic address	Address	Other information
Chicago, IL, Public Meeting, Transport Session.	February 27, 2014	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*	Hilton Chicago, 720 South Michigan Ave., Chicago, IL 60605.	Onsite registration from 8 a.m. to 8:30 a.m.
Chicago, IL, Advance Registration.	Until February 18, 2014.	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*	We encourage you to use electronic registration if possible.[1]	There is no registration fee for the public meetings. Early registration is recommended because seating is limited.

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETINGS AND ON SUBMITTING COMMENTS TO THE RULEMAKING DOCKETS—Continued

	Date	Electronic address	Address	Other information
Chicago, IL, Request to Make a Public Comment.	February 10, 2014	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*[2]		Requests made on the day of the meeting to make an oral presentation will be granted as time permits. Information on requests to make an oral presentation may be posted without change to *http://www.regulations.gov,* including any personal information provided.
Chicago, IL, Request Special Accommodations Due to a Disability.	February 10, 2014	Juanita Yates, email: *Juanita.yates@fda.hhs.gov*	See **FOR FURTHER INFORMATION CONTACT**	
Chicago, IL, Closing Date for Electronic or Written Comments.	May 31, 2014	Docket No. FDA–2013–N–0013.		
Anaheim, CA, Public Meeting, Transport Session.	March 13, 2014	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*	Sheraton Park Hotel, 1855 South Harbor Blvd., Anaheim, CA 92802.	Onsite registration from 8 a.m. to 8:30 a.m.
Anaheim, CA, Advance Registration.	Until March 4, 2014 ...	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*	We encourage you to use electronic registration if possible.[1]	There is no registration fee for the public meetings. Early registration is recommended because seating is limited.
Anaheim, CA, Request to make a Public Comment.	February 18, 2014	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*[2]		Requests made on the day of the meeting to make an oral presentation will be granted as time permits. Information on requests to make an oral presentation may be posted without change to *http://www.regulations.gov,* including any personal information provided.
Anaheim, CA, Request Special Accommodations Due to a Disability.	February 18, 2014	Juanita Yates, email: *Juanita.yates@fda.hhs.gov*	See **FOR FURTHER INFORMATION CONTACT**	
Anaheim, CA, Closing Date for Electronic or Written Comments.	May 31, 2014	Docket No. FDA–2013–N–0013.		
College Park, MD, Public Meeting.	March 20, 2014	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*	Wiley Building, 5100 Paint Branch Pkwy., College Park, MD 20740.	Onsite registration from 8 a.m. to 8:30 a.m.
College Park, MD, Advance Registration.	Until March 13, 2014	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*	We encourage you to use electronic registration if possible.[1]	There is no registration fee for the public meetings. Early registration is recommended because seating is limited.
College Park, MD, Request to Make a Public Comment.	February 28, 2014	*http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm*		Requests made on the day of the meeting to make an oral presentation will be granted as time permits. Information on requests to make an oral presentation may be posted without change to *http://www.regulations.gov,* including any personal information provided.
Closing Date of Docket	May 31, 2014	Docket No. FDA–2013–N–0013.		
College Park, MD, Request Special Accommodations Due to a Disability.	February 28, 2014	Juanita Yates, email: *Juanita.yates@fda.hhs.gov*	See **FOR FURTHER INFORMATION CONTACT**	
Closing Date for Electronic or Written Comments to be Included in Docket.	May 31, 2014	Docket No. FDA–2013–N–0013.		

[1] You may also register via email, mail, or fax. Please include your name, title, firm name, address, and phone and FAX numbers in your registration information and send to: Nick Cane, Nakamoto Group, Inc., 11820 Parklawn Dr., Suite 240, Rockville, MD 20852, 240–357–1176, FAX: 301–468–6536, email: *nick.cane@nakamotogroup.com.* Onsite registration will also be available.

[2] You may also request to make an oral presentation at the public meetings via email. Please include your name, title, firm name, address, and phone and fax numbers as well as the full text, comprehensive outline, or summary of your oral presentation and send to: Juanita Yates, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1731, email: *juanita.yates@fda.hhs.gov.*

III. Comments, Transcripts, and Recorded Video

Information and data submitted voluntarily to FDA during the public meetings will become part of the administrative record for the rulemaking and will be accessible to the public at *http://www.regulations.gov.* The transcript of the proceedings from the public meetings will become part of the administrative record for the rulemaking. Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov* and at FDA's FSMA Web site at: *http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm.* It may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Additionally, FDA will be video recording and live Web casting all of the public meetings. Once the recorded video is available, it will be accessible at FDA's FSMA Web site at *http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm.*

Dated: February 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03277 Filed 2–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 552

[BOP–1162–P]

RIN 1120–AB62

Searches of Housing Units, Inmates, and Inmate Work Areas: Use of X-ray Devices—Clarification of Terminology

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: In this document, the Bureau of Prisons (Bureau) proposes to clarify that body imaging search devices are ''electronic search devices'' for routine or random use in searching inmates, and are distinguished from medical x-ray devices, which require the inmate's consent, or Regional Director approval, for use as search devices.

DATES: Comments are due by April 15, 2014.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307–2105.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received are considered part of the public record and are available for public inspection online at *www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

If a comment contains so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on *www.regulations.gov.*

Personal identifying information identified and located as set forth above will be placed in the agency's public docket file, but not posted online. Confidential business information identified and located as set forth above will not be placed in the public docket file. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

Proposed Rule

The Bureau proposes to amend its regulation on searches of inmates using x-ray devices and technology (28 CFR part 552, subpart B). We propose to change this regulation to clarify that body imaging search devices are ''electronic search devices'' for routine or random use in searching inmates, and are distinguished from medical x-ray devices, the use of which require the inmate's consent, or Regional Director approval, for use as search devices.

Section 552.11 Searches of inmates. The Bureau's regulation on searching inmates using electronic devices currently lists only metal detectors and ion spectrometry devices as examples of such devices. We now propose to clarify that the provision for ''electronic search devices'' includes the use of body imaging search devices which use x-ray technology, but which are functionally different from medical x-ray devices as described in § 552.13.

Section 552.13 Medical x-ray device, major instrument, or surgical intrusion. To conform with the change made in § 552.11, we likewise propose to alter § 552.13 to further clarify that body imaging search devices are functionally different from the medical x-ray devices as described in this regulation. To do this, we remove the generic term ''x-ray'' and replace it with ''medical x-ray device'' in § 552.13.

We also revise § 552.13(a) to delete the term ''fluoroscope.'' It is inaccurate to state that the Bureau uses fluoroscopes in the same way as major instruments (including anoscope or vaginal speculum) or surgical intrusion (i.e., only for medical reasons and with the inmate's consent). In fact, as we continue to state in subparagraph (b), medical x-rays devices such as fluoroscopes are also used to detect contraband under specifically delineated circumstances: Only when ''determined necessary for the security, good order, or discipline of the institution,'' and only ''upon approval of the Regional Director.''

Except for the change in terminology from ''x-ray'' to ''medical x-ray device'', the remainder of § 552.13 is unchanged.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review'' section 1(b), Principles of Regulation. The Department of Justice

has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget (OMB).

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

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 $100,000,000 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.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects 28 CFR Part 552 Prisoners.

Charles E. Samuels, Jr.,

Director, Bureau of Prisons.

Accordingly, under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we propose to amend 28 CFR part 552 as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 552—CUSTODY

■ 1. Revise the authority citation for 28 CFR part 552 to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

■ 2. Revise § 552.11(a) to read as follows:

§ 552.11 Searches of inmates.

(a) *Electronic devices.* Inspection of an inmate's person using electronic devices (for example, metal detector, ion spectrometry device, or body imaging search device) does not require the inmate to remove clothing. The inspection may also include a search of the inmate's clothing and personal effects. Staff may conduct an electronic device search of an inmate on a routine or random basis to control contraband.

* * * * *

■ 3. Revise § 552.13 to read as follows:

§ 552.13 Medical x-ray device, major instrument, or surgical intrusion.

(a) The institution physician may authorize use of a major instrument (including anoscope or vaginal speculum) or surgical intrusion for medical reasons only, with the inmate's consent.

(b) The institution physician may authorize use of a medical x-ray device for medical reasons and only with the consent of the inmate. When there exists no reasonable alternative, and an examination using a medical x-ray device is determined necessary for the security, good order, or discipline of the institution, the Warden, upon approval of the Regional Director, may authorize the institution physician to order a non-repetitive examination using a medical x-ray device for the purpose of determining if contraband is concealed in or on the inmate (for example: In a cast or body cavity). The examination using a medical x-ray device may not be performed if it is determined by the institution physician that it is likely to result in serious or lasting medical injury or harm to the inmate. Staff shall place documentation of the examination and the reasons for the examination in the inmate's central file and medical file.

(1) The Warden and Regional Director or persons officially acting in that capacity may not redelegate the authority to approve an examination using medical x-ray device for the purpose of determining if contraband is present. An Acting Warden or Acting Regional Director may, however, perform this function.

(2) Staff shall solicit the inmate's consent prior to an examination using a medical x-ray device. However, the inmate's consent is not required.

(c) The Warden may direct searches of inanimate objects using a medical x-ray device where the inmate is not exposed.

[FR Doc. 2014–03240 Filed 2–13–14; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0972]

RIN 1625–AA09

Drawbridge Operation Regulation; Bush River, Perryman, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the interim rule that currently governs the Amtrak Bridge, at mile 6.8 over Bush River, at Perryman, MD. The proposed rule intends to update the language of the current regulation to reflect the intent of the original schedule and confirm the interim rule as final.

DATES: Comments and related material must reach the Coast Guard on or before April 15, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0972 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE.,

Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Jim Rousseau, District Five Prevention Bridges, Coast Guard; telephone 757–398–6557, email *James.L.Rousseau2@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

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

1. Submitting Comments

If you submit a comment, please include the docket number for this proposed rulemaking (USCG–2013–0972), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online *http://www.regulations.gov*, or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number [USCG–2013–0972] in the ''SEARCH'' box and click ''Search.'' then click on ''Submit a Comment'' on the line associated with this rulemaking. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number (USCG–2013–0972) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Regulatory History and Information

On May 1, 1985, an interim rule was published (50 FR 18480) that changed the operating schedule of the Amtrak Bridge, at mile 6.8 over Bush River, at Perryman, MD. The comment period for this interim rule ended on June 14, 1985 and records indicate that no comments were received. The interim rule has never been finalized and still remains in effect. Because of the length of time that the interim rule has been in effect and the proposed modification to the rule, the Coast Guard is opening a new comment period. The current operating regulation, in 33 CFR 117.547, requires the bridge to open twice a day on the weekends during the summer boating season and on one weekend in October. However, it fails to clarify that the bridge will remain closed to navigation at all other times, which is the intent of the bridge owner and how the bridge has operated since 1985. As the regulation is currently written, the bridge is actually required to open on demand at all other times; which is impractical given that the bridge is part of a high speed rail line and requires a maintenance crew of ten to physically open to navigation.

C. Basis and Purpose

The Amtrak Bridge is a single-leaf bascule bridge with a vertical clearance of approximately 12 feet above mean high water in the closed position. Due to the overhead power lines, the bridge has a vertical clearance of approximately 34 feet above mean high water in the open position.

The Amtrak Bridge has operated under the interim rule for over 28 years with little to no disagreements between the bridge owner, the waterway users, and local marinas. However, in 2011 Amtrak approached the Coast Guard with an issue on how they were receiving requests to open the bridge from the waterway users. As the Coast Guard reviewed the regulation in 33 CFR § 117.547 the difference between the actual language and the intent of the regulation, identified in paragraph B, was brought to light. The Coast Guard proposes to modify the existing regulations for the Amtrak Bridge to clarify the original language and intent of the regulation.

The Coast Guard has reviewed and discussed the original and perceived intent of the current regulation with Amtrak and local waterway users. Based on the information provided, the proposed rule will correct the current language discrepancy in the regulation but have no impacts on current vessel or train traffic.

D. Discussion of Proposed Rule

The Coast Guard proposes to revise 33 CFR 117.547 governing the Amtrak Bridge, at mile 6.8, over Bush River, at Perryman, MD by adding language that the bridge will remain closed to

navigation during all other times except when it is required to open. As the regulation is currently written, the bridge is required to open at all other times other than the weekend daylight hours during the summer boating season. This is not Amtrak's intent for the regulation and is not how the bridge has operated since 1985. Under the proposed change, the bridge shall open twice daily, from May 1 to Oct 31, on Saturdays and Sundays and on any federal holidays during that period that fall on a Friday or Monday, if proper request for openings have been received. The proposed modification of the operating regulation accounts for the current scheduled high speed rail service and the difficulty of opening the bridge, which can take a maintenance crew of ten people six hours to open. This rule proposes to clarify the intention of the regulation and reflect the current operation of the bridge.

Vessels with a mast height less than 12 feet can pass underneath the bridge in the closed position at any time. There are no alternate routes available for vessels unable to pass underneath the bridge in the closed position. Emergency openings follow 33 CFR 117.31.

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 these statutes or executive orders.

1. Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The proposed change is expected to have no impact on mariners and no anticipated change to vessel and train traffic.

2. Impact on Small Entities

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

This action will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel requests requiring openings for the past years have been based on the current regulation intent of only opening during May through October after coordination with Amtrak. Vessels that can safely transit under the bridge may do so at any time.

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

3. Assistance for Small Entities

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.547, to read as follows:

§ 117.547 Bush River.

The draw of the Amtrak Bridge, mile 6.8 at Perryman, shall operate as follows:

(a) Shall open twice a day from May 1 through October 31, on Saturdays, Sundays, and Federal holidays that fall on a Friday or a Monday, when a proper request has been received.

(b) Request for an opening is given to the Amtrak Assistant Division Engineer at 410–642–1588 and or email at *BridgeOpeningRequest@Amtrak.com* by an authorized representative of the Bush River Yacht Club no later than noon on the Friday just preceding the day of opening or, if that Friday is a Federal holiday, no later than noon on the preceding Thursday.

(c) Amtrak determines the times for openings and shall schedule the times—

(1) During daylight hours, six to ten hours apart; and

(2) One opening before noon and one after noon.

(3) In emergent situations after notification is given to the numbers indicated in paragraph (b) it can take up to six hours for the bridge to open.

(d) Amtrak shall notify a representative of the Bush River Yacht Club of the times of all openings for the weekend (or extended weekend) in question no later than 6 p.m., on the Friday just preceding the weekend or, if that Friday is a Federal holiday, no later than 6 p.m., on the preceding Thursday.

(e) Each opening shall be of sufficient duration to pass waiting vessels.

(f) At all other times the draw need not open for the passage of vessels.

Dated: January 28, 2014.

Steven H. Ratti,

Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2014–03309 Filed 2–13–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0789; FRL–9906–68–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Minor New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted on July 20, 2009 by the State of West Virginia. The proposed revision will expedite the processing of certain preconstruction permits issued under West Virginia's minor New Source Review (NSR) Program. Notably, the revision will allow, in certain circumstances, construction prior to obtaining a permit, and will allow equipment and materials to be delivered and stored onsite prior to permit issuance. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 17, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0789 by one of the following methods:

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

B. *Email: cox.kathleen@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0789, Kathleen Cox, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0789. 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 electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket

materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Gerallyn Duke, (215) 814–2084, or by email at *duke.gerallyn@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 110(a)(2)(C) of the CAA requires SIPs to have a preconstruction permit program for both major and minor sources. More specifically, SIPs must have the permit programs required under subpart C of title I and must have minor preconstruction programs that assure that the national ambient air quality standards are maintained. Under the minor source permitting rules at 45CSR13, West Virginia implements minor preconstruction program requirements by issuing permits to: (1) Construct and operate new stationary sources which are not major sources, (2) modify non-major stationary sources, (3) make non-major modifications to existing major stationary sources, and (4) relocate non-major stationary sources. These rules also establish requirements for obtaining a temporary permit and Class I and Class II general permit registration.

In 2008, the West Virginia Legislature amended the West Virginia Air Pollution Control Act, W.Va. Code § 22–5–1, et. seq., to reduce the timelines for minor source air permit issuance, add a 15-day pre-approval review for permission to commence construction or modification prior to receiving a minor NSR permit or general permit registration, and allow equipment and materials to be delivered and stored onsite prior to permit issuance. The West Virginia Department of Environmental Protection (WVDEP) revised 45CSR13: ''Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation,'' to incorporate those changes required by passage of the above amendments to the West Virginia Air Pollution Control Act. The proposed SIP revision consists of these revisions to 45CSR13. The revision submitted by WVDEP for approval into the SIP was adopted by the State Air Pollution Control Board on April 30, 2009 and became effective on June 1, 2009.

II. Summary of SIP Revision

The July 20, 2009 SIP revision will reduce the time allotted for WVDEP to process certain permits. Specifically, the time is reduced from 180 days to 90 days after a permit application is deemed complete for minor NSR permits, from 60 days to 45 days after a complete application is received for temporary minor NSR permits, and from 90 days to 45 days after a general permit registration application is deemed complete for Class II general permits. Class II general permits are issued for sources that are considered to be more significant than sources for which Class I general permits are issued and, unlike Class I general permits, must undergo a 30-day public notice period.

The SIP revision also creates a mechanism for new and modified stationary sources which are not major sources and for major stationary sources proposing non-major modifications to commence construction prior to obtaining a permit, provided that operation does not commence until a permit is issued. The following are ineligible for permission to commence construction in advance of permit issuance: Sources of hazardous air pollutants subject to CAA subsections 112(g) or 112(j), sources seeking ''synthetic minor'' permits to avoid otherwise applicable standards, and sources requiring specific case-by-case emission limits under 45CSR21 or 45CSR27. The process to allow commencement of construction in advance of permit issuance also applies to general permits.

Another notable change in the minor NSR rule is to allow equipment and materials to be delivered and stored onsite prior to permit issuance. Finally, other minor clarifying changes to West Virginia's minor NSR rule are included.

If WVDEP determines that any proposed construction, modification, registration or relocation interferes with attainment or maintenance of an applicable ambient air quality standard, causes or contributes to a violation of an applicable air quality increment, or is inconsistent with the intent and purpose of 45CSR13, WVDEP shall issue an order denying the proposed activity. No permission to commence construction in advance of permit issuance is allowed if WVDEP deems it is inconsistent with any Federal requirement, Federal delegation, Federally approved requirement in any SIP, or Federally approved requirement under the title V permitting program.

The version of 45CSR13 submitted by WVDEP for approval into the SIP includes revisions to the following sections: section 45–13–1 (''General''), section 45–13–4 (''Administrative Updates to Existing Permits and General Permit Registrations''), section 45–13–5 (''Permit Application and Reporting Requirements for Construction of and Modifications to Stationary Sources''), section 45–13–8 (''Public Review Procedures''), and section 45–13–10 (''Permit Transfer, Suspension, Revocation and Responsibility''). Section 45–13–16 (''Application for Permission to Commence Construction in Advance of Permit Issuance'') is added.

III. Proposed Action

EPA is proposing approval of West Virginia's SIP submission dated July 20, 2009, which consists of a new version of 45CSR13 that revises West Virginia's minor NSR Program as follows: (1) Revising provisions to reduce the timelines for issuance of minor NSR permits, temporary permits, and Class II general permits; (2) adding provisions to allow advance preconstruction and to expedite processing of eligible minor NSR permits and general permits; (3) adding provisions to allow equipment and materials to be delivered and stored onsite prior to minor NSR permit issuance; and (4) making minor administrative amendments and clarifications.

EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. 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 proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions

of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the 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 proposed rule related to West Virginia's minor NSR Program does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: January 28, 2014.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2014–03289 Filed 2–13–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0495; FRL–9906–61–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions for Permitting of Particulate Matter With Diameters Less Than or Equal to 2.5 Micrometers ($PM_{2.5}$)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on May 19, 2011. The May 19, 2011, SIP submission adopts revisions to the Texas General Air Quality Definitions and Permits by Rule (PBR) program consistent with certain federal rules implementing the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS). EPA is also proposing to find that the Texas Prevention of Significant Deterioration (PSD) New Source Review (NSR) SIP meets all EPA $PM_{2.5}$ PSD SIP rules. These rules include permitting components such as the $PM_{2.5}$ precursors of sulfur dioxide and nitrogen oxides, condensables, significant emissions rates (SER), and increment. EPA is proposing these actions under section 110 and part C of the Clean Air Act (CAA or the Act).

DATES: Comments must be received on or before March 17, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2011–0495, by one of the following methods:

• *www.regulations.gov.* Follow the online instructions for submitting comments.

• *Email:* Ms. Adina Wiley at *wiley.adina@epa.gov.*

• *Mail or Delivery:* Ms. Adina Wiley, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2011–0495. 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 the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that 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 along with any disk or CD–ROM submitted. 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 and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Wiley (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD–R), Suite 1200, Dallas, TX 75202–2733. The telephone number is (214) 665–2115. Ms. Wiley can also be reached via electronic mail at *wiley.adina@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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I. Background for Our Proposed Action

The Act at section 110(a)(2)(C) requires State Implementation Plans (SIPs) to include preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants. These requirements apply in attainment and nonattainment areas and cover both major and minor new sources and modifications. Collectively, these SIP requirements are referred to as the New Source Review (NSR) SIP. The CAA NSR SIP program is composed of three separate programs: Prevention of significant deterioration (PSD), nonattainment (NNSR), and Minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the NAAQS—''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—''unclassifiable areas.'' The NNSR SIP program is established in part D of title I of the CAA and applies in areas that are designated as ''nonattainment areas'' because they are not in attainment of the NAAQS. The Minor NSR SIP program addresses construction or modification activities for sources that will not emit, or have the potential to emit, above certain thresholds and thus do not qualify as ''major.'' Minor NSR applies regardless of the designation of the area in which a source is located. EPA regulations governing the criteria that states must satisfy for EPA approval of the NSR programs as part of the SIP are contained in 40 CFR 51.160–51.166.

When EPA originally approved TCEQ's PSD SIP on June 24, 1992, this action included the TCEQ's authority to require PSD permits for emissions of ozone, particulate matter, sulfur oxides, carbon monoxide, nitrogen dioxides, and lead (57 FR 28093). TCEQ's Minor NSR SIP also requires permits for these emissions. Under Texas state law, once the TCEQ has the authority to require the permitting of a NAAQS for a particular pollutant, it has the authority to require the permitting of any new or revised version of that NAAQS for that pollutant. For instance, the ozone NAAQS was first promulgated by EPA in 1971 with a one-hour averaging time. The ozone NAAQS was revised in 1979 with the same averaging time but in a different form, and then revised again in 1997 and 2008 with an 8-hour averaging time and different form. Regardless of later revisions by EPA, as of the 1992 approval of TCEQ's PSD SIP, TCEQ had the state authority to require permitting of these different versions of the ozone NAAQS upon the effective date of each new or revised NAAQS. The Texas PSD SIP and the Texas Minor NSR SIP cover these various versions of the same pollutant, ozone. This continuation of authority is analogously applicable for all the other NAAQS, including the PM NAAQS, i.e. TCEQ has the authority to require the permitting of the PM_{10} and $PM_{2.5}$ NAAQS based upon the 1992 SIP-approved authority to permit the PM NAAQS. The TCEQ, however, must undergo an additional rulemaking and submit for approval as part of the PSD SIP, revisions that address any PSD SIP regulations promulgated by EPA that add new permitting components to the PSD program, e.g., precursors, increments, and significant emission rates (SERs). Thereafter, TCEQ does not need to conduct further rulemaking to cover any new PSD SIP regulations for that pollutant unless EPA promulgates a new requirement not originally contemplated by EPA regulations which TCEQ has undergone rulemaking to address, e.g., a new precursor for $PM_{2.5}$. By contrast, TCEQ would not necessarily have to undergo additional rulemaking if EPA revises an existing permitting component that TCEQ has previously undergone rulemaking to address, e.g. EPA revises the SERs for the $PM_{2.5}$ NAAQS and NO_X and SO_2 precursors.

Accordingly, the TCEQ adopted revisions on April 20, 2011, and submitted them to EPA on May 19, 2011, for approval into the Texas SIP. These TCEQ revisions address the regulatory requirements of EPA's implementation rules for the 1997 and 2006 $PM_{2.5}$ NAAQS as applicable to the State's general regulatory program and its PSD and Minor NSR SIP permitting programs. Specifically, EPA promulgated two rules establishing both required and optional implementation regulations for $PM_{2.5}$: the May 16, 2008 final rule for Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$) (referred to as the NSR $PM_{2.5}$ Implementation Rule), 73 FR 28321, and the October 20, 2010 final rule for Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (referred to as the $PM_{2.5}$ PSD Increments—SILs—SMC Rule), 75 FR 64864. Today's proposed action and the accompanying Technical Support Document (TSD) present our rationale for proposing approval of this submission as part of the Texas PSD SIP by finding that the Texas PSD SIP includes the requirements to address these two rulemakings concerning the $PM_{2.5}$ NAAQS.[1]

II. Summary of State Submittal

The May 19, 2011, SIP submittal included revisions to two portions of the Texas SIP—the General Definitions at 30 TAC Section 101.1 and the Requirements for Permitting by Rule at 30 TAC Section 106.4. The State's rulemaking also updated the PSD NSR SIP to reflect the $PM_{2.5}$ PSD regulations adopted as of December 9, 2013.[2] In particular, the State's record demonstrates the intent of the TCEQ for the Texas PSD SIP rules to regulate upon the state's final rulemaking action SO_2 and NO_X as precursors, to account for condensable $PM_{2.5}$ emissions in permitting actions, and to include $PM_{2.5}$ increment provisions, as required by the 2008 and 2010 $PM_{2.5}$ NSR rules.[3]

A. Summary of the Revisions to the General Definitions at 30 TAC Section 101.1

The General Air Quality Definitions found in 30 TAC Section 101.1 are

[1] There are no $PM_{2.5}$ nonattainment areas in Texas; therefore TCEQ is not required to adopt or submit a NNSR program for $PM_{2.5}$ implementation as part of the Texas SIP.

[2] As discussed in Section I, and more fully explained in Section III, the 1992 SIP approval of the Texas PSD program provides the state the authority to regulate $PM_{2.5}$ emissions via the Texas PSD program. However, the Texas PSD program must be revised when EPA promulgates new PSD SIP permitting requirements such as SERs or increments. Once TCEQ undergoes rulemaking to address these new requirements, the Texas PSD SIP program is then updated to reflect subsequent federal PSD SIP permitting requirements if those requirements revise an existing permitting component that TCEQ has previously undergone rulemaking to address. For example, if EPA changes a SER in the future for direct $PM_{2.5}$ emissions or the $PM_{2.5}$ precursors SO_2 or NO_X, the Texas program would update to reflect the revised SER without need of a further SIP revision by the state. Accordingly, by undergoing the revisions in the May 19, 2011 SIP submission to address the federal $PM_{2.5}$ SIL and SMC permitting components, the existing Texas PSD permitting SIP is updated to reflect EPA's rulemaking removing the $PM_{2.5}$ SIL and SMC on December 9, 2013.

[3] This record was submitted to EPA as part of the May 19, 2011 SIP submission, and is included in the docket for this rulemaking.

applicable to the entirety of the Texas Air Quality program. The TCEQ adopted and submitted the following revisions to the General Definitions:

- The definition of ''de minimis impact'' at 30 TAC Section 101.1(25) was amended to cross reference the significant impact levels promulgated by EPA at 40 CFR 51.165(b)(2).
- The definition of ''particulate matter'' at 30 TAC Section 101.1(75) was amended to include new sub-definitions for PM_{10} and $PM_{2.5}$.
- The definition of ''particulate matter emissions'' at 30 TAC Section 101.1(76) was amended to include new sub-definitions for direct PM emissions and secondary PM emissions.
- The definition of ''PM_{10}'' at 30 TAC Section 101.1(78) was deleted and moved to the revised definition of ''particulate matter'' at 30 TAC Section 101.1(75). Then a new definition of ''$PM_{2.5}$ emissions'' was added at 30 TAC Section 101.1(78).
- The State rulemaking, including the Texas Register preambles, which describe how the General Definitions and State's PSD and Minor NSR permitting program are applicable to $PM_{2.5}$ precursors, and account for condensable $PM_{2.5}$ emissions was included in the SIP submittal.

B. Summary of the Revisions to the Requirements for Permitting by Rule at 30 TAC Section 106.4

The May 19, 2011 SIP submittal included revisions to 30 TAC Section 106.4 which is under Chapter 106—Permits by Rule (PBR).

The TCEQ adopted and submitted the following revisions to 30 TAC Section 106.4 to provide for the permitting of $PM_{2.5}$ emissions through the use of the Minor NSR SIP PBRs.

- Substantive revisions to 30 TAC Section 106.4(a)(1) establishing thresholds for emissions of $PM_{2.5}$ and PM_{10},
- Non-substantive revisions to 30 TAC Section 106.4(a)(2) to correct grammar and formatting,
- Substantive revisions to 30 TAC Section 106.4(a)(4) establishing thresholds for emissions of $PM_{2.5}$ and PM_{10}, and
- Non-substantive revisions to 30 TAC Section 106.4(c) to correct grammar and formatting.
- The State rulemaking, including the Texas Register preambles, which describe how the General Definitions and State's PSD and Minor NSR permitting program are applicable to $PM_{2.5}$ precursors and condensables was included in the SIP submittal.

III. EPA's Analysis of the May 19, 2011 Texas SIP Submittal

A. Analysis of the May 19, 2011 Revisions to the General Definitions at 30 TAC Section 101.1

Texas adopted and submitted revisions to the definitions of ''de minimis impact,'' ''particulate matter,'' ''particulate matter emissions,'' and ''$PM_{2.5}$ emissions'' at 30 TAC Sections 101.1(25), (75), (76), and (78) respectively. Following is our analysis for each of these revised definitions.

- ''De minimis impact'' at 30 TAC Section 101.1(25)—The TCEQ adopted and submitted revisions to the definition of ''de minimis impact'' at 30 TAC Section 101.1(25) to delete the table of values that explicitly listed SIL values and to add, instead, a cross reference to the table of SIL values established by EPA at 40 CFR 51.165(b)(2). EPA proposes to find that this cross reference to the SILs at 40 CFR 51.165(b)(2), as supplemented by the state's rulemaking record, appropriately adds the $PM_{2.5}$ SILs to the Texas air permitting program and is consistent with the CAA and EPA's regulations.
- ''Particulate matter'' at 30 TAC Section 101.1(75)—The TCEQ adopted and submitted both non-substantive and substantive revisions to the SIP-approved definition of ''Particulate Matter''. The revisions retain the SIP-approved definition for ''particulate matter'' as an introductory paragraph and add new sub-definitions for PM_{10} and $PM_{2.5}$ under this provision. The sub-definition of ''PM_{10}'' adopted at 30 TAC Section 101.1(75)(A) is a non-substantive change because the TCEQ moved the previously SIP-approved definition of ''PM_{10}'' at 30 TAC Section 101.78 to a new sub-definition of ''PM_{10}'' at 30 TAC Section 101.1(75)(A). EPA proposes to find this non-substantive revision is consistent with the previously approved SIP and with the federal definitions of ''particulate matter'' at 40 CFR 51.100(oo), ''particulate matter emissions'' at 40 CFR 51.100(pp), ''PM_{10}'' at 40 CFR 51.100(qq), and ''PM_{10} emissions'' at 40 CFR 51.100(rr). TCEQ made a substantive revision to add a new sub-definition of ''$PM_{2.5}$'' to the definition of ''particulate matter'' under this provision at 30 TAC Section 101.1(75)(B). The new sub-definition of ''$PM_{2.5}$'' is consistent with the definitions of ''particulate matter'' and ''particulate matter emissions'' at 40 CFR 51.1000 and the requirements for $PM_{2.5}$ at 40 CFR Part 50. EPA proposes to find this definition is approvable consistent with federal requirements.
- ''Particulate matter emissions'' at 30 TAC Section 101.1(76)—The TCEQ adopted and submitted substantive revisions to the SIP-approved definition for ''Particulate matter emissions'' at 30 TAC Section 101.1(76). The revisions retain the SIP-approved definition for ''particulate matter emissions'' as an introductory paragraph and add new sub-definitions for ''direct PM emissions'' and ''secondary PM emissions'' at 30 TAC Section 101.1(76)(A) and (B), respectively. The new sub-definition of ''direct PM emissions'' at 30 TAC Section 101.1(76)(A) is consistent with the federal definition for ''direct $PM_{2.5}$ emissions'' at 40 CFR 51.1000. The new sub-definition of ''secondary PM emissions'' at 30 TAC Section 101.1(76)(B) is consistent with the federal definition of ''$PM_{2.5}$ precursor'' at 40 CFR 51.1000.
- ''$PM_{2.5}$ Emissions'' at 30 TAC Section 101.1(78)—The TCEQ adopted the deletion of the previously SIP-approved definition of ''PM_{10} emissions'' at 30 TAC Section 101.1(78). The SIP-approved definition of ''PM_{10} emissions'' has been retained in a non-substantive move to the newly created sub-definition at 30 TAC Section 101.1(75)(B) (see discussion above). The TCEQ adopted and submitted a new definition for ''$PM_{2.5}$ Emissions'' at 30 TAC Section 101.1(78). The new definition of ''$PM_{2.5}$ emissions'' is consistent with federal definitions at 40 CFR 51.100(oo) and (pp) and 51.1000. EPA proposes to find this definition is approvable consistent with federal requirements.

B. Analysis of the May 19, 2011 Revisions and the Texas PSD Permitting Program

EPA issued PSD and NNSR SIP regulations for the PM 2.5 NAAQS in two recent rules: (1) The NSR $PM_{2.5}$ Implementation Rule promulgated on May 16, 2008, and (2) the $PM_{2.5}$ PSD Increments—SILs—SMC Rule promulgated on October 20, 2010. TCEQ specifically underwent rulemaking as required by state law to ensure the Texas PSD NSR SIP addresses the federal PSD SIP requirements concerning the $PM_{2.5}$ NAAQS as of December 9, 2013, e.g., precursors, condensables, and increment.[4] Because

[4] See, e.g., ''The specific intent of the proposed rulemaking is . . . for implementation of $PM_{2.5}$ *NSR* regulations. The preamble to this rulemaking clarifies how precursors and condensable emissions are addressed.'' 35 TexReg. 10147, 10147 (November 19, 2010) (preamble to Texas's proposed rule adoption addressing federal requirements for the implementation of the $PM_{2.5}$ NAAQS NSR Program; finalized 36 TexReg 2841, May 6, 2011) (emphasis added).

the TCEQ's intent in the state's rule adoption is clear that the PSD NSR SIP is intended to address the precursors and condensables as per EPA's 2008 and 2010 $PM_{2.5}$ NSR Rules, EPA finds that the existing Texas PSD permitting program is structured and updated to address all PSD rules for the $PM_{2.5}$ NAAQS as of December 9, 2013, when the most recent revisions to the federal PSD program for $PM_{2.5}$ were finalized. As previously noted, further state rulemaking would be needed if EPA promulgated new permitting components not contemplated in any federal rulemaking, e.g., EPA added a new precursor. Following is our evaluation of how the Texas PSD NSR SIP program addresses the NSR implementation requirements for the $PM_{2.5}$ NAAQS.

1. The NSR $PM_{2.5}$ Implementation Rule

a. What are the requirements of the NSR $PM_{2.5}$ Implementation Rule for state PSD programs?

EPA's final NSR $PM_{2.5}$ Implementation Rule required states to submit applicable SIP revisions to EPA no later than May 16, 2011, to address this Rule's PSD and NNSR SIP requirements. With respect to PSD permitting, the SIP revision submittals are required to meet the following PSD SIP requirements to implement the $PM_{2.5}$ NAAQS:

(1) Require PSD permits to address directly emitted $PM_{2.5}$ and precursor pollutants that contribute to the secondary formation of $PM_{2.5}$;

(2) establish significant emission rates for direct $PM_{2.5}$ and precursor pollutants (including sulfur dioxide (SO_2) and nitrogen oxides (NO_X)); and

(3) account for gases that condense to form particles (condensables) in $PM_{2.5}$ and PM_{10} applicability determinations and emission limits in PSD permits.

b. How does the Texas PSD program address the requirements of the NSR $PM_{2.5}$ Implementation Rule?

The May 19, 2011, Texas SIP submittal includes revisions of the General Definitions in the Texas SIP, as further explained in section III.A of this proposed rulemaking. Additionally, as required by state law, the TCEQ, by its rulemaking, updated the existing PSD NSR SIP to be consistent with the federal $PM_{2.5}$ NAAQS PSD requirements as of December 9, 2013. As explained below, the rulemaking record demonstrates that TCEQ intends for the revised Texas PSD rules to regulate SO_2 and NO_X as precursors of $PM_{2.5}$ and appropriately account for condensable $PM_{2.5}$ emissions. Based on the analysis presented below, in conjunction with the TCEQ's intent as reflected in the rule adoption, EPA is proposing to find that the Texas PSD NSR SIP includes all of the PSD requirements of the 2008 final NSR $PM_{2.5}$ Implementation Rule for the following reasons:

(1) Regulation of Direct $PM_{2.5}$ and Precursors: The Texas SIP at 30 TAC Section 116.12 contains definitions applicable to NSR, including PSD, and that apply to both emissions from direct $PM_{2.5}$ and SO_2 and NO_X as $PM_{2.5}$ precursors in the Texas PSD program. The application of these definitions with respect to PSD major stationary sources and PSD major modifications will be discussed separately below.

a. For purposes of PSD permitting, a major source is defined in the Texas SIP at 30 TAC Section 116.12(17) as a source that emits, or has the potential to emit a federally regulated new source review pollutant at levels greater than those identified in 40 CFR 51.166(b)(1). The definition of major source refers to the SIP-approved definition for federally regulated new source review pollutant at 30 TAC Section 116.12(14): ''any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the United States Environmental Protection Agency.'' In conjunction with the state law requirement for a rulemaking action and as explained by TCEQ in the Texas Register preamble language, this SIP-approved definition of ''federally regulated new source review pollutant'' is inclusive of the $PM_{2.5}$ precursors SO_2 and NO_X identified by EPA. This is supported by TCEQ's explicit explanation in the rule preamble as to which precursors it considers to be ''identified'' by EPA and for purposes of this definition and for PSD permitting: ''If a new major source will emit, or has the potential to emit, a significant amount of a regulated NSR pollutant in an attainment area for that pollutant, the source must apply BACT for each emissions unit that emits the pollutant. In addition, if a physical change or operational change at an existing major source will result in a significant emissions increase and significant net emissions increase of a regulated NSR pollutant, the source must apply BACT to each proposed emissions unit experiencing a net increase in emissions of that pollutant as a result of the physical or operational change in the unit. Under the $PM_{2.5}$ PSD program, these requirements will apply to direct $PM_{2.5}$ emissions; SO_2 emissions; NO_X emissions, unless states demonstrate that NO_X is not a significant contributor to ambient $PM_{2.5}$ concentrations in that area; and to VOC if identified by a state as a precursor in the $PM_{2.5}$ attainment area where the source is located.'' (36 TexReg 2842).

EPA therefore proposes to find that as clarified by the TCEQ rule adoption preamble, the Texas SIP's definition of federally regulated NSR pollutants is inclusive of the $PM_{2.5}$ precursors SO_2 and NO_X. Additionally, per the Texas PSD NSR SIP, when determining applicability of the definition of major source for purposes of the PSD program, direct emissions of $PM_{2.5}$ and emissions of SO_2 and NO_X as $PM_{2.5}$ precursors must be taken into account.

b. The Texas SIP defines a major modification at 30 TAC Section 116.12(18) as ''any physical change in, or change in the method of operation of a major stationary source that causes a significant project emissions increase and a significant net emissions increase for any federally regulated new source review pollutant.'' Like the definition of major source, the definition of major modification also relies on Texas's definition of ''federally regulated new source review pollutant'' which, as explained in the previous subsection of this proposed rule (III.B.1.b(1)(a)), the Texas SIP definition of federally regulated new source review pollutant, as clarified by TCEQ's rule preamble, identifies SO_2 and NO_X as $PM_{2.5}$ precursors. The definition of major modification goes on to define what constitutes ''significant project emissions'' by incorporating by reference the federal significant emission rates at 40 CFR 51.166(b)(23). The significance thresholds at 40 CFR 51.166(b)(23) include emission rates for direct $PM_{2.5}$ and SO_2 and NO_X as $PM_{2.5}$ precursors. It is therefore further clear that emissions of SO_2 and NO_X as $PM_{2.5}$ precursors are applicable to the determination of whether a source is a major modification.[5] The Texas SIP therefore requires evaluation of direct $PM_{2.5}$ and SO_2 and NO_X as $PM_{2.5}$ precursors as required by EPA's NSR $PM_{2.5}$ Implementation rule when determining the applicability of the definition of major modification. Therefore, EPA proposes to find the

[5] EPA notes that the Texas PSD SIP definition of major modification references the significant emission rates for direct $PM_{2.5}$ and its precursors (SO_2 and NO_X) as established at 40 CFR 52.21(b)(23), and the Texas SIP does not currently regulate VOCs as precursors of $PM_{2.5}$ for PSD permitting. In order for the Texas SIP to require PSD permitting for VOCs as $PM_{2.5}$ precursors, the TCEQ would need to adopt and submit a separate SIP revision providing the State's demonstration that emissions of VOCs from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations. See 73 FR 28321, at 28333.

TCEQ SIP's definition of major modification is inclusive of SO_2 and NO_X as $PM_{2.5}$ precursors.

(2) Establish SERs: The SIP-approved Texas PSD program at 30 TAC Section 116.160(a) requires new major sources and major modifications to comply with the Texas PSD permitting requirements at 30 TAC Sections 116.160(c)(1)–(4). As discussed in the analysis above at III.B.1.b(1) and (2), major sources and major modifications are defined by exceedances of certain levels of emissions, or potential emissions, of federally regulated new source review pollutants. This includes direct emissions of $PM_{2.5}$ and emissions of SO_2 and NO_X as PSD precursors of $PM_{2.5}$. EPA proposes to find the Texas PSD program now requires the PSD permitting of the identified $PM_{2.5}$ PSD precursors SO_2 and NO_X for new major stationary sources and major modifications consistent with the requirements of the 2008 rule, based upon the existing PSD NSR SIP rules at 30 TAC Sections 116.12 and 116.160—116.163, and the state's rulemaking record.

(3) Condensable PM_{10}/$PM_{2.5}$ Emissions: As previously mentioned, the May 19, 2011 SIP submission added a new definition of ''$PM_{2.5}$ emissions'' in the General Definitions section at 30 TAC Section 101.1(78). This new definition defines such emissions, in part, as ''finely-divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method specified in 40 Code of Federal Regulations Part 51.'' The applicable reference method in part 51 that applies to the measurement of condensable $PM_{2.5}$ emissions is Method 202. The definition of ''$PM_{2.5}$ emissions'' as adopted in 30 TAC Section 101.1(78) therefore requires the accounting of condensable $PM_{2.5}$ emissions as required by the NSR $PM_{2.5}$ Implementation Rule by the definition's requirement to use the applicable reference methods in 40 CFR Part 51 that measure such emissions. Analogously, the Texas SIP defines ''PM_{10} emissions'' in the General Definitions section at 30 TAC Section 101.1(79). This definition defines such emissions, in part, as ''finely-divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method specified in 40 Code of Federal Regulations Part 51.'' The applicable reference method in part 51 that applies to the measurement of condensable PM_{10} emissions is also Method 202. The definition of ''PM_{10} emissions'' as adopted in 30 TAC Section 101.1(79) therefore requires the accounting of condensable PM_{10} emissions as required by the NSR $PM_{2.5}$ Implementation Rule by the definition's requirement to use the applicable reference methods in 40 CFR Part 51 that measure such emissions. As noted by TCEQ in the preamble of the State's rule: ''EPA assessed the capabilities of test methods available for measuring condensable emissions, publishing a final rule for methods of measuring filterable PM_{10} and $PM_{2.5}$ and measuring condensable PM emissions on December 21, 2010. The final rule promulgates amendments to Methods 201A and 202. The final amendments to Method 201A add a particulate-sizing device to allow for sampling of particulate matter with mean aerodynamic diameters less than or equal to $PM_{2.5}$. The final amendments to Method 202 revise the sample collection and recovery procedures of the method to reduce the formation of reaction artifacts that could lead to inaccurate measurements of condensable particulate matter. Additionally, the final amendments to Method 202 eliminate most of the hardware and analytical options in the existing method, thereby increasing the precision of the method and improving the consistency in the measurements obtained between source tests performed under different regulatory authorities. This final rule became effective on January 1, 2011.'' See 36 TexReg 2842.

EPA proposes to find that the Texas Register cited above indicates that federal reference Methods 201A and 202, in 40 CFR Part 51, Appendix M will be used by TCEQ in the determination of particulate matter emissions from stationary sources, including condensable particulate emissions. Such condensable emissions as measured by Method 202 would therefore be considered as PM_{10} or $PM_{2.5}$ emissions as appropriate under the terms of the Texas SIP. As the definitions in 30 TAC Section 101.1 establish the meaning and applicability of terms used within the entirety of the Texas SIP, EPA proposes to find this definition of $PM_{2.5}$ emissions, which includes regulation of condensables and as supported by the Texas rulemaking record, is applicable to the Texas PSD NSR SIP. Furthermore, the Texas SIP at 30 TAC Section 116.12(14) defines a federally regulated new source review pollutant to include ''any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the United States Environmental Protection Agency.'' Because of the state's rulemaking record, this definition is sufficient to encompass PSD permitting for condensables in $PM_{2.5}$ and PM_{10} emission limits as a constituent of $PM_{2.5}$. EPA therefore proposes to find the Texas PSD NSR SIP now adequately accounts for regulation of condensable PM_{10} and $PM_{2.5}$ emissions in both applicability determinations and emission limitations as required by the 2008 $PM_{2.5}$ NSR rule.

c. Litigation on the May 16, 2008 $PM_{2.5}$ NSR Implementation Rule

On January 4, 2013,the U.S. Court of Appeals, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir.), issued a judgment that remanded the EPA's 2007 and 2008 rules implementing the 1997 $PM_{2.5}$ NAAQS. The court ordered the EPA to ''repromulgate these rules pursuant to Subpart 4 consistent with this opinion.'' *Id.* at 437. Subpart 4 of Part D, Title 1 of the CAA establishes additional provisions for particulate matter nonattainment areas.

The 2008 $PM_{2.5}$ NSR Implementation Rule addressed by the court decision described above, promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas (NNSR) and attainment/unclassifiable areas (PSD). As the requirements of Subpart 4 only pertain to nonattainment areas, the EPA does not consider the portions of the 2008 rule that address requirements for $PM_{2.5}$ in attainment and unclassifiable areas to be affected by the court's opinion. Moreover, the EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 NSR $PM_{2.5}$ Rule in order to comply with the court's decision. Accordingly, the EPA's proposed approval of Texas's SIP revisions with respect to the PSD requirements promulgated by the 2008 NSR $PM_{2.5}$ Rule does not conflict with the court's opinion.

The Court's decision with respect to the NNSR requirements promulgated by the 2008 NSR $PM_{2.5}$ Rule also does not affect the EPA's action on the present proposed approval, as this proposed approval does not address any of the $PM_{2.5}$ nonattainment NSR requirements.

2. The $PM_{2.5}$ PSD Increment—SILs—SMC Rule

a. What are the requirements of the $PM_{2.5}$ PSD Increment—SILs—SMC Rule for PSD SIP programs?

EPA finalized the $PM_{2.5}$ PSD Increment—SILs—SMC Rule to provide additional regulatory requirements under the PSD SIP program regarding the implementation of the $PM_{2.5}$ NAAQS. *See* 75 FR 64864. The $PM_{2.5}$ PSD Increment—SILs—SMC Rule required states to submit SIP revisions to EPA by July 20, 2012, adopting provisions equivalent to or at least as stringent as the PSD increments and associated implementing regulations. Specifically, the SIP rule requires a state's submitted PSD SIP revision to adopt and submit for EPA approval the $PM_{2.5}$ increments pursuant to section 166(a) of the CAA to prevent significant deterioration of air quality in areas meeting the NAAQS. States were also required to adopt and submit for EPA approval revisions to the definitions for ''major source baseline date,'' ''minor source baseline date,'' and ''baseline area''—as part of the implementing regulations for the $PM_{2.5}$ increment. States could also discretionarily choose to adopt and submit for EPA approval SILs used as a screening tool to evaluate the impact a proposed new major source or major modification may have on the NAAQS or PSD increment, and a SMC (also a screening tool) to determine the subsequent level of data gathering required for a PSD permit application for emissions of $PM_{2.5}$. More detail on the $PM_{2.5}$ PSD Increment—SILs—SMC Rule can be found in EPA's October 20, 2010 final rule. *See* 75 FR 64864.

b. How does the May 19, 2011 Texas SIP submittal satisfy the required increment component of the $PM_{2.5}$ Increment—SILs—SMC Rule?

With respect to the required increment component of the $PM_{2.5}$ Increment—SILs—SMC Rule, as required by state law, the TCEQ adopted the required rules on April 20, 2011, and submitted the SIP revision to implement those rules on May 19, 2011. As the record reflects, this rulemaking was intended to address, in part, the federal regulations promulgated by EPA's $PM_{2.5}$ Increment—SILs—SMC Rule. By undergoing this rulemaking, the TCEQ effectuated regulation of the required $PM_{2.5}$ increment component of Texas PSD permitting program on April 20, 2011 when adopting the May 19, 2011 SIP submission. The Texas PSD NSR SIP requirements at 30 TAC Sections 116.160(c)(1)–(4) must be met by proposed sources meeting the definitions of major source or major modification at 30 TAC Sections 116.12(17) and 116.12(18), respectively. The Texas PSD NSR SIP at 30 TAC Section 116.160(c)(2)(A) currently incorporates the federal requirements for PSD increments and the associated implementing requirements found at 40 CFR 52.21(b)(14), (b)(15) and (c). Once the TCEQ underwent rulemaking intended to address the EPA's 2010 $PM_{2.5}$ PSD SIP regulations, the existing Texas SIP rule at 30 TAC Section 116.160(c)(2)(A), which incorporates the federal requirements for PSD increments found at 40 CFR 52.21(c) and the implementing regulations defining the terms ''major source baseline date'' and ''minor source baseline date'' at 40 CFR 52.21(b)(14) and the definition for ''baseline area'' at 40 CFR 52.21(b)(15), was then by state law inclusive of the $PM_{2.5}$ PSD increment and the implementing regulations in the federal PSD regulations. EPA is therefore proposing to find that the Texas PSD NSR SIP now includes the $PM_{2.5}$ increments and associated implementing regulations, and these increments and implementing regulations are applicable requirements for sources and modifications that are major for $PM_{2.5}$ and/or the identified precursors of SO_2 and NO_X. EPA proposes to find that no further revisions to the Texas PSD NSR SIP are necessary to implement the federal $PM_{2.5}$ increment requirements in Texas.

c. How does the May 19, 2011 Texas SIP submittal address the optional SILs and SMC components of the $PM_{2.5}$ Increment—SILs—SMC Rule?

As a preliminary note, there has been litigation over the 2010 $PM_{2.5}$ Increment—SILs—SMC Rule which prompted EPA to issue a rulemaking to address the outcome of that litigation as it addressed the optional SILs and SMC components of the Rule. On January 22, 2013, the U.S. Court of Appeals granted a request from the EPA to vacate and remand to the EPA portions of the federal PSD regulations (40 CFR 51.166(k)(2) and 52.21(k)(2)) establishing the SILs for $PM_{2.5}$ so that the EPA could reconcile the inconsistency between the regulatory text and certain statements in the preamble to the 2010 final rule. *Sierra Club* v. *EPA,* 705 F.3d 458, 463–64 (D.C. Cir. 2013). The court declined to vacate the different portion of the federal PSD regulations (40 CFR 51.165(b)(2)) establishing SILs for $PM_{2.5}$ that did not contain the same inconsistency in the regulatory text. *Id.* at 465–66. The court further vacated the portions of the PSD regulations (40 CFR 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*)) establishing a $PM_{2.5}$ SMC, finding that the EPA lacked legal authority to adopt and use the $PM_{2.5}$ SMC to exempt permit applicants from the statutory requirement to compile and submit ambient monitoring data. *Id.* at 468–69. On December 9, 2013, EPA issued a good cause final rule formally removing the affected SILs and SMC provisions from the CFR. See 78 FR 73698.

With respect to the optional SILs component of the $PM_{2.5}$ Increment—SILs—SMC Rule, the May 19, 2011 SIP submittal included a revised definition of ''de minimis impact'' at 30 TAC Section 101.1(25) to incorporate by reference the SILs table at 40 CFR 51.165(b)(2), including the SILs for $PM_{2.5}$. The Texas PSD NSR SIP program at 30 TAC Section 116.161 identifies the required demonstrations for PSD applicability and the SIP-approved PSD program's interaction with the 30 TAC Section 101.1(25) ''de minimis impact'' revised definition: ''The commission may not issue a permit to any new major stationary source or major modification located in an area designated as attainment or unclassifiable, for any NAAQS if ambient air impacts from the proposed source would cause or contribute to a violation of any NAAQS. In order to obtain a permit, the source must reduce the impact of its emissions upon air quality by obtaining sufficient emission reductions to eliminate the predicted exceedances of the NAAQS. *A major source or major modification will be considered to cause or contribute to a violation of a NAAQS when the emissions from such source or modification, would at a minimum, exceed the de minimis impact levels specified in § 101.1 of this title (relating to Definitions) at any locality that is designated as nonattainment or is predicted to be nonattainment for the applicable standard.''* (Emphasis added.) This definition is analogous to the regulatory text in the federal regulations at 40 CFR 51.165(b)(2).

The principle laid out in this provision is that a new or modified source may not obtain a permit if it will cause or contribute to the violation of a NAAQS. Such source must reduce the impact of its emissions in order to obtain a permit. Per the definition of ''de minimis impact,'' a source is considered to cause or contribute to nonattainment air quality, ''at a minimum'' when the impact exceeds the de minimis impact levels. Thus, the language of the provision does not constrain TCEQ's discretion to determine that a source causes or contributes to a violation of the NAAQS even when the impact is below the de minimis impact levels.

EPA is proposing to find the SIP rule at 30 TAC Section 116.161 and its cross-reference to the revised definition of ''de minimis impact'' to be consistent with EPA's interpretation of the SILs established at 40 CFR 51.165(b)(2). The

court in *Sierra Club* acknowledged that the regulatory language at 40 CFR 51.165(b)(2) does not restrict a permitting authority's discretion to require a more comprehensive showing that the source does not cause or contribute to a NAAQS violation even where the impact is below the SIL. , 705 F.3d at 465. By extension, EPA finds that the revised definition of ''de minimis impact'' at 30 TAC Section 101.1(25), as submitted for approval into the Texas SIP, would also not restrict the TCEQ's discretion to require a more comprehensive analysis as described above. Therefore, EPA proposes to find the May 19, 2011 submitted revisions to the definition of ''de minimis impact'' at 30 TAC Section 101.1(25) are approvable.

Furthermore, with respect to both the optional SILs and SMC components of the $PM_{2.5}$ Increment—SILs—SMC Rule, as previously discussed the court in *Sierra Club* v. *EPA* vacated certain portions of the federal PSD regulations addressing $PM_{2.5}$ SILs and SMC. On December 9, 2013, EPA issued a good cause final rule removing the affected provisions from the CFR. *See* 78 FR 73698. As explained throughout this notice, the TCEQ effectuated regulation of emissions of $PM_{2.5}$ through the Texas PSD NSR SIP in the May 19, 2011 SIP submission, thereby updating the existing Texas SIP to be consistent with the federal $PM_{2.5}$ PSD requirements in the $PM_{2.5}$ NSR Implementation Rule and the $PM_{2.5}$ Increment—SILs—SMC Rule. The existing Texas PSD SIP at 30 TAC Section 116.160(c)(2)(A) incorporates the federal provisions 40 CFR 52.21(i)(5)(i)(*c*) and 52.21(k)(2). Because the TCEQ's rulemaking updated the PSD NSR SIP to incorporate the permitting components of the $PM_{2.5}$ Increment—SILs—SMC Rule, the existing Texas PSD permitting program is also intended to be consistent with and incorporate any future revised federal regulations in support of the rule. As a result of EPA's good cause final rulemaking discussed above, the federal requirements for $PM_{2.5}$ PSD regulation no longer include the $PM_{2.5}$ SMC and SIL provisions at 40 CFR 52.21(i)(5)(i)(*c*) and 52.21(k)(2), respectively, that were promulgated in the $PM_{2.5}$ Increment—SILs—SMC Rule. The existing Texas PSD permitting program as structured in turn no longer includes these same $PM_{2.5}$ SMC and SIL provisions.

Therefore, EPA proposes to find the SIP-approved Texas PSD program is consistent with the federal requirements because the Texas program no longer includes the $PM_{2.5}$ SMC and SIL provisions contained at 40 CFR 52.21(i)(5)(i)(*c*) and 52.21(k)(2).

C. Analysis of the May 19, 2011 Revisions to the Texas Minor NSR Permitting Programs

The promulgation of the 1997 and 2006 $PM_{2.5}$ NAAQS established the basic requirement to protect human health and public welfare from emissions of $PM_{2.5}$. As discussed in section II.B. of today's rulemaking, EPA promulgated specific revisions to major source permitting programs to implement the new NAAQS requirements through the 2008 NSR $PM_{2.5}$ Implementation Rule and 2010 $PM_{2.5}$ Increment—SILs—SMC Rule. EPA has not promulgated separate revisions to the Minor NSR requirements to implement the $PM_{2.5}$ NAAQS, however, section 110(a)(2)(C) and EPA's regulations at 40 CFR 51.160–164 require that a State's Minor NSR program address all promulgated NAAQS. As of the effective date of the 1997 and 2006 $PM_{2.5}$ NAAQS, the TCEQ's Minor NSR SIP required a preconstruction permit for any new construction or modification of these emissions.

The Texas Minor NSR Permitting Program includes several options for minor permit authorizations—including case-by case minor permits and amendments, permit alterations, standard permits, and permits by rule. The TCEQ did not need to make any revisions to the SIP-approved Minor NSR permitting program at 30 TAC Chapter 116 to meet federal requirements for the $PM_{2.5}$ NAAQS. In its May 19, 2011 SIP submission, however, the TCEQ submitted revisions to its PBR SIP rules.

The Texas PBR program is a SIP-approved Minor NSR permitting option at 30 TAC Chapter 106. EPA approved Texas's regulations for PBR on November 14, 2003 (68 FR 64543). As described in further detail in that **Federal Register** notice, a PBR is a Minor NSR permit which is adopted under 30 TAC Chapter 106 (see 68 FR 64543, at 68454–68455). The Texas PBR Minor NSR program provides an alternative process for approving the construction of certain new and modified facilities or changes within facilities which TCEQ has determined will not make a significant contribution of air contaminants to the atmosphere. These rules provide a streamlined mechanism for approving the construction of certain facilities which would otherwise be required to apply for and receive a case-by-case Minor NSR permit before commencing construction or modification. Under the Texas SIP a PBR is limited by parameters to ensure its appropriate use as a Minor NSR permit in compliance with the Minor NSR requirements of the Texas SIP and 40 CFR Part 51.

The revisions submitted May 19, 2011, lower existing SIP thresholds for PM_{10} and $PM_{2.5}$ to match them with EPA's significant emission rates, therefore making the SIP more stringent and also ensuring that a PBR for emissions of these pollutants will not cause or contribute to a violation of the two NAAQS and meet the Minor NSR SIP requirements. This is supported by the following:

(1) The maximum emission level authorized for PM_{10} is established at 15 tpy which is the same as the significant emission rate (SER) for that pollutant in Major NSR under 40 CFR 51.165(a)(1)(x)(A) and 51.166(b)(23)(i). As discussed at 70 FR 65984, at 65098 (November 1, 2005), EPA set the PM_{10} SER at 15 tpy because the ambient impact of PM_{10} at this level is about 4 percent of the 24-hour PM_{10} NAAQS. This is less than the current SIP level for inhalable particulate matter (PM_{10}) at 25 tpy.[6]

(2) In the existing SIP, the maximum emission level authorized for $PM_{2.5}$ is 25 tpy.[7] The revised maximum emission level authorized for $PM_{2.5}$ through the May 19, 2011 SIP submission is established at 10 tpy which is the same as the SER for that pollutant in Major NSR under 40 CFR 51.165(a)(1)(x)(A) and 51.166(b)(23)(i). As discussed at 70 FR 65984, at 65098 (November 1, 2005), EPA set the $PM_{2.5}$ SER at 10 tpy at which its ambient impact is about 4 percent of the annual $PM_{2.5}$ NAAQS.[8]

(3) EPA established the significant emission rates for PM_{10} and $PM_{2.5}$ at 40 CFR 51.165(a)(1)(x)(A) and 51.166(b)(23)(i) as the basis for determining applicability under the Major NSR Programs, based upon modeled impacts which demonstrate that emissions at or below the significant level is less than 4 percent of the applicable NAAQS. This level of

[6] The current SIP provides a threshold for inhalable particulate matter (PM_{10}) at 25 tpy. In this revision, the indicator for inhalable particulate matter was changed from PM_{10} to PM. The threshold for PM is 25 tpy, which is identical to the significant emission rate for particulate matter (PM) (or ''Total Suspended Particulates'' (TSP)) at 40 CFR 51.165(a)(1)(x)(A) and 51.166(b)(23)(i). As documented at 45 FR 52676, at 52707 (August 7, 1980), the significant emission rate of PM was established at a level that is no greater than 4 percent of the 24-hour primary standard for PM.

[7] The current SIP does not provide an explicit threshold for $PM_{2.5}$, but provides a catch all threshold of 25 tpy for pollutants not specifically listed in 30 TAC 106.4(a)(1).

[8] The $PM_{2.5}$ significant level was based upon annual average because the annual average is the controlling standard for the $PM_{2.5}$ NAAQS. 70 FR 65984, at 65098.

impact would also apply to emissions from any source, including changes at both major and minor sources. As it applies to Minor NSR (which includes the Texas PBR Program), any emissions of PM_{10} and $PM_{2.5}$ that are equal to or less than 15 and 10 tpy, respectively, are anticipated to have an air quality impact that is less than 4 percent of the NAAQS.

(4) Accordingly, we would expect that the emissions of PM_{10} and $PM_{2.5}$ below maximum emission levels established in the Texas PBR Program will only result in small impacts on the ambient air quality (less than 4 percent of the NAAQS for PM_{10} and $PM_{2.5}$) and would not cause or contribute to violations of the NAAQS.

In sum, the $PM_{2.5}$ thresholds adopted for the PBR program are both more stringent than the existing SIP's thresholds, and are equivalent to the federal SERs, which are rates of emissions EPA found to be less than significant. EPA therefore finds adoption of these thresholds for $PM_{2.5}$ in the Minor NSR PBR program to analogously be less than significant, and not violate the federal Minor NSR requirements. Furthermore, there is no data demonstrating that emissions below these thresholds will not meet the federal Minor NSR requirements. Additionally, there are currently no areas in the state of Texas designated nonattainment for either the 1997 or 2006 $PM_{2.5}$ NAAQS. EPA therefore proposes to find that, as discussed above, the submitted PBR thresholds for PM_{10} and $PM_{2.5}$ will not interfere with attainment and maintenance of a NAAQS for these pollutants, will not violate applicable requirements of the control strategy, will not interfere with reasonable further progress, and will not interfere with any applicable requirement of the Act. Accordingly, the submitted PBR thresholds for PM_{10} and $PM_{2.5}$ meet the requirements of the Act at 110(a)(2)(A) and (C) and 110(l) and also meet the requirements of 40 CFR 51.160(a). Therefore, EPA is proposing to find that the Texas Minor NSR SIP for PBRs, as revised, meets the permitting requirements for the 1997 and 2006 $PM_{2.5}$ NAAQS.

IV. Proposed Action

EPA proposes to approve the revisions to the Texas SIP at 30 TAC Sections 101.1 and 106.4 submitted on May 19, 2011 for the implementation of the 1997 and 2006 $PM_{2.5}$ NAAQS. EPA has made the preliminary determination that the May 19, 2011 revisions to 30 TAC Sections 101.1 and 106.4 are approvable because they are adopted and submitted in accordance with the CAA and EPA regulations regarding implementation of the $PM_{2.5}$ NAAQS. Therefore, under section 110 and part C of the Act and for the reasons stated above, EPA proposes to approve the following revisions to the Texas SIP:

- Substantive revisions to the definition of ''de minimis impact'' at 30 TAC Section 101.1(25),
- Substantive revisions to the definition of ''particulate matter'' at 30 TAC Section 101.1(75),
- Substantive revisions to the definition of ''particulate matter emissions'' at 30 TAC Section 101.1(76),
- Substantive revisions to the definition of ''$PM_{2.5}$ emissions'' at 30 TAC Section 101.1(78),
- Substantive revisions to the requirements for permits by rule at 30 TAC Sections 106.4(a)(1) and, (a)(4), and
- Non-substantive revisions to the requirements for permits by rule at 30 TAC Sections 106.4(a)(2) and (c) to correct for formatting and grammar.

EPA is also proposing to find that the Texas PSD NSR SIP meets the $PM_{2.5}$ PSD requirements contained in the federal regulations as of December 9, 2013, including regulation of NO_X and SO_2 as $PM_{2.5}$ PSD precursors, regulation of condensables, and $PM_{2.5}$ increments.

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 Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely proposes to approve 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 Clean Air Act; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 3, 2014.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2014–03322 Filed 2–13–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0794; FRL–9906–66–Region–4]

Approval and Promulgation of Implementation Plans; Kentucky; Stage II Requirements for the Hertz Corporation Facility at Cincinnati/Northern Kentucky International Airport in Boone County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a source-specific State Implementation Plan (SIP) revision submitted to EPA by the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (KDAQ) on January 17, 2014, for the purpose of exempting a Hertz Corporation facility from the Clean Air Act (CAA or Act) Stage II vapor control requirements. The subject Hertz Corporation facility is currently being constructed at the Cincinnati/Northern Kentucky International Airport in Boone County, Kentucky. EPA's proposed approval of this revision to Kentucky's SIP is based on rationale contained in the December 12, 2006 EPA policy memorandum from Stephen D. Page, entitled ''*Removal of Stage II Vapor Recovery in Situations Where Widespread Use of Onboard Refueling Vapor Recovery is Demonstrated.''* This action is being proposed pursuant to the CAA.

DATES: Comments must be received on or before March 17, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2013–0794 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. Email: *R4–RDS@epa.gov*.
3. Fax: (404) 562–9019.
4. Mail: EPA–R04–OAR–2013–0794, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. Hand Delivery or Courier: Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket ID No. ''EPA–R04–OAR–2013–0794.'' EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding this source specific SIP revision, contact Ms. Kelly Sheckler, Air Quality Modeling and Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Sheckler's telephone number is (404) 562–9222; email address: *sheckler.kelly@epa.gov*.

SUPPLEMENTARY INFORMATION:

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I. Background
II. Analysis of the Commonwealth's Submittal
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I. Background

Under the CAA Amendments of 1990, EPA designated and classified three Kentucky Counties (Boone, Campbell and Kenton) and four Ohio Counties (Butler, Clermont, Hamilton and Warren) as a part of the Cincinnati/Northern Kentucky ''moderate'' nonattainment area for the 1-hour ozone national ambient air quality standards (NAAQS). *See* 56 FR 56694 (November 6, 1991). The designation was based on the Area's 1-hour ozone design value of 0.157 parts per million for the three year period of 1988–1990.

Pursuant to the requirements of section 182(b)(3) [1] of the CAA, KDAQ developed the Kentucky Administrative Regulation (KAR) 401 KAR 59:174 ''Stage II controls at gasoline dispensing facilities,'' and submitted the rule to EPA for approval as part of Kentucky's ozone SIP. The rule was adopted by Kentucky on January 12, 1998, and approved by EPA into the SIP on December 8, 1998 (63 FR 675896). Under this regulation, gasoline dispensing facilities with a monthly throughput of 25,000 gallons or more located in a Kentucky County in which the entire County is classified as severe, serious, or moderate nonattainment for ozone are required to install Stage II vapor recovery systems.

On October 29, 1999, having implemented all measures required of Kentucky to that date for moderate ozone nonattainment areas under the CAA, and with three years of data (1996–1998) showing compliance with the 1-hour ozone standards, KDAQ submitted to EPA an ozone maintenance plan and request for redesignation of the Kentucky portion of Cincinnati/Northern Kentucky area to attainment status. The maintenance plan, as required under section 175A of the CAA, showed that nitrogen oxides and volatile organic compounds (VOC)

[1] Section 182(b)(3) of the Act requires that states submit SIP revisions for moderate ozone nonattainment areas requiring that a system for gasoline vapor recovery of emissions from the refueling of motor vehicles be implemented in such nonattainment areas.

emissions in the Area would remain below the 1990 ''attainment year's'' levels. In making these projections KDAQ factored in the emissions benefit (primarily VOC) of the Area's Stage II program, and did not remove this program from the Kentucky SIP. The redesignation request and maintenance plan were approved by EPA on June 19, 2000 (65 FR 37879).

Since the Kentucky Stage II program was already in place and had been included in the Commonwealth's October 29, 1999, redesignation request and 1-hour ozone maintenance plan for the Area, KDAQ elected not to remove the program from the SIP at that time. On April 6, 1994, EPA promulgated regulations requiring the phase-in of onboard refueling vapor recovery (ORVR) systems on new motor vehicles. Under section 202(a)(6) of the CAA, moderate ozone nonattainment areas are not required to implement Stage II vapor recovery programs after promulgation of ORVR standards.

II. Analysis of the Commonwealth's Submittal

EPA's primary consideration for determining the approvability of Kentucky's request to exempt Stage II vapor control requirements for the Hertz Corporation facility located at the Cincinnati/Northern Kentucky International Airport in Boone County is whether this requested action complies with the requirements of section 110(l) of the CAA. Below is EPA's analysis of these considerations.

a. Federal Requirements for Stage II

States were required to adopt Stage II rules for all areas classified as ''moderate'' or worse under section 182(b)(3) of the CAA. However, section 202(a)(6) of the CAA states that ''the requirements of section 182(b)(3) (relating to Stage II gasoline vapor recovery) for areas classified under section 181 as moderate for ozone shall not apply after the promulgation of such [ORVR] standards.'' ORVR regulations were promulgated by EPA on April 6, 1994. *See* 59 FR 16262, and 40 CFR 86.001, .098). As a result, the CAA no longer requires moderate areas to impose Stage II controls under section 182(b)(3), and such areas may seek SIP revisions to remove such requirements from their SIP, subject to section 110(l) of the Act. EPA's policy memoranda related to ORVR, dated March 9, 1993, and June 23, 1993, provided further guidance on removing Stage II requirements from certain areas. The policy memorandum dated March 9, 1993, states ''[w]hen onboard rules are promulgated, a State may withdraw its Stage II rules for moderate areas from the SIP (or from consideration as a SIP revision) consistent with its obligation under sections 182(b)(3) and 202(a)(6), so long as withdrawal will not interfere with any other applicable requirements of the Act.'' Because the Stage II vapor controls in Kentucky are implemented pursuant to the Commonwealth's approved maintenance plan, the Commonwealth's request for a source specific exemption from the Stage II vapor control requirements is subject to the requirements of section 110(l) of the CAA.

Section 110(l) of the Act provides that EPA cannot approve a SIP revision if that revision interferes with any applicable requirement regarding attainment, reasonable further progress (RFP) or any requirement established in the CAA. EPA can approve a SIP revision that removes or modifies control measures in the SIP once states make a ''noninterference'' demonstration that such a removal or modification will not interfere with attainment of the NAAQS, RFP or any other CAA requirement. As such, Kentucky must make a demonstration of noninterference in order to exempt the Hertz Corporation facility located at the Cincinnati/Northern Kentucky International Airport in Boone County from the Stage II requirements.

b. Cincinnati-Hamilton Interstate Area Air Quality Status

With respect to ozone, on April 30, 2004, EPA designated the Cincinnati/Northern Kentucky Area as nonattainment for the 1997 8-hour ozone NAAQS. *See* 69 FR 23857. On January 29, 2010, the Commonwealth submitted to EPA a redesignation request and maintenance plan for the 1997 8-hour ozone NAAQS. EPA then redesignated the Cincinnati/Northern Kentucky area to attainment for the 1997 8-hour ozone NAAQS on August 5, 2010 (75 FR 4718). EPA then designated portions of Boone, Campbell and Kenton Counties in Kentucky as moderate nonattainment for the 2008 8-hour ozone NAAQS as part of the Cincinnati/Northern Kentucky Nonattainment Area. This designation for the 2008 8-hour ozone NAAQS was effective July 20, 2012. *See* 77 FR 30088.

With respect to PM, on July 18, 1997, EPA promulgated the first air quality standards for $PM_{2.5}$. EPA promulgated an annual $PM_{2.5}$ standard at a level of 15 micrograms per cubic meter ($\mu g/m^3$), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. In the same rulemaking, EPA promulgated a 24-hour standard of 65 $\mu g/m^3$, based on a 3-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations. On January 5, 2005, at 70 FR 944, and supplemented on April 14, 2005, at 70 FR 19844, EPA designated Boone, Campbell, and Kenton Counties in Kentucky as part of the tri-state Cincinnati-Hamilton Nonattainment Area for the 1997 $PM_{2.5}$ NAAQS.[2]

On January 27, 2011, KDAQ submitted a request to redesignate the Kentucky portion of the tri-state Cincinnati-Hamilton Area $PM_{2.5}$ Nonattainment Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS based on 2007–2009 data. On December 15, 2011, EPA published the final rulemaking redesignating the Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS. *See* 76 FR 77904.

In 2006, EPA strengthened the primary and secondary 24-hour $PM_{2.5}$ NAAQS from 65 $\mu g/m^3$ to 35 $\mu g/m^3$, and retained the current primary and secondary annual $PM_{2.5}$ NAAQS at 15 $\mu g/m^3$. *See* 71 FR 61144, October 17, 2006. The revision of the 24-hour $PM_{2.5}$ NAAQS in 2006, triggered the designation process for the NAAQS. The Cincinnati/Northern Kentucky Area was designated attainment for the 2006 $PM_{2.5}$ NAAQS. *See* 74 FR 58688, November 13, 2009.

c. Non-Interference Demonstration for Exemption of Stage II Requirements

EPA is making the preliminary determination that Kentucky's January 17, 2014, source-specific revision to the Kentucky SIP is approvable based on the CAA and the December 12, 2006, EPA memorandum from Stephen D. Page entitled, ''*Removal of Stage II Vapor Recovery in Situations Where Widespread use of On-board Refueling Vapor Recovery is Demonstrated,*'' which provides guidance to states concerning the removal of Stage II gasoline vapor recovery systems where states demonstrate to EPA that widespread use of ORVR has occurred in specific portions of the motor vehicle fleet.

As previously discussed, states were required to adopt Stage II rules for such areas under section 182(b)(3) of the CAA. However, section 202(a)(6) of the CAA provides that the requirements of section 182(b)(3) (relating to Stage II gasoline vapor recovery) for areas classified as moderate for ozone shall not apply after the promulgation of ORVR standards. As noted above, the Hertz Corporation facility is located in a moderate nonattainment area for

[2] EPA subsequently clarified that the Tri-state Cincinnati-Hamilton Area was classified unclassifiable/attainment for the 24-hour NAAQS promulgated in 1997. *See* 74 FR 58688 (November 13, 2009).

purposes of the 2008 ozone NAAQS. Nevertheless, pursuant to the December 12, 2006 Memorandum, EPA is proposing to conclude that an analysis as described in the guidance is relevant to satisfy the section 110(l) demonstration necessary to exempt the Hertz Corporation facility from the Stage II vapor control requirements.

EPA believes the widespread use of ORVR has been sufficiently demonstrated with respect to the rental car fleet that will be utilized by the Hertz Corporation facility at issue.[3] EPA's December 12, 2006, memorandum states that if 95 percent of the vehicles in the fleet have ORVR, then widespread use will likely have been demonstrated for that fleet. The memorandum addresses the following specific fleets:

- Initial fueling of new vehicles at automobile assembly plants;
- Refueling of rental cars at rental car facilities; and
- Refueling of flexible fuel vehicles at E85 dispensing pumps.

Most large rental companies rent current model vehicles, that are equipped with ORVR and vehicle models are updated to current year models every year or two. The Commonwealth of Kentucky has confirmed that 100 percent of the fleet will be equipped with 2006 model year (first model year vehicles required to be equipped with ORVR) and newer vehicles at the Hertz Corporation facility at the Cincinnati/Northern Kentucky International Airport in Boone County.

EPA has preliminarily determined that Kentucky has adequately demonstrated that ORVR is in widespread use and that the Stage II requirements of the Kentucky SIP have been sufficiently supplanted by the ORVR such that exemption of the Hertz Corporation facility from the Stage II requirements would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA.

III. Proposed Action

EPA is proposing to approve the aforementioned source-specific SIP revision request from Kentucky. VOC emissions from vehicles at the Hertz Corporation facility are controlled by ORVR, therefore, EPA has preliminarily concluded that removal of Stage II requirements at this facility would not result in an increase of VOC emissions, and thus would not contribute to ozone formation. The Commonwealth is seeking to exempt this facility from the Stage II requirements and EPA has preliminarily determined that Kentucky has fully satisfied the requirements of section 110(l) of the CAA. Therefore, EPA is proposing to approve this source-specific SIP revision as being consistent with section 110 of the CAA.

IV. Statutory and Executive Order Reviews

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

- Are 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);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do 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 proposed 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 Commonwealth, and 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, Greenhouse gas, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: February 3, 2014.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 2014–03328 Filed 2–13–14; 8:45 am]

BILLING CODE 6560–50–P

[3] On May 16, 2012, EPA made a determination that ORVR was in widespread use throughout the motor vehicle fleet for purposes of controlling motor vehicle refueling emissions. *See* 77 FR 28772. EPA estimated that approximately 70 percent of all vehicles would be equipped with on-board systems to capture these vapors by the end of 2012, rendering the use of Stage II vapor recovery systems redundant.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 262

[EPA–HQ–RCRA–2012–0426; FRL–9906–44–OSWER]

RIN 2050–AG72

Hazardous Waste Management and the Retail Sector: Providing and Seeking Information on Practices To Enhance Effectiveness to the Resource Conservation and Recovery Act Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability and request for comment.

SUMMARY: This Notice of Data Availability (NODA) announces and invites comment on information assembled by the Environmental Protection Agency (EPA or the Agency), and solicits additional information regarding the hazardous waste management practices of establishments in the retail sector (e.g., stores). The NODA also invites comment on specific issues and suggested questions that the retail industry has raised about challenges they face in complying with the Resource Conservation and

Recovery Act (RCRA) hazardous waste policies, guidances and regulations. This NODA meets the Agency's commitment to solicit public comment on issues associated with the retail sector under Executive Order 13563: Improving Regulation and Regulatory Review to make regulatory programs more effective or less burdensome in achieving regulatory objectives.

DATES: Comments must be received by April 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2012–0426, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *Email:* Comments may be sent by electronic mail (email) to *rcra-docket@epa.gov*, Attention Docket ID No. EPA–HQ–RCRA–2012–0426. In contrast to EPA's electronic public docket, EPA's email system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through EPA's electronic public docket, EPA's email system automatically captures your email address. Email addresses that are automatically captured by EPA's email system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.
- *Fax:* Comments may be faxed to 202–566–9744. Attention Docket ID No. EPA–HQ–RCRA–2012–0426.
- *Mail:* to Hazardous Waste Management and the Retail Sector: Providing and Seeking Information on Practices to Enhance Effectiveness to the RCRA Program: Notice of Data Availability and Request for Comment. Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–RCRA–2012–0426. Please include a total of 2 copies.
- *Hand Delivery:* Deliver two copies of your comments to the Hazardous Waste Management and the Retail Sector: Providing and Seeking Information on Practices to Enhance Effectiveness to the RCRA Program: Notice of Data Availability and Request for Comment Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–RCRA–2012–0426. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–RCRA–2012–0426. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line 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 information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to 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 Hazardous Waste Management and the Retail Sector: Providing and Seeking Information on Practices to Enhance Effectiveness to the RCRA Program: Notice of Data Availability and Request for Comment Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566–0270. 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.

FOR FURTHER INFORMATION CONTACT: For further information regarding specific aspects of this notice, contact Richard Huggins Jr., Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, (5304P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone (703) 308–0017; fax number: 703–308–0514; email address *huggins.richard@epa.gov* or Jim O'Leary, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, (5304P) U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone (703) 308–8827; fax number: 703–308–0524; email address *oleary.jim@epa.gov*. For more information on this rulemaking, please visit: *http://yosemite.epa.gov/opei/RuleGate.nsf/*.

The contents of this notice are listed in the following outline:

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SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This Notice of Data Availability (NODA) provides information to the public and seeks comment and additional information associated with the retail sector and its facilities. Thus, entities that may want to review this NODA and may have relevant information to submit are likely to be classified in the following industrial sectors under the North American Industry Classification System (NAICS):

NAICS CODES OF ENTITIES POTENTIALLY AFFECTED BY THIS NOTICE

NAICS Code	Description of NAICS Code
441	Motor Vehicle and Parts Dealers.
442	Furniture and Home Furnishings Stores.
443	Electronics and Appliance Stores.
444	Building Material and Garden Equipment and Supplies Dealers.
445	Food and Beverage Stores.
446	Health and Personal Care Stores.
447	Gasoline Stations.
448	Clothing and Clothing Accessories Stores.
451	Sporting Goods, Hobby, Book, and Music Stores.
452	General Merchandise Stores.
453	Miscellaneous Store Retailers.
454	Nonstore Retailers.
722	Food Services and Drinking Places.

The list of potentially affected entities in the above table is not exhaustive and is provided as a general indicator of those entities about which EPA is presenting information and requesting comment. In addition, other stakeholders affected by hazardous waste management by the retail sector, including Tribal, state, and local governments, community and environmental groups, and members of the public may also want to review this NODA and provide relevant information. If you have any questions regarding the applicability of this notice to a particular entity or industry, consult the individuals listed above in the **FOR FURTHER INFORMATION CONTACT** Section.

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

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify this NODA by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

A. Introduction

Regulation of hazardous waste generated by the retail sector under the Resource Conservation and Recovery Act (RCRA) presents unique challenges that are not found in more ''traditional'' RCRA- regulated industries. The retail sector handles a large number of diverse products (for example, one retailer has reported about a million products and 4,000 facilities nationwide), many of which may potentially become regulated as hazardous waste under RCRA when discarded. Thus, retailers are required to make numerous hazardous waste determinations at thousands of sites, generally by store employees with limited experience with the RCRA hazardous waste regulations. Additionally, the retail sector often uses ''reverse distribution'' in their business processes, where non-damaged products from retail stores are routinely shipped back to consolidation centers. However, how reverse distribution processes are regulated, or should be regulated under RCRA has resulted in a number of questions.

In 2008, EPA began an effort to review the application of RCRA hazardous waste regulations to the retail sector, and over the next two years conducted meetings, conference calls and site visits with the retail sector to better understand their challenges. This included meetings with the Council on Safe Transportation of Hazardous Articles, Inc. (COSTHA), Lowe's, the National Retail Federation, Proctor and Gamble, the Retail Industry Leaders Association (RILA), Strong Environmental and Walmart, and site visits at Lowe's, a Proctor and Gamble distribution center, and the Heritage Facility, a commercial waste facility that handles Proctor and Gamble's wastes.

On January 18, 2011, President Obama signed Executive Order (EO) 13563, titled ''Improving Regulation and Regulatory Review.'' President Obama ordered federal departments and agencies to develop a ''plan, consistent with law and its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.'' The EO also enumerated a number of principles and directives to improve the nation's regulatory system. Today's notice meets an Agency's commitment under the EO to solicit public comment on issues associated with the retail sector (as reported in the EPA's Final

Plan for Periodic Retrospective Reviews, August 2011). EPA has used and will continue to use this EO to guide regulatory reviews and related Agency activities.

On March 14, 2011, EPA held a public meeting in Arlington, VA to receive input on its plan for retrospective review. At this meeting, Walmart presented several issues it encounters when complying with the RCRA hazardous waste management regulations in their stores. Walmart subsequently submitted written comments to the EO 13563 regulatory review docket. The Home Depot also submitted comments to the docket.[1]

Many of the comments related to the retail sector were specific to the unique issues faced when managing hazardous waste pharmaceuticals. However, other retail-related comments were also raised, with some of the more important comments focusing on episodic generation, hazardous waste determination, reverse distribution, and aerosol can management.

Commenters also noted, hazardous waste generation rates at retail facilities can vary depending on product recalls, customer returns, expiration dates, accidental product spills or breakage, seasonality and 'consumer' midnight dumping in retail parking lots. Varying generation rates subject retailers to different generator regulations each calendar month. Varying generation rates present problems for retailers when complying with the training requirements, accumulation standards, recordkeeping, manifesting and other hazardous waste regulations. In addition, commenters noted making a hazardous waste determination is difficult for retailers because a single retail store can sell hundreds of thousands of products. These products come from tens of thousands of suppliers and manufacturers. In addition, EPA understands regulators and compliance inspectors also encounter difficulties with the retail sector for these same reasons.

Commenters also questioned how the common retail process of reverse distribution should be regulated under RCRA. Reverse distribution is generally a process whereby retailers send consumer products they are unable to sell in their stores back to a central processing location where they are audited and financial credit for the items may be granted by the manufacturer. The products are then evaluated and a decision is made regarding the final disposition of the item. Items can be donated, liquidated (sold), sent back to a manufacturer, recycled or discarded appropriately. Specifically commenters asked about when the decision is made to discard an item, whether the central processing location is considered the RCRA generator or whether the originating retail store should be considered the RCRA generator for that item.

Finally, aerosol cans make up a large percentage of the retail sector's hazardous wastestream. Many aerosol cans could be recycled as scrap metal or have their flammable propellants captured for fuel recovery. However, retailers manage aerosol cans as hazardous waste because the recycling activity is not performed at the retail facility. Also, it is unclear whether or when aerosol cans exhibit the reactivity characteristic (D003). Thus, the retail sector would like EPA to determine that aerosol cans without flammable propellants and non- hazardous contents are not reactive hazardous waste (D003). They would also like EPA to determine that the previously mentioned recycling exclusions do apply to retail facilities when aerosol cans are sent for recycling, and all other hazardous waste aerosol cans can be managed as Universal Wastes. EPA is interested in the views of our state and tribal partners regarding this issue.

Based on these comments and the issues raised at the public meeting, EPA identified improving the effectiveness of the hazardous waste policies, guidances or regulations for the retail sector as one of the 35 priority topics included in the ''Improving Our Regulations: Final Plan for Periodic Retrospective Reviews of Existing Regulations.'' In this plan, EPA committed to following up on three items: (1) To determine whether to issue guidance in the short term concerning regulation of certain pharmaceutical containers; (2) to review data about pharmaceutical products that may become wastes and to address issues as part of a rulemaking on pharmaceutical waste management; and (3) to analyze information and identify issues about the regulation's applicability to hazardous wastes generated in the retail industry, what materials may be affected, what the scope of the issues are, and what options may exist for addressing the issues.

Since the release of EPA's plan, EPA has made progress in meeting these commitments. Specifically:

- In November 2011, EPA issued a memorandum addressing pharmaceutical containers, a copy of which is included in the docket for this NODA.[2] This memorandum clarified the regulations governing the management of containers which held P-listed (acute) hazardous waste residues.
- Based on comments received on EPA's proposed rule regarding the regulation of pharmaceutical wastes under the Universal Waste Rule (UWR) (see 73 FR 75220, December 2, 2008), the Agency is developing a proposed rule for healthcare facility-specific management standards for hazardous waste pharmaceuticals.
- EPA has conducted further outreach to stakeholders in the retail community to gather additional information regarding the hazardous waste issues they are facing. EPA has held several listening sessions with Advanced Auto Parts, Ball Corporation, the Consumer Specialty Products Association (CSPA), COSTHA, GRR Aerosols, Inc., The Home Depot, the National Association of Chain Drug Stores (NACDS), RILA, Safeway, and Walmart to better understand the issues the retail sector encounters in complying with the RCRA hazardous waste generator regulations.[3] EPA representatives also conducted site visits at an Advance Auto Parts retail store, a Lowe's retail store, and a Walmart retail store, distribution center and return center.

These efforts have led to today's NODA.

B. Why We Are Publishing This NODA

This NODA is part of the Agency's continuing effort to better understand concerns from all stakeholders about RCRA's applicability to the retail sector, what materials may be affected, what the full scope of the issues are, and what options may exist for addressing the issues.

EPA notes there have been a number of enforcement actions and settlements involving EPA, the states and the retail sector. The RCRA cases have typically involved the mismanagement and disposal of hazardous consumer products and pharmaceuticals that have become hazardous waste from retail stores. While the states have taken the majority of actions against several major retail companies, in 2013, EPA and the U.S. Department of Justice reached agreement with Walmart to resolve RCRA, CWA, and FIFRA violations that occurred across the country. As part of

[1] The Retail Industry Leaders Association also submitted comments in the Fall of 2011 that echoed Walmart and Home Depot's concerns. The Docket can be found at *Regulations.gov*. Docket ID: EPA–HQ–OA–2011–0156.

[2] Memorandum from Suzanne Rudzinski, Director, Office of Resource Conservation and Recovery to RCRA Division Directors, U.S. EPA Regions 1–10, November 4, 2011.

[3] 40 CFR 260.10 defines ''generator'' as ''any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.''

that agreement, Walmart committed to the continued development and implementation of a comprehensive, corporate-wide waste management program (which it started in 2006) to identify and properly manage all hazardous wastes generated throughout its retail operations. Specifically, Walmart now has suppliers submit product information to a third party to evaluate product formulations to determine a product's regulatory waste status and transportation classification, an electronic system that provides every employee with waste handling information for each product through the scanning of the UPC bar code, a waste management system that utilizes colored buckets to clearly designate where certain types of waste are accumulated prior to off-site shipment, and a reverse logistics system to track the disposition of all items going through their reverse distribution system. Other retail companies have started to implement similar programs to better manage their wastes.

In today's NODA, the EPA will be taking comment on several topics that were recurring themes in most of the retail enforcement actions. These recurring topics include where and when a hazardous waste determination must be made, episodic generation, reverse logistics and hazardous waste management programs. This list may not fully cover the issues facing the retail sector, so the EPA has also asked for comments on areas we have not addressed or new topics that have recently arisen and were not seen in previous enforcement actions.

Furthermore, today's notice (1) presents available information that EPA has assembled on the universe of retail stores and retail facilities, as well as the universe of retail hazardous waste generators who have obtained EPA identification numbers and gives stakeholders the opportunity to provide comments they may have on this information and (2) offers stakeholders the opportunity to provide additional information they may have about the RCRA issues retail stores and retail facilities confront regarding the generation and management of hazardous waste. While EPA has already obtained insightful information from major retailers through meetings, public comments and site visits, EPA also recognizes that the retail sector is diverse, and would like to ensure that all parts of the industry have the opportunity to review the information that has been provided and share their own perspectives about the challenges they face.

EPA would also like to hear from the states and tribes on how they regulate and interact with the retail sector and any particular issues they have seen in implementing the regulations, determining compliance, etc. For example, during the course of EPA's review, states have contacted EPA about some issues they have experienced with the retail sector. In the summer of 2008, the state of Nevada contacted Region 9 asking for assistance with retail reverse logistics. In addition, some states in developing settlement agreements with retail companies have included the provision that retail companies work with EPA to promote the development of national policy regarding reverse logistics and other retail RCRA issues. Furthermore, it is important EPA hears from the states to understand how any new policies, guidance or regulations may impact the current state regulatory framework to ensure that we do not create adverse impacts to a state's RCRA program. We are especially seeking any innovative ideas or programs that states have tried with this sector.

The NODA also gives community and environmental groups and the public an opportunity to comment on RCRA and the retail sector. These stakeholders may possess valuable information that could help EPA in evaluating next steps and developing policies, guidances and regulations that impact the retail sector.

The information requested in this NODA is intended to help the Agency better understand the issues that have been identified about the retail sector and provide a forum for stakeholders to present any additional issues. EPA will use this public input to make informed decisions about possible next steps to improve the RCRA hazardous waste policies, guidances or regulations for retail operations.

C. RCRA Hazardous Waste Generator Management Regulations

One of the core questions retail commenters raised was at what point in their process is a hazardous waste generated. Thus in order to provide adequate context, in this section, EPA provides a very brief explanation of the hazardous waste generation regulations. Under RCRA, waste generators are the first link in the cradle-to-grave hazardous waste management system. All generators must determine if their waste is hazardous at the point of generation and must oversee the ultimate fate of the waste. In particular, the RCRA federal hazardous waste regulations require generators to ensure and document that the hazardous waste they generate is properly identified, managed, and treated prior to recycling, treatment, storage or disposal. The regulations applicable to generators of hazardous waste are located in 40 CFR part 261 and part 262. The degree of regulation to which each generator is subject depends to a large extent on how much hazardous waste each generator generates every calendar month. Generator status can range from conditionally exempt small quantity generators (CESQGs), which are the least regulated generators, to large quantity generators (LQGs), which are the most regulated generators.

III. Methodology and Data on Which EPA Seeks Comment

A. Data Methodology

EPA has developed a methodology to estimate the number of retail stores that generate hazardous waste to better understand the universe of facilities that may be affected by RCRA compliance issues. Using data from EPA's RCRAInfo database [4] and the US Census, we examined a number of North American Industry Classification System (NAICS) codes that apply to the retail industry (see below) and made the assumption that these NAICS codes represent the majority of retailers that generate hazardous waste. We ask commenters whether this assumption is correct and to submit information if they believe additional sectors of the retail industry that generate hazardous waste are not represented by these NAICs codes.

TABLE 1—NAICS CODES REPRESENTING MAJORITY OF RETAIL HW GENERATORS

NAICS Code	Description of NAICS Code
441	Motor Vehicle and Parts Dealers.

[4] The RCRAInfo database tracks RCRA Subtitle C facility-specific data (i.e., events and activities related to hazardous waste generators, transporters, and treatment storage and disposal facilities), and hazardous waste activity reports, known as biennial reports, that are submitted by large quantity generators and treatment, storage and disposal facilities.

TABLE 1—NAICS CODES REPRESENTING MAJORITY OF RETAIL HW GENERATORS—Continued

NAICS Code	Description of NAICS Code
442	Furniture and Home Furnishings Stores.
443	Electronics and Appliance Stores.
444	Building Material and Garden Equipment and Supplies Dealers.
445	Food and Beverage Stores.
446	Health and Personal Care Stores.
447	Gasoline Stations.
448	Clothing and Clothing Accessories Stores.
451	Sporting Goods, Hobby, Book, and Music Stores.
452	General Merchandise Stores.
453	Miscellaneous Store Retailers.
454	Nonstore Retailers.
722	Food Services and Drinking Places.

Using 2007 US Census data, we calculated the total number of facilities that operate under each of these retail NAICS codes. We then used EPA's RCRAInfo database to identify facilities that had notified or otherwise reported as hazardous waste generators in these NAICS codes. Facilities that generate greater than 100 kilograms of hazardous waste per month—small quantity generators (SQGs) or 1,000 kilograms of hazardous waste per month or 1 kg of acute hazardous waste per month—large quantity generators (LQGs) are required to notify EPA or their authorized state in order to obtain a unique RCRA identification number. Some states also require conditionally exempt small quantity generators (CESQGs) to notify and receive a RCRA identification number.[5]

From the RCRAInfo database, we estimated the number of LQGs, SQGs, and CESQGs that had notified or reported under one of the primary NAICS code listed above. Then for each NAICS code, we calculated the percent of the total facilities that had notified or reported as a hazardous waste generator represented by each generator category (LQG, SQG, CESQG). For example, for NAICS code 441, Motor Vehicle and Parts Dealers, the RCRAInfo database indicates the total number of hazardous waste generators is 7,846 of which 0.9% are LQGs, 31.8% are SQGs, and 67.3% are CESQGs, respectively. We then totaled the data for all the NAICS codes to get total estimates for the retail universe. See Table 2.

The number of retail facilities identified in the RCRAInfo database is a subset of the total universe of hazardous waste generating facilities in the retail sector since not all retailers will generate an amount of hazardous waste each month sufficient to require RCRA notification. Furthermore, we believe the estimate of retail sector hazardous waste generators from the RCRAInfo database to be extremely low because it is likely that many retail stores and facilities are CESQGs who, in most states, do not have to notify EPA or the authorized state to obtain a RCRA identification number and thus are not in the system. In addition, we believe some portion of the retail universe may not be aware they have generated hazardous waste and therefore, have not notified. For all these reasons, we believe the number of retailers in the RCRAInfo database underestimates the retail sector hazardous waste generator universe. We also believe that the calculated portions of the total retail hazardous waste generator universe that are SQGs and CESQGs are also likely underestimated. This is because the RCRAInfo database for these categories is limited by the level of detail in EPA's Biennial Report (BR) since the BR is mandatory only for LQGs.

Following the results of the above analysis, we then used the 2009 BR to identify the different types and quantities of hazardous waste generated by LQGs for each retail NAICS code. We then created a spread sheet that totaled the quantity of hazardous waste generated by each hazardous waste code across all retail NAICS codes, as well as the total amount of hazardous waste generated for each NAICS code.

We request comment on the methodology described above. We also request that commenters submit any additional procedures, information, or data that may be used to better characterize the universe of retail facilities and their hazardous waste generator categories.

B. Data Available on the Universe of Retail Stores and Retail Facilities and the Amount of Hazardous Waste Generated by These Facilities

Table 2 provides an estimate for the retail sector universe of hazardous waste generator facilities and estimates the percentages in each generator category (LQG, SQG, and CESQG). Specifically, Table 2 indicates the total universe of retail sector facilities (41,138) that have notified EPA or an authorized state they generate hazardous waste. Of this total, about 95 percent are identified as SQGs and CESQGs. Table 3 displays the total tons of hazardous waste generated by LQGs in the retail sector in 2009 by NAICS code. As discussed above, EPA recognizes these estimates have a number of limitations and therefore involve a great deal of uncertainty. EPA asks commenters to provide any relevant information that could be used to improve our estimates of the number of retailers, the number of retailers that generate hazardous waste, and the distribution of LQGs, SQGs, and CESQGs within this universe, as well as the total quantity of hazardous waste generated by the retail sector.

[5] Some CESQGs will also notify and receive a RCRA identification number because they are episodic SQGs or LQGs, or they manifest their hazardous wastes off-site (a hazardous waste manifest requires the use of a RCRA identification number).

TABLE 2—COMPARISON OF RETAIL CENSUS DATA AND NUMBER OF RETAIL FACILITIES IN RCRAINFO DATABASE BY GENERATOR STATUS

NAICS Code	NAICS Code description	Total number of facilities according to U.S. Census 2007 [6]	Total number of firms according to U.S. Census 2007 [7]	Total number of facilities in RCRAInfo with a generator status	Number of LQGs	LQG % of facilities in RCRAInfo with a generator status	Number of SQGs	SQG % of facilities in RCRAInfo with a generator status	Number of CESQGs	CESQG % of facilities in RCRAInfo with a generator status
441	Motor Vehicle and Parts Dealers.	125,895	94,291	7,846	73	0.9	2,492	31.8	5,281	67.3
442	Furniture and Home Furnishings Stores.	65,319	46,532	388	3	0.8	31	8.0	354	91.2
443	Electronics and Appliance Stores.	50,041	30,657	135	4	3.0	48	35.6	83	61.5
444	Building Material and Garden Equipment and Supplies Dealers.	90,443	62,011	4,066	69	1.7	2,282	56.1	1,715	42.2
445	Food and Beverage Stores.	146,951	116,280	1,901	141	7.4	223	11.7	1,537	80.9
446	Health and Personal Care Stores.	87,311	43,864	8,074	225	2.8	3,805	47.1	4,044	50.1
447	Gasoline Stations	117,014	66,431	8,941	411	4.6	2,828	31.6	5,702	63.8
448	Clothing and Clothing Accessories Stores.	154,935	67,035	135	3	2.2	28	20.7	104	77.0
451	Sporting Goods, Hobby, Book, and Music Stores.	57,197	41,057	146	1	0.7	45	30.8	100	68.5
452	General Merchandise Stores.	46,065	10,460	8,544	914	10.7	4770	55.8	2,860	33.5
453	Miscellaneous Store Retailers.	120,260	97,730	417	26	6.2	105	25.2	286	68.6
454	Nonstore Retailers	61,272	40,168	310	17	5.5	96	31.0	197	63.5
722	Food Services and Drinking Places.	563,784	423,999	235	6	2.6	21	8.9	208	88.5
	Totals	1,686,487	1,140,515	41,138	1,893	4.6	16,774	40.8	22,471	54.6

TABLE 3—TONS OF HAZARDOUS WASTE GENERATED BY LQGS IN 2009 BY NAICS CODE

NAICS Code	Description of NAICS Code	Amount of waste generated in tons [8]
441	Motor Vehicle and Parts Dealers	83
442	Furniture and Home Furnishings Stores	0
443	Electronics and Appliance Stores	0
444	Building Material and Garden Equipment and Supplies Dealers	530
445	Food and Beverage Stores	41
446	Health and Personal Care Stores	268
447	Gasoline Stations	1,187
448	Clothing and Clothing Accessories Stores	10
451	Sporting Goods, Hobby, Book, and Music Stores	4
452	General Merchandise Stores	608
453	Miscellaneous Store Retailers	90
454	Nonstore Retailers	29,601
722	Food Services and Drinking Places	0
Total		32,422

IV. Additional Information That EPA Seeks From Commenters

EPA is continuing its effort to seek additional information about retail stores and facilities and their operations in order to better understand what RCRA compliance challenges they face. This information will assist EPA in determining associated issues and identifying options that may exist to address these issues. The information EPA seeks falls into nine categories: (A) Suggestions for improving the RCRA hazardous waste policies, guidances and regulations for retail operations; (B) information about the retail universe and the hazardous waste generated; (C) information about episodic generation; (D) information about retail stores' programs for handling hazardous waste; (E) information about hazardous waste training for employees; (F) information about aerosol cans; (G) information about transportation and reverse logistics; (H) information about reverse logistic centers; and (I) information about sustainability efforts undertaken by retail facilities.

Following each section, we have included a list of suggested questions as a helpful guide for your consideration in preparing your comments. EPA provides these questions simply to guide the type of comments we would find useful for

[6] 2007 Economic Census EC0700CADV1: All sectors: Core Business Statistics Series: Advance Summary Statistics for the United States (2007 NAICS Basis): 2007.

[7] Statistics of U.S. Business: 2007 U.S.-Retail Trade NAICS 44. *www.census.gov/epcd/susb/2007/us/US44.HTM.*

[8] Waste totals obtained from the 2009 Biennial Report.

this inquiry. We encourage commenters to submit any information that they believe would assist EPA in making the RCRA program more effective in the retail sector. EPA will consider all comments we receive related to the nine categories of information described above regardless of whether they address all, some or none of these specific questions. If you choose to provide facility-specific data, it would be useful to provide the name and location (city and state) and the hazardous waste generator category of the facility (LQG, SQG, CESQG, or other category as designated by state regulations) where possible.

A. Suggestions for Improving the RCRA Hazardous Waste Management Policies, Guidances and Regulations for Retail Operations

The suggested questions below provide a chance for all commenters to provide input on where they see possibilities to improve the RCRA hazardous waste policies, guidances or regulations. Commenters, however, should feel free to provide whatever pertinent information that would be useful to EPA as we review the hazardous waste program policies, guidances and regulations.

Suggested Questions to Consider for Comment Submission:

(1) What regulatory changes do you recommend that would help ensure hazardous waste generated by the retail sector is managed in a way that protects human health and the environment, while providing a regulatory framework that works with how retail facilities currently operate?

(2) Do any states or tribes have RCRA policies, guidances or regulations for retail operations? If so, could you describe them or submit copies of them, as well as any evaluation of or information on their effectiveness?

(3) Do states find common issues at retail facilities? If so, were you able to alleviate these issues or are there roadblocks preventing you from fixing the problems?

(4) Do you have any information which suggests there was or may have been any disproportional impacts on communities due to the retail sector's handling of hazardous waste?

(5) Do certain hazardous wastes generated by retailers pose less risk to human health and the environment than others? Which ones and why are the hazards less (e.g., explain how these hazardous wastes handled in a specific way reduce the possibility of release to the environment, or how the character or composition ensure that exposure cannot occur)?

(6) Are there ways, either through guidance or regulatory changes that EPA could encourage safe recycling, or reuse of hazardous wastes generated by the retail sector?

B. Information About the Retail Universe and the Hazardous Waste Generated

To better understand the scope of the issues, we request commenters provide additional data to aid in defining the universe of retail facilities that generate hazardous wastes. If possible, data should be categorized by NAICS codes, which describe the primary business activity performed by a facility. Please provide information regarding the number of retail facilities generating hazardous waste. In addition, EPA would like to better understand the operations of retail facilities, and the types and quantities of hazardous waste generated. Specifically, we are seeking information about the types of operations and activities that generate hazardous waste and the associated types and quantities. For example, it will be very useful to know generally how much of a retail store's waste qualifies as hazardous waste. Also, understanding situations, such as upset conditions like product recalls or customer returns will be helpful to EPA to better understand the activities that generate hazardous waste in the retail sector and the challenges in adhering to the existing RCRA hazardous waste regulations.

Suggested Questions to Consider for Comment Submission:

(1) How many retail stores or retail facilities do you operate or regulate or oversee?

(2) Can you estimate the distribution of your retail stores by RCRA regulatory status; e.g., CESQG, SQG, LQG?

(3) How many different types of products carried or handled by your retail store do you estimate to be hazardous waste under RCRA (40 CFR 261.3) when discarded? Describe the types of products and volumes generated monthly.

(4) For the activities and operations that generate hazardous waste in the retail setting (e.g., spills, product maintenance or other services, customer returns, product recalls, seasonal changes of product, manufacturer-directed changes of product, or facility operations and maintenance), identify the major RCRA hazardous waste streams generated, the types of hazards presented, RCRA waste codes for these hazardous wastes (if readily available), and the quantities generated.

(5) Do your retail stores have written procedures for handling hazardous waste spills? On average, how many spills of hazardous waste occur monthly?

(6) Do retail stores generate any wastes that qualify as universal wastes in 40 CFR 273? [9] If so, is that waste handled under the full hazardous waste regulations or under the universal waste regulations? Describe the types of products and volumes generated monthly. Are there ways EPA could help the retail sector utilize the U.W. program?

(7) How do your retail stores generate and handle recalls that may potentially become hazardous waste?

(8) For manufacturer-directed changes of product, how are the unused products managed? Who determines how these unused products are managed?

(9) How do you handle customer returns that may become hazardous waste?

(10) If you have pharmaceuticals, what percentage of your monthly hazardous waste and/or monthly acute hazardous waste quantities are pharmaceuticals?

(11) If you have pesticides, what percentage of your monthly hazardous waste and/or monthly acute hazardous waste quantities are pesticides?

C. Information About Episodic Generation

EPA regulations require hazardous waste generators to count the amount of hazardous waste generated each calendar month to determine their regulatory status and to manage that waste based on the regulations associated with that monthly generator status. EPA understands that retail facilities' regulatory status can periodically change as a result of certain unusual episodic events, such as a recall or seasonal merchandise changes. EPA would like to better understand the ramifications of the hazardous waste regulations in the context of episodic generation for both the retail sector and the State regulators by posing the following suggested questions.

Suggested Questions to Consider for Comment Submission:

(1) In the course of a calendar year, how often, on average, does a retail store's quantity of hazardous waste change, resulting in a change to the retail stores regulatory status from a CESQG to a SQG or an LQG or an SQG to an LQG?

(2) When the regulatory status of a store changes, what are the reasons most

[9] The following wastes are Universal Waste under the federal RCRA program: batteries, pesticides, mercury-containing equipment, and lamps.

often precipitating this change? More specifically, to what extent are changes due to recalls, spills, expired products, returns by customers, or other reasons? Does any one reason stand out?

(3) How do you currently address changes in a store's regulatory status? For example, do you factor in the possibility of a more stringent regulatory status and comply with the more stringent regulations throughout the year? Do you comply based on the regulatory status for the month(s) in question? Do you work with your state to address situations when episodic generation occurs? If so, how? Do you rely on a service provider to ensure compliance with hazardous waste laws, including generator status?

(4) Do you have any suggestions as to how EPA could modify its rules to account for periodic changes in generator status? Please address scope (planned or unplanned), frequency of episodic events that should be allowed over a calendar year without impacting a generator's regulatory status, on-site and off-site provisions, such as notification, time to remove materials from the facility and ship them for recycling or to a RCRA permitted treatment, storage and disposal facility (TSDF), etc.

(5) Does your state have a specific policy for dealing with episodic generation? Have you seen any impacts (e.g., spills or other releases) from such episodes?

D. Information About Retail Stores' Hazardous Waste Programs

The retail sector is extremely diverse in terms of products sold and store size; therefore corporations may have developed specific methods to manage their hazardous waste generation. We request commenters provide data that helps characterize how hazardous wastes are currently being managed at retail establishments. More specifically, EPA would like to better understand the process or standard operating procedures facility personnel use to determine whether their retail products or other wastes are hazardous waste and how hazardous wastes are handled before being shipped off-site, or managed on-site by posing the following suggested questions.

Suggested Questions to Consider for Comment Submission:

(1) What amount of hazardous waste do you generate in your store(s)? Monthly? Yearly? Please provide this data in pounds, if possible.

(2) Describe what procedures you have in place to classify which products or other wastes would be hazardous wastes upon discard. For example, to the extent applicable, please include information on color coding products, computer based systems, third party services, or information from suppliers or manufacturers that assist you in making a hazardous waste determination.

(3) How and where do you accumulate your hazardous waste at your facility? Do you have written procedures in place for hazardous waste management?

(4) How frequently do you send your hazardous wastes off-site, if applicable, for management or disposal? Where do you send your hazardous waste (e.g., a RCRA hazardous waste facility, a municipal solid waste facility, or a hazardous waste recycler)?

(5) Does your facility have any specific requirements for management of hazardous wastes on-site (e.g., secondary containment)?

E. Information About Hazardous Waste Employee Training

Employee training conditions for hazardous waste generators vary depending on whether the facility is a CESQG, an SQG, or an LQG. CESQGs are not required to provide personnel training, while SQGs have basic provisions and LQGs have more prescriptive provisions. Retail operations may have difficulty training their staff due to the relatively high levels of turnover and part time and seasonal employees. EPA notes that only those employees handling hazardous waste must be trained. Therefore, EPA seeks answers to the following suggested questions.

Suggested Questions to Consider for Comment Submission:

(1) What is the average number of employees per retail store or facility?

(2) How many temporary/seasonal employees on average do individual retail stores hire each year?

(3) Do all employees receive RCRA hazardous waste training, or just permanent employees or employees who handle products or other wastes that could be hazardous wastes upon discard?

(4) What types of hazardous waste management training do your employees receive, if any?

(5) How many hours of employee training on hazardous waste issues are required in your retail stores?

(6) What is the average cost per employee of providing hazardous waste training to your work force annually?

(7) Are any employees trained to handle hazardous waste releases or does the retail store utilize a third party service for cleanup efforts?

F. Information About Aerosol Cans

EPA understands the retail sector generates large quantities of aerosol cans that are discarded. It has been suggested by some members of the retail sector that waste aerosol cans can be grouped into four categories: (1) Aerosol cans that contain non-hazardous propellant and the remaining can contents are non-hazardous (either by listing or characteristic); (2) aerosol cans that contain propellants that are traditional ignitable fuel sources such as propane or butane, but the remaining contents are non-hazardous (either by listing or characteristic); (3) aerosol cans that contain propellants that are traditional ignitable fuel sources such as propane or butane, and the remaining contents are also hazardous (either by listing or characteristic); and (4) aerosol cans that contain ignitable hazardous propellants that are not traditional fuel sources, and the remaining contents may or may not be hazardous (either by listing or characteristic). EPA would like to gain a better understanding of the aerosol can wastestream to determine if any action should be taken to aid in the management of aerosol cans that are discarded. Therefore, EPA seeks answers to the following suggested questions.

Suggested Questions to Consider for Comment Submission:

(1) How many waste aerosol cans does a retail store generate monthly on average? How many does your entire company average monthly?

(2) In which categories (from above) do your waste aerosol cans belong or do they fall under another category? How many waste aerosol cans do you generate in each category?

(3) How do you manage your aerosol cans? Are they recycled? Are they disposed?

If your store is in California or Colorado, do you handle your waste aerosol cans as Universal Waste?

(4) What percentage do the waste aerosol cans constitute in your total hazardous wastestream?

(5) What packaging and shipping methods are used to transport aerosol cans from retail stores?

(6) Have you ever experienced problems shipping aerosol cans? How often do you receive aerosol cans that have been damaged in transportation? (e.g., Did the aerosol can burst from heat? Did a pallet fall over damaging the aerosol can?)

(7) Has your State developed any specific approach, whether through guidance or regulation for aerosol cans?

G. Information About Transportation and Reverse Logistics

In previous meetings with the retail sector, participants asked if EPA could harmonize EPA's hazardous waste regulations with DOT's hazardous material regulations. To evaluate if there maybe viable options for harmonization, we would like to obtain additional information about retail shipping practices (in particular reverse logistics) and how the point of generation of hazardous waste (i.e., when and where the hazardous waste is first generated) affects shipping. Therefore, EPA seeks answers to the following suggested questions.

Suggested Questions to Consider for Comment Submission:

(1) What safeguards do you use to ship retail items through reverse logistics to ensure minimal damage?

(2) Are the shipping and packaging procedures you use for sending retail items through reverse logistics the same as the packaging and shipping procedures for products coming into the retail store? If not, how do they differ?

(3) Of the items sent through reverse logistics, how many are sent in DOT Classes 1–8, and approximately how many or what percentage are in each Class?

(4) What methods do you use to track the shipments and what information about the shipments is tracked (e.g., amount of shampoo, brand of shampoo, sku-numbers, etc.)?

(5) Does your state have specific tracking and reporting regulations for reverse logistics?

H. Information About Reverse Logistic Centers

Industry representatives have told us that reverse logistic centers (RLCs) are critical in maintaining an efficient reverse logistics system for the retail industry. RLCs can consolidate large quantities of goods from all the stores in a region, which then allows companies to resell, recycle, donate or dispose of these items more efficiently due to economies of scale. Industry representatives have suggested that sending all of their non-damaged/non-leaking products to an RLC could increase recycling, donation and reselling due to larger quantities at one location. To learn more, EPA seeks answers to the following suggested questions.

Suggested Questions to Consider for Comment Submission:

(1) How many reverse logistic centers do your company own and operate? If you do not own your own RLC, do you use a third party RLC and how do they operate these centers? Does that third party RLC manage multiple companies' retail products at the same RLC? Specific issues on which EPA is soliciting comment are: Point of generation, tracking multiple companies waste at one center, and waste management.

(2) How many retail stores are serviced by the RLC and what is the average distance from a retail store to the RLC?

(3) What is the regulatory status of the RLC? How many are CESQGs vs. SQGs vs. LQGs?

(4) Do you receive credit for your returned retail products? Who gives you the credit and what is the process for receiving credit (e.g., receive credit as a manufacturer discount when purchasing the product)? What is the annual value of credit that you receive?

(5) What process and procedures does the RLC use to determine if material will be sold, donated, recycled, or disposed? On average what types of products and volumes are recycled, disposed, and donated annually?

(6) To whom do you donate? Are there certain procedures you take before donating? Are there certain products you will not donate? Do the existing RCRA hazardous waste rules present barriers to donating products? If so, what are they? Has your state adopted policies or regulations to make it easier for your retail facility to donate products?

(7) Do your supplier contracts specify that items not sellable in the store must be disposed? If so, is it all contracts or can you estimate, what percentage contain this stipulation?

I. Information About Sustainability Efforts Undertaken by Retail Facilities

EPA's programs intend to promote and facilitate sustainability through sustainable materials management initiatives that seek to minimize impacts across the entire material lifecycle, from raw material extraction to waste management strategies, such as recycling and reuse, as well as through labeling green products and promoting green chemistry and engineering practices. (*http://www.epa.gov/sustainability/*) Retail industry representatives have suggested some concerns about re-using materials containing hazardous wastes and that the hazardous waste regulations may impede certain sustainability efforts. To better understand these issues, EPA seeks answers to the following suggested questions.

Suggested Questions to Consider for Comment Submission:

(1) What material reuse issues have you encountered?

(2) What changes to the hazardous waste generator policies, guidances or regulations might allow you to increase your company's sustainability efforts?

(3) Do your retail stores collect batteries or mercury lamps for recycling? Do your retail stores collect any other hazardous wastes from customers?

(4) Do your retail stores operate collection or buyback programs for electronics? If so, what mechanism is used for the collection or buyback program? Are there regulatory barriers to your retail facility collecting or participating in electronic take-back programs?

(5) To what extent do you work with your suppliers to identify products that are classified as hazardous waste upon discard? Please provide examples.

(6) To what extent do you work with your suppliers to identify products that are classified as hazardous waste or initiate changes to feedstocks or manufacturing processes resulting in products that are not a hazardous waste upon discard or are reduced in volume or toxicity? Please provide examples.

Dated: February 4, 2014.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 2014–02930 Filed 2–13–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No 13–39; Report No. 2997]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: In this document, Petitions for Reconsideration (Petitions) have been filed in the Commission's Rulemaking proceeding by W. Scott McCollugh, on behalf of Transcom Enhanced Services, Inc.; Mary C. Albert on behalf of Comptel; David L. Nace, on behalf of Carolina West Wireless, Inc.; Charles W. McKee, on behalf of Sprint Corporation; David Cohen, on behalf of United States Telecom Association; and Genevieve Morelli, on behalf of the Independent Telephone & Telecommunications Alliance.

DATES: Oppositions to the Petitions must be filed on or before March 3,

2014. Replies to an opposition must be filed on or before March 11, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, please contact Gregory Kwan, Wireline Competition Bureau, Competition Division, at (202) 418–1191 or by email at *Gregory.Kwan@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 2997, released February 4, 2014. The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

Subject: Rural Call Completion, FCC 13–135, published at 78 FR 76218, December 17, 2012 and at 78 FR 76257, December 17, 2013, in WC Docket No. 13–39, and published pursuant to 47 CFR 1.429(e). *See* § 1.4(b)(1) of the Commission's rules.

Number Of Petitions Filed: 5

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–03287 Filed 2–13–14; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 79, No. 31
Friday, February 14, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

AGENCY: U.S. Agency for International Development.

ACTION: Notice of public information collections.

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden and invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimates; ways to enhance the quality, utility, and clarity of the information collected; and ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before April 15, 2014.

ADDRESSES: Address all comments concerning this notice to Lyudmila Bond, Bureau for Management, Office of Acquisition and Assistance, Policy Division (M/OAA/P), Room 867, SA–44, Washington, DC 20523–2052. Send comments, identified by title of the action, by any of the following methods:

Email: lbond@usaid.gov.

Mail: USAID, Bureau for Management, Office of Acquisition & Assistance, Policy Division, Room 867, SA–44, Washington, DC 20523–2052.

FOR FURTHER INFORMATION CONTACT: M/OAA/P, Ms. Lyudmila Bond, Room 867, SA–44, NW., U.S. Agency for International Development, Washington, DC 20523–2053. Telephone (202) 567–4753; internet: *lbond@usaid.gov.*

SUPPLEMENTARY INFORMATION:

OMB No: OMB 0412–0520.

Form No.: AID 1420–17.

Title: Contractor Employee Biographical Data Sheet.

Type of Review: Renewal of Information Collection.

Purpose: The U.S. Agency for International Development (USAID) is authorized to make contracts with any corporation, international organization, or other body of persons in or outside of the United States in furtherance of the purposes and within limitations of the Foreign Assistance Act (FAA). The information collections requirements placed on the public are published in 48 CFR chapter 7, and include such items as the Contractor Employee Biographical Data Sheet and Performance and Progress Reports (AIDAR 752.7026). These are all USAID unique procurement requirements. The pre-award requirements are based on a need for prudent management in the determination that an offeror either has or can obtain the ability to competently manage development assistance programs utilizing public funds.

The requirements for information collection during the post-award period are based on the need to administer public funds prudently.

Annual Reporting Burden:

Respondents: 14,570.

Total annual responses: 31,337.

Total annual hours requested: 42,700 hours.

Dated: January 19, 2014.

Aman S. Djahanbani,

Procurement Executive.

[FR Doc. 2014–03331 Filed 2–13–14; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

North Central Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The North Central Idaho Resource Advisory Committee (RAC) will meet in Grangeville, Idaho. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review project proposals and select projects for implementation.

DATES: The meetings will be held at 9:00 a.m., on the following dates:

- March 12, 2014
- April 10, 2014

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meetings will be held at the Nez Perce-Clearwater National Forests Grangeville Office, 104 Airport Road, Grangeville, Idaho.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Nez Perce-Clearwater National Forests Grangeville Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Laura Smith, Designated Federal Officer, by phone at 208–983–5143 or via email at *lasmith02@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://*

www.fs.usda.gov/nezperceclearwater/. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 1st to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Laura Smith, Designated Federal Officer, 104 Airport Road, Grangeville, Idaho 83530; or by email to *lasmith02@fs.fed.us,* or via facsimile to 208–983–4099.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 5, 2014.

Rick Brazell,

Forest Supervisor.

[FR Doc. 2014–03269 Filed 2–13–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

[0209IDP5GA14]

Saguache Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Saguache Resource Advisory Committee (RAC) will meet in Saguache, Colorado. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend project proposals to be funded with the title II of the Act.

DATES: The meeting will be held March 13, 2014 beginning at 10:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Saguache County Road and Bridge building, 305 Third Street, Saguache, Colorado. Written comments may be submitted as described under *Supplementary Information.* All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at San Luis Valley Public Lands Center. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Mike Blakeman, RAC coordinator, by phone at 719–852–6212 or via email at *mblakeman@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/Web_Agendas?OpenView&Count=1000&RestrictToCategory=Saguache.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 7, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Mike Blakeman, RAC Coordinator, San Luis Valley Public Lands Center, 1803 West U.S. Highway 160, Monte Vista, CO 81144; or by email to *mblakeman@fs.fed.us,* or via facsimile to 719–852–6250.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 7, 2014.

Dan S. Dallas,

Forest Supervisor.

[FR Doc. 2014–03263 Filed 2–13–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sanders Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Sanders Resource Advisory Committee (RAC) will meet in Thompson Falls, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review newly submitted project proposals.

DATES: The meetings will be held on:

- March 20, 2014 at 7:00 p.m.
- March 27, 2014 at 7:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meetings will be held at the Thompson Falls Courthouse, 1111 Main Street, Thompson Falls, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Plains/Thompson Falls Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Randy Hojem, Designated Federal Official, by phone at 406–826–3821 or via email at *rhojem@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339

between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/RAC/Sanders+County?OpenDocument.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 1, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Randy Hojem, Designated Federal Official, P.O. Box 429, Plains, MT 59859; or by email to *rhojem@fs.fed.us,* or via facsimile to 406–826–4358.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 7, 2014.

Randy R. Hojem,

DFO.

[FR Doc. 2014–03270 Filed 2–13–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Upper Rio Grande Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Upper Rio Grande Resource Advisory Committee will meet in South Fork, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend project proposals to be funded with the title II of the Act.

DATES: The meeting will be held on March 12, 2014 and will begin at 10:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the South Fork Community Building, 0254 Highway 149, South Fork, Colorado.

Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the San Luis Valley Public Lands Center. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Mike Blakeman, RAC coordinator, by phone at 719–852–6212 or via email at *mblakeman@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/Web_Agendas?OpenView&Count=1000&RestrictToCategory=Upper+Rio+Grande+.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 7, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Mike Blakeman, RAC Coordinator, San Luis Valley Public Lands Center, 1803 West Highway 160, Monte Vista, CO 81144; or by email to *mblakeman@fs.fed.us,* or via facsimile to 719–852–6250.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: February 7, 2014.

Dan S. Dallas,

Forest Supervisor.

[FR Doc. 2014–03265 Filed 2–13–14; 8:45 am]

BILLING CODE 3411–15–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting; Canceled

DATE AND TIME: Monday, February 10, 2014, 11:30 a.m. EST

PLACE: Broadcasting Board of Governors, Cohen Building, Room 3321, 330 Independence Ave. SW., Washington, DC 20237.

SUBJECT: Cancellation of Special Meeting of the Broadcasting Board of Governors

SUMMARY: The Broadcasting Board of Governors (BBG) has canceled the telephonic meeting to discuss and approve the agency's Operating Plan for Fiscal Year 2014.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Paul Kollmer-Dorsey at (202) 203–4545.

Paul Kollmer-Dorsey,

General Counsel.

[FR Doc. 2014–03167 Filed 2–12–14; 4:15 pm]

BILLING CODE 8610–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD129

Mid-Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Scientific and Statistical Committee (SSC) and the Tilefish Monitoring Committee of the Mid-Atlantic Fishery Management Council (Council) will hold meetings.

DATES: The SSC meeting will be held on Wednesday, March 12, from 10 a.m. until 5 p.m. and Thursday, March 13, from 8 a.m. until 2 p.m. The Tilefish Monitoring Committee will meet Wednesday, March 12, 2014 from 3 p.m. until 5 p.m.

ADDRESSES: The meetings will be held at Pier V, 711 Eastern Avenue, Baltimore, MD 21202; telephone: (410) 539–2000.

Council Address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: Agenda items to be discussed at the SSC meeting include: 2015–17 ABC recommendations for tilefish; black sea bass research track development, report of SSC Working Group on Black Sea Bass Ad Hoc ABC Specifications, interim multi-year ABC specification metrics, Management Strategy Evaluation update, Ecosystem Approach to Fisheries Management (Climate Workshop Summary), Mid-Atlantic Council research plan development, update on Magnuson Act reauthorization and other business. The primary purpose of the Tilefish Monitoring Committee is to recommend management measures designed to achieve recommended catch limits for Tilefish.

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 these meetings. 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 meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: February 11, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–03303 Filed 2–13–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD130

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet March 7–13, 2014. The Pacific Council meeting will begin on Saturday, March 8, 2014 at 8 a.m., reconvening each day through Thursday, March 13, 2014. All meetings are open to the public, except a closed session will be held at 8 a.m. on Saturday, March 8 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: The meetings of the Pacific Council and its advisory entities will be held at the Doubletree by Hilton Hotel, 2001 Point West Way, Sacramento, CA 95815; telephone: (916) 929–8855.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The March 8–13, 2014 meeting of the Pacific Fishery Management Council will be streamed live on the internet. The live meeting will be broadcast daily starting at 8 a.m. Pacific Time (PT) beginning on Saturday, March 8, 2014 through Thursday, March 13, 2014. The broadcast will end daily at 6 p.m. PT or when business for the day is complete. Only the audio portion, and portions of the presentations displayed on the screen at the Council meeting, will be broadcast. The audio portion is listen-only; you will be unable to speak to the Council via the broadcast. Instructions to attend the broadcast meeting online are available on the Council Web site at *http://www.pcouncil.org.*

The following items are on the Pacific Council agenda, but not necessarily in this order.

A. Call to Order
  1. Opening Remarks
  2. Roll Call
  3. Executive Director's Report
  4. Approve Agenda
B. Open Comment Period
  Comments on Non-Agenda Items
C. Ecosystem Management
  California Current Ecosystem Report Including Integrated Ecosystem Assessment
D. Groundfish Management
  1. National Marine Fisheries Service Report
  2. Essential Fish Habitat (EFH) Phase 2 Report and Evaluation Criteria for Effectiveness of EFH Provisions
  3. Barotrauma Device Mortality Rates
  4. Inseason Adjustments, Including Carryover
  5. Biennial Harvest Specifications for 2015–2016 and Beyond Groundfish Fisheries
  6. Trawl Rationalization Trailing Actions
E. Habitat
  Current Habitat Issues
F. Salmon Management
  1. Review of 2013 Fisheries and Summary of 2014 Stock Abundance Forecasts
  2. Identification of Management Objectives and Preliminary Definition of 2014 Salmon Management Alternatives
  3. National Marine Fisheries Service Report
  4. Council Recommendations for 2014 Management Alternative Analysis
  5. Further Council Direction for 2014 Management Alternatives
  6. Adoption of 2014 Management Alternatives for Public Review

7. Salmon Hearings Officers
8. Sacramento Winter Chinook Harvest Control Rule
9. California Coastal Chinook Update

G. Pacific Halibut Management
1. Report on the International Pacific Halibut Commission (IPHC) Meeting
2. Incidental Catch Recommendations for the Salmon Troll and Fixed Gear Sablefish Fisheries

H. Enforcement Issues
Vessel Monitoring System Ping Rate

I. Coastal Pelagic Species Management
Pacific Sardine Temperature Parameter Review

J. Administrative Matters
1. Magnuson-Stevens Act Reauthorization Priorities and Other Legislative Matters
2. Approval of Council Meeting Minutes
3. Membership Appointments and Council Operating Procedures
4. Future Council Meeting Agenda and Workload Planning

K. Highly Migratory Species Management
1. National Marine Fisheries Service Report
2. Vessel Monitoring Systems for Highly Migratory Species Fisheries
3. Recommendations for International Management Activities
4. U.S.-Canada Albacore Treaty Update
5. Draft Gillnet Monitoring Management and Alternative Gear Report

Schedule of Ancillary Meetings

Day 1—Friday, March 7, 2014

Scientific and Statistical Committee Groundfish Subcommittee—8 a.m.
Groundfish Management Team—8 a.m.
Groundfish Advisory Subpanel—8 a.m.
Habitat Committee—8:30 a.m.
Legislative Committee—1 p.m.

Day 2—Saturday, March 8, 2014

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Scientific and Statistical Committee—8 a.m.
Salmon Advisory Subpanel—8 a.m.
Salmon Technical Team—8 a.m.
Chair's Reception—6 p.m.
Enforcement Consultants—As Needed
Tribal Policy Group—As Needed
Tribal and Washington Technical Group—As Needed

Day 3—Sunday, March 9, 2014

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Management Team—8 a.m.
Groundfish Advisory Subpanel—8 a.m.
Salmon Advisory Subpanel—8 a.m.
Salmon Technical Team—8 a.m.
Enforcement Consultants—4 p.m.
Tribal Policy Group—As Needed
Tribal and Washington Technical Group—As Needed

Day 4—Monday, March 10, 2014

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Highly Migratory Species Advisory Subpanel—8 a.m.
Highly Migratory Species Management Team—8 a.m.
Salmon Advisory Subpanel—8 a.m.
Salmon Technical Team—8 a.m.
Enforcement Consultants—As Needed
Tribal Policy Group—As Needed
Tribal and Washington Technical Group—As Needed

Day 5—Tuesday, March 11, 2014

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Highly Migratory Species Advisory Subpanel—8 a.m.
Highly Migratory Species Management Team—8 a.m.
Salmon Advisory Subpanel—8 a.m.
Salmon Technical Team—8 a.m.
Enforcement Consultants—As Needed
Tribal Policy Group—As Needed
Tribal and Washington Technical Group—As Needed

Day 6—Wednesday, March 12, 2014

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Highly Migratory Species Advisory Subpanel—8 a.m.
Highly Migratory Species Management Team—8 a.m.
Salmon Advisory Subpanel—8 a.m.
Salmon Technical Team—8 a.m.
Enforcement Consultants—As Needed
Tribal Policy Group—As Needed
Tribal and Washington Technical Group—As Needed

Day 7—Thursday, March 13, 2014

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Salmon Technical Team—8 a.m.
Enforcement Consultants—As Needed
Tribal Policy Group—As Needed
Tribal and Washington Technical Group—As Needed

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during these meetings. 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 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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: February 11, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–03304 Filed 2–13–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD127

Marine Mammals; File No. 18002

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Alejandro Acevedo-Gutiérrez, Ph.D. of Western Washington University's Department of Biology, 516 High Street, Bellingham, WA 98225, has applied in due form for a permit to conduct research on harbor seals (*Phoca vitulina*).

DATES: Written, telefaxed, or email comments must be received on or before March 17, 2014.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18002 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

West Coast Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4005; fax (562) 980–4027.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at

the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Dr. Acevedo-Gutiérrez seeks a five-year permit to employ non-invasive research techniques through the use of aerial drones and scat collection to determine the level of individual diet specializations (prey consumption) amongst harbor seals within the Salish Sea area of Washington State. Annually, researchers may take (incidentally harass) 57,600 harbor seals during ground surveys for scat collection and 12,800 harbor seals during aerial (drone) surveys for counts of seals at haul-out sites. Additionally, the researchers may over five years take (unintentional mortality) 10 individuals during ground surveys and 2 individuals during aerial (drone) surveys.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–03318 Filed 2–13–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for National Marine Sanctuary Advisory Councils

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: ONMS is seeking applications for vacant seats for 7 of its 13 national marine sanctuary advisory councils (advisory councils). Vacant seats, including positions (i.e., primary member and alternate), for each of the advisory councils are listed in this notice under Supplementary Information. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the protection and management of marine or Great Lake resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as primary members or alternates should expect to serve two- or three-year terms, pursuant to the charter of the specific national marine sanctuary advisory council.

DATES: Applications are due by March 31, 2014.

ADDRESSES: Application kits are specific to each advisory council. As such, application kits must be obtained from and returned to the council-specific addresses noted below.

- Channel Islands National Marine Sanctuary Advisory Council: Michael Murray, Channel Islands National Marine Sanctuary, University of California Santa Barbara, Ocean Science Education Building 514, MC 6155, Santa Barbara, CA 93106–6155; (805) 893–6418; email *Michael.Murray@noaa.gov;* or download application from *http://channelislands.noaa.gov/sac/news.html.*
- Cordell Bank National Marine Sanctuary Advisory Council: Lilli Ferguson, Cordell Bank National Marine Sanctuary, P.O. Box 159, Olema, CA 94950; (415) 663–0314 extension 107; email *Lilli.Ferguson@noaa.gov;* or download application from *http://cordellbank.noaa.gov.*
- Florida Keys National Marine Sanctuary Advisory Council: Hannah Weddington, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040; (305) 809–4700 extension 241; email *Hannah.Weddington@noaa.gov;* or download application from *http://floridakeys.noaa.gov/sac/welcome.html?s=sac.*
- Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council: Inouye Regional Center, ATTN: NOS/HIHWNMS/Emily Gaskin, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818; (808) 397–2651 extension 257; email *Emily.Gaskin@noaa.gov;* or download application from *http://hawaiihumpbackwhale.noaa.gov/council/council_application.html.*
- Monitor National Marine Sanctuary Advisory Council: Shannon Ricles, Monitor National Marine Sanctuary, 100 Museum Drive, Newport News, VA 23606; (757) 591–7328; email *Shannon.Ricles@noaa.gov*; or download application from *http://monitor.noaa.gov.*
- National Marine Sanctuary of American Samoa Advisory Council: Joseph Paulin, National Marine Sanctuary of American Samoa, Tauese P.F. Sunia Ocean Center, Utulei, American Samoa; (684) 633–6500; email *Joseph.Paulin@noaa.gov;* or download application from *http://americansamoa.noaa.gov.*
- Stellwagen Bank National Marine Sanctuary Council: Elizabeth Stokes, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066; (781) 545–8026 extension 201; email *Elizabeth.Stokes@noaa.gov;* or download application from *http://stellwagen.noaa.gov/management/sac/documents.html.*

FOR FURTHER INFORMATION CONTACT: For further information on a particular national marine sanctuary advisory council, please contact the individual identified in the Addresses section of this notice.

SUPPLEMENTARY INFORMATION: ONMS serves as the trustee for 14 marine protected areas encompassing more than 170,000 square miles of ocean and Great Lakes waters from the Hawaiian Islands to the Florida Key, and from Lake Huron to American Samoa. National marine sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustains healthy environments that are the foundation for thriving communities and stable economies. One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. National marine sanctuary advisory

councils are community-based advisory groups established to provide advice and recommendations to the superintendents of the national marine sanctuaries and the Papahānaumokuākea Marine National Monument on issues including management, science, service, and stewardship; and to serve as liaisons between their constituents in the community and the sanctuary. Additional information on ONMS and its 14 advisory councils can be found at *http://sanctuaries.noaa.gov*. Information related to the purpose, policies and operational requirements for advisory councils can be found in the charter for a particular advisory council (*http://sanctuaries.noaa.gov/management/ac/council_charters.html)* and the National Marine Sanctuary Advisory Council Implementation Handbook (*http://www.sanctuaries.noaa.gov/management/ac/acref.html).*

The following is a list of the vacant seats, including positions (i.e., primary member or alternate), for each of the national marine sanctuary advisory councils currently seeking applications for primary members and alternates:

Channel Islands National Marine Sanctuary: Education (primary member); Education (alternate); Recreational Fishing (primary member); Recreational Fishing (alternate); Public-*At-Large (two* alternates); Tourism (primary member); Tourism (alternate); Chumash Community (primary member); and Chumash Community (alternate).

Cordell Bank National Marine Sanctuary: Community-at-Large—Sonoma (primary member); Community-at-Large—Sonoma (alternate); Conservation (primary member); Conservation (alternate); Maritime Activities (primary member); and Maritime Activities (alternate).

Florida Keys National Marine Sanctuary: Citizen at Large—Middle Keys (primary member); and Citizen at Large—Middle Keys (alternate).

Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council: Youth (primary member); Youth (alternate); Commercial Fishing (alternate); and Native Hawaiian (alternate).

Monitor National Marine Sanctuary: Fishing (primary member); Conservation (primary member); Maritime Archaeological Research (primary member); and Recreational Diving (primary member).

National Marine Sanctuary of American Samoa: Community-At-Large, Manu'a (primary member); Education (primary member); Research (primary member); and Tourism (primary member).

Stellwagen Bank National Marine Sanctuary Advisory Council: Conservation (primary member); Education (alternate); Recreational Fishing (alternate); Whale Watching (alternate); Mobile Gear Commercial Fishing (alternate); Citizen At-Large (primary member); and Citizen At-Large (alternate).

Authority: 16 U.S.C. 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: January 22, 2014.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2014–03274 Filed 2–13–14; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Transition of NOAA's Shoreline Compilation Scale

AGENCY: Office of National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Informational notice.

SUMMARY: The Office of National Geodetic Survey has adjusted the Nation's Shoreline Compilation Scale for more efficient application to the primary product that it supports, NOAA Nautical Charts. The current requirement is ''For any portion of a project area, the Compilation Scale within that portion is equal to two times the scale of the largest scale chart or chart inset that includes that portion. However, the Compilation Scale will be neither smaller than 1:20,000 nor larger than 1:2,500.'' The new requirement is ''For any portion of a project area, the Compilation Scale within that portion will be equal to the scale of the largest scale NOAA Nautical Chart or chart inset. However, the Compilation Scale will be neither smaller than 1:24,000 nor larger than 1:2,500.''

DATES: *Effective Date:* March 5, 2014.

ADDRESSES: Written comments should be sent to the attention of Michael L. Aslaksen, Jr., Chief, Remote Sensing Division, Office of National Geodetic Survey, National Ocean Service, 1315 East West Highway, Silver Spring, Maryland 20910, fax 301–713–4572 or via email: *mike.aslaksen@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Aslaksen Jr., N/NGS3, 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301–713–2663 ext. 160, Fax: 301–713–4572; email: *mike.aslaksen@noaa.gov.*

SUPPLEMENTARY INFORMATION: Under 33 U.S.C. 883a, et seq., NOAA's National Ocean Service (NOS) is responsible for providing nautical charts and related information for safe navigation. NOS collects and compiles hydrographic, tidal and current, geodetic, and a variety of other data. NGS collects data for managing our Nation's coastal resources and to define the National Shoreline, which provides critical baseline data for updating nautical charts and defining our Nation's territorial limits, including the Exclusive Economic Zone. Shoreline Compilation Scale changes supersede the following which is listed in the Scope of Work for Shoreline Mapping (SOW, Version 14A Section 4.5 Compilation Scale) under NOAA's Coastal Mapping Program:

4.5. Compilation Scale—The Compilation Scale is used to determine the general level of detail and feature generalization that the compiler should use in a particular area of a project. Many features have guidelines for their collection based on a particular map distance at the Compilation Scale. This Compilation Scale will normally be defined in the Project Instructions, but generally, the following rule is used: For any portion of a project area, the Compilation Scale within that portion is equal to two times the scale of the largest scale chart or chart inset that includes that portion. However, the Compilation Scale will be neither smaller than 1:20,000 nor larger than 1:2,500.

Dated: February 7, 2014.

Juliana P. Blackwell,

Director, Office of National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2014–03275 Filed 2–13–14; 8:45 am]

BILLING CODE P

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 products and a service to the

Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and delete services previously provided by such agencies.

DATES: *Comments Must Be Received on or Before:* 3/17/2014.

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 products and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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

Products

NSN: 6510–01–362–4959—Gauze, Petrolatum, Sterile, White, 36″ × 3″
NPA: Lighthouse Central Florida, Orlando, FL
Contracting Activity: DEFENSE LOGISTICS AGENCY TROOP SUPPORT, PHILADELPHIA, PA
COVERAGE: C-List for 100% of the requirement of the Department of Defense, as aggregated by the Defense Logistics Agency Troop Support, Philadelphia, PA.

Bungee Rope, Flexible, w/Crimped Loops

NSN: 5340–00–NIB–0127—3 feet, Black
NSN: 5340–00–NIB–0129—5 feet, Black
NSN: 5340–00–NIB–0192—3 feet, Camouflage
NSN: 5340–00–NIB–0193—3 feet, Olive Drab
NSN: 5340–00–NIB–0194—3 feet, Orange
NSN: 5340–00–NIB–0195—3 feet, Tan
NSN: 5340–00–NIB–0196—5 feet, Camouflage
NSN: 5340–00–NIB–0197—5 feet, Olive Drab
NSN: 5340–00–NIB–0198—5 feet, Orange
NSN: 5340–00–NIB–0199—5 feet, Tan
NPA: L.C. Industries for the Blind, Inc., Durham, NC
Contracting Activity: DEFENSE LOGISTICS AGENCY TROOP SUPPORT, PHILADELPHIA, PA
COVERAGE: B-List for the Broad Government Requirement as aggregated by the Defense Logistics Agency, Philadelphia, PA.

Service

Service Type/Location: Janitorial Service, U.S. Fish and Wildlife Service, Region 6, National Eagle and Wildlife Property Repository and Law Enforcement Office, (Except wildlife property storage area (warehouse)), 6550 Gateway Road, RMA, Building 128, Commerce City, CO
NPA: North Metro Community Services for Developmentally Disabled, Westminster, CO
Contracting Activity: DEPT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE, CONTRACTING AND GENERAL SERVICES DIV, DENVER, CO

Deletions

The following services are proposed for deletion from the Procurement List:

Services

Service Types/Locations: Grounds Maintenance, U.S. Army Reserve Center: Mifflin County, 73 Reserve Lane, Lewiston, PA
Sgt. Paul Beck AFRC, 987 East Bishop Street, Bellefonte, PA
U.S. Army Reserve Center, 1250 Fox Hollow Road—Centre County, State College, PA
U.S. Army Reserve Center: Buildings 1 and 5, 2997 North Second Street, Harrisburg, PA
U.S. Army Reserve Center: Lenkalis, 250 Washington Avenue, West Hazelton, PA
Sgt. Paul Beck AFRC, 987 East Bishop Street, Bellefonte, PA
Janitorial/Custodial, U.S. Army Reserve Center, 1545 Airport Road, Franklin, PA
NPAs: UNKNOWN
Contracting Activity: DEPT OF THE ARMY, W40M NATL REGION CONTRACT OFC, FORT BELVOIR, VA

Patricia Briscoe,

Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2014–03255 Filed 2–13–14; 8:45 am]

BILLING CODE 6353–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Advisory Board Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Consumer Advisory Board (''CAB'' or ''Board'') of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Board. Notice of the meeting is permitted by section 6 of the CAB Charter and is intended to notify the public of this meeting. Specifically, Section X of the CAB Charter states:

(1) Each meeting of the Board shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live web streaming. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45 or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Board's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Board shall be posted on the Bureau's Web site (*www.consumerfinance.gov*). (4) The Bureau may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Board's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Thursday, February 27, 2014, 10:00 a.m. to 12:00 p.m. eastern standard time.

ADDRESSES: The meeting location is in the Auditorium, Constitution Center, 400 7th Street SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Delicia Hand, Staff Director, Consumer Advisory Board & Councils, External Affairs, 1700 G Street NW., Washington, DC 20552; telephone: 202–435–9348; *CAB@CFPB.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*) (''Dodd-Frank Act'') provides: ''The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' 12 U.S.C. 5494.

(a) The purpose of the Board is outlined in Section 1014(a) of the Dodd-Frank Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*), which states that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant

information.'' (b) To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services. (c) The Board will also be available to advise and consult with the Director and the Bureau on other matters related to the Bureau's functions under the Dodd-Frank Act.

II. Agenda

The Consumer Advisory Board will discuss access to credit, information and financial resources.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Consumer Advisory Board meeting must RSVP to *cfpb.events@cfpb.gov* by noon EST, Tuesday, February 20, 2014. Members of the public must RSVP by the due date and must include ''CAB'' in the subject line of the RSVP.

An opportunity for public comment is available on Thursday, February 27, 2014. Individuals who wish to provide comments will be allotted one minute to speak. Citizens may also submit written comments to Julian Alcazar, Consumer Advisory Board & Councils, Consumer Financial Protection Bureau, 1700 G Street NW., Room 6108E–A, Washington, DC 20552, or by email at *CAB@cfpb.gov* by Thursday, February 20, 2014.

III. Availability

The Board's agenda will be available to the public starting February 13, 2014 via *consumerfinance.gov/blog.* Individuals should express in their RSVP if they require a paper copy of the agenda.

This meeting will be webcast live and a transcript will be available after the meeting on the CFPB's Web site: *consumerfinance.gov.*

Dated: February 10, 2014.

Christopher D'Angelo,

Chief of Staff, Consumer Financial Protection Bureau.

[FR Doc. 2014–03337 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–AM–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Computer Matching and Privacy Protection Act of 1988; Report of Matching Program: Corporation for National and Community Service and the Social Security Administration

AGENCY: Corporation for National and Community Service.

ACTION: Notice of renewal of computer matching program between the Corporation for National and Community Service and the Social Security Administration.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), OMB Final Guidance Interpreting the Provisions of the Computer Matching and Privacy Protection Act of 1988 (54 FR 25818, June 19, 1989), and OMB Circular No. A–130, ''Management of Federal Information Resources,'' the Corporation for National and Community Service (''CNCS'') is issuing a public notice of its renewal of the computer matching program with the Social Security Administration (''SSA'').

DATES: CNCS will file a report of the subject computer matching agreement with the Office of Management and Budget and Congress. The matching program will begin March 19, 2014 or 40 days after the date of CNCS's submissions to OMB and Congress, whichever is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: You may submit comments identified by the title of the information collection activity, by any of the following methods.

(1) *By mail sent to:* Corporation for National and Community Service, Attention Zachary Jackson, Project Manager, Room 10508C, 1201 New York Avenue NW., Washington, DC 20525.

(2) *By fax to:* (202) 606–3467.

(3) *By email to: zjackson@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 606–3472 between 8:30 a.m. and 5:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Zachary Jackson, Project Manager, (202) 606–6948, or by email at *zjackson@cns.gov.*

SUPPLEMENTARY INFORMATION:

A. General

The Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), regulates the use of computer matching agreements by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. Among other things, it requires Federal agencies involved in computer matching agreements to publish a notice in the **Federal Register** regarding the establishment of the matching program.

B. Participating Agencies

Participants in this computer matching program are the Social Security Administration (source agency) and the Corporation for National and Community Service (recipient agency).

C. Purpose of the Match

The computer match between CNCS and SSA will enable CNCS to verify the social security numbers of applicants for approved national service positions, and verify statements made by those applicants regarding their citizenship status.

D. Authority

SSA's authority for this matching program is section 1711 of the Serve America Act of 2009 (Pub. L. 111–13, April 21, 2009). The legal authority for the disclosure of SSA data under this agreement is section 1106 of the Social Security Act (42 U.S.C. 1306(b)); the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, 42 U.S.C. 405 note; the Privacy Act of 1974, 5 U.S.C. 552a(b)(3); and 20 CFR 401.150.

CNCS's legal authority to enter into this agreement is section 146(a)(3)of the National and Community Service Act (NCSA) (42 U.S.C. 12602(a)), concerning an individual's eligibility to receive a Segal AmeriCorps Education Award from the National Service Trust upon successful completion of a term of service in an approved national service position and section 1711 of the Serve America Act (Pub. L. 111–13), which directs CNCS to enter into a data matching agreement to verify statements made by an individual declaring that such individual is in compliance with section 146(a)(3)of the NCSA by

comparing information provided by the individual with information relevant to such a declaration in the possession of another Federal agency.

E. Categories of Records and Individuals Covered

Each individual who applies to serve in an approved national service position, including positions in AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps NCCC, and Serve America Fellows, must, at the time of application, certify that the individual meets the citizenship eligibility criteria to serve in the position, i.e., is a citizen, national, or lawful permanent resident of the United States.

The Master Files of Social Security Number Holders and SSN Applications SSA/OTSO 60–0058, last published at 75 FR 82121 (December 29, 2010) maintains records about each individual who has applied for and obtained an SSN. SSA uses information from this system to assign SSNs. The information CNCS provides from the AmeriCorps Member Individual Account (Corporation 8) system of records will be matched against this system of records and verification results will be disclosed under the applicable routine use.

F. Inclusive Dates of the Matching Program

This agreement will be in effect for a period of 18 months, with a provision for a one-time extension for a period not to exceed 12 months. In order to renew this agreement, both CNCS and SSA must certify to their respective Data Integrity Boards that: (1) The matching program will be conducted without change; and (2) the matching program has been conducted in compliance with the original agreement.

G. Procedure

CNCS will provide SSA with a data file including each applicant's social security number, first and last names, and date of birth. SSA will conduct a match on the identifying information. If the match does not return a result verifying the individual's citizenship status, CNCS will contact the individual or the grant recipient program that selected the individual to verify the results in accordance with the requirements of 5 U.S.C. 552a(p) and applicable OMB guidelines. The affected individual will have an opportunity to contest the accuracy of the information provided by SSA. The applicant will have at least 30 days from the date of the notice to provide clear and convincing evidence of the accuracy of the social security number, proof of U.S. citizenship, or both.

H. Additional Notice

Applicants will be informed at the time of application that information provided on the application is subject to verification through a computer matching program. The application package will contain a privacy certification notice that the applicant must sign authorizing CNCS to verify the information provided.

I. Other Information

CNCS will furnish a copy of this notice to both Houses of Congress and the Office of Management and Budget.

Dated: February 10, 2014.

Philip W. Clark,

Chief Information Officer.

[FR Doc. 2014–03234 Filed 2–13–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2014–0006]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Navy proposes to alter the system of records, N05813–4, entitled ''Trial/Government Counsel Files'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system is used to prosecute or otherwise resolve military justice cases; to obtain support from the U.S. Department of Justice on requests for immunity for civilian witnesses; to obtain information from a Federal, state, local, or foreign agency, or from an individual or organization, relating to an investigation, charge, or court-martial and to provide information and support to victims and witnesses in compliance with the Victim and Witness Assistance Program, Sexual Assault Prevention and Response Program, and the Victims' Rights and Restitution Act of 1990.

DATES: Comments will be accepted on or before March 17, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, Head, PA/FOIA Office (DNS–36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/navy/index.html.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on January 28, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 11, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N05813–4

SYSTEM NAME:

Trial/Government Counsel Files (April 4, 2000, 65 FR 17643).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Region Legal Service Offices, Detachments, and Branch Offices which have trial counsel assigned, regardless of branch of service.

Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Charge sheets; convening orders; appointing orders; investigative reports of Federal, state, and local law enforcement agencies; local command investigations; witness statements; results from witness interviews, including witness name, Social Security Number (SSN), home/work addresses, home/work/cell telephone numbers, and other PII that a witness may provide during an interview but is not routinely collected or used to retrieve information; documentary evidence; pretrial advice; immunity requests; search authorizations; general correspondence; legal research and memoranda; motions; forensic reports; pretrial confinement orders; personnel, financial, and medical records; report of Article 32, UCMJ investigations; report of Court or Board of Inquiry; subpoenas; discovery requests; correspondence reflecting pretrial negotiations; requests for resignation or discharge in lieu of trial by court-martial; work-product of trial counsel and trial department staff; results of trial memoranda; case tracking programs and files; and forms to comply with the Victim and Witness Assistance Program, the Sexual Assault Prevention and Response Program, and the Victims' Rights and Restitution Act of 1990.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Commander, Naval Legal Service Command, Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066 and at the Region Legal Service Office, Detachment or Branch Office where the matter was handled.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the cognizant Region Legal Service Office, Detachment or Branch Office. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

The request should include the full name, SSN, and address of the individual concerned; the name of the case; and any other identifying information which may be of assistance in locating the record. The request must be signed.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the cognizant Region Legal Service Office, Detachment or Branch Office. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

The request should include the full name, SSN, and address of the individual concerned; the name of the case; and any other identifying information that may be of assistance in locating the record. The request must be signed.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.''

* * * * *

[FR Doc. 2014–03305 Filed 2–13–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board, U.S. Department of Education.

ACTION: Notice of Open and Closed Meeting Sessions.

SUMMARY: This notice sets forth the schedule and proposed agenda for the upcoming meeting of the National Assessment Governing Board (Board) and also describes the specific functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This notice is issued to provide members of the general public with an opportunity to attend and/or provide comments. Individuals who will need special accommodations in order to attend the meeting (e.g. interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than February 21, 2014. We will attempt to meet requests after this date but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: February 27–March 1, 2014.

Times

February 27: Committee Meetings:
- Assessment Development Committee: Closed Session: 1:15 p.m.–4:15 p.m.
- Executive Committee: Open Session: 4:30 p.m.–5:30 p.m.

February 28: Full Board and Committee Meetings:
- Full Board: Open Session: 8:30 a.m.–12:15 p.m.; Closed Session: 12:30 p.m.–1:30 p.m.; Open Session: 1:45 p.m.–5:00 p.m.

Committee Meetings:
- Reporting and Dissemination Committee (R&D): Open Session: 10:00 a.m.–12:15 p.m.
- Assessment Development Committee (ADC): Open Session: 10:00 a.m.–12:15 p.m.
- Committee on Standards, Design and Methodology (COSDAM): Open Session: 10:00 a.m.–11:20 a.m.; Closed Session: 11:20 a.m.–12:05 p.m.; Open session: 12:05 p.m.–12:15 p.m.

March 1: Full Board and Committee Meetings:
- Nominations Committee: Closed Session: 7:30 a.m.–8:15 a.m.
- Full Board: Closed Session: 8:15 a.m.–8:45 a.m.; Open Session 8:45–8:50 a.m.; Closed Session: 8:50 a.m.–9:50 a.m.; Open Session: 10:00 a.m.–12:00 p.m.

Location: The Omni Shoreham, 2500 Calvert Street, Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Executive Officer, National Assessment Governing Board, 800 North Capitol Street NW., Suite 825, Washington, DC 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board (Board) is established under section 302 of the National Assessment of Educational Progress Authorization Act.

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress (NAEP). The Board's responsibilities include the following: selecting subject areas to be assessed, developing assessment frameworks and specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public. On February 27, 2014, from 1:15 p.m. to 4:15 p.m. the Assessment Development

Committee will meet in closed session to review secure NAEP test questions in grades 4 and 8 for the 2015 operational assessments in reading and mathematics. The Committee will review and discuss secure test items that cannot be discussed in an open meeting to protect the confidentiality of the secure assessment materials. Premature disclosure of these results would significantly impede implementation of the NAEP assessment program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

On February 27, 2014, the Board's Executive Committee will convene in open session from 4:30 p.m. to 5:30 p.m. to review and discuss the February 28–March 1, 2014 Board meeting agenda, receive a status report on the 2015 Trial Urban District Assessment (TUDA), discuss Board Committee issues and challenges to be addressed by the respective Board Committees, and review the Board's ongoing work.

On February 28, 2014, the full Board will meet in open session from 8:30 a.m. to 9:45 a.m. The Board will review and approve the February 28–March 1, 2014 Board meeting agenda and meeting minutes from the December 6–7, 2013 Quarterly Board meeting. This session will be followed by a report from the Executive Director of the Governing Board, and updates on NCES and NAEP from the Director of the Institute of Education Sciences (IES). Thereafter, the Board will recess for Committee meetings from 10:00 a.m. to 12:15 p.m.

The Reporting and Dissemination Committee and the Assessment Development Committee will meet in open session from 10:00 a.m. to 12:15 p.m. The Committee on Standards, Design and Methodology (COSDAM) will meet in open session from 10:00 a.m. to 11:20 a.m., in closed session from 11:20 a.m. to 12:05 p.m., and thereafter in open session from 12:05 p.m. to 12:15 p.m. During the closed session, COSDAM members will receive a briefing on student participation and response rates from the 2013 grade 12 NAEP Mathematics and Reading assessments. These data have not yet been released and therefore cannot be disclosed to the general public at this time. Premature disclosure of these secure data would significantly impede implementation of the NAEP program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

Following the Committee meetings, the Board will convene in closed session from 12:30 p.m. to 1:30 p.m. During this session, the full Board will receive a closed session briefing on the 2013 NAEP Reading and Mathematics Grade 12 Report Card results. The Board will receive an embargoed briefing on preliminary results, which will include secure test items, embargoed assessment data, and results that cannot be discussed in an open meeting prior to their official approval and release by the National Assessment Governing Board. Premature disclosure of these results would significantly impede implementation of the NAEP assessment program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

The Board will meet in open session on February 28, 2014 from 1:45 p.m. to 5:00 p.m. Presentation and discussion topics include the NAEP Technology and Engineering Literacy Assessment, Transition to NAEP Technology-Based Assessments, and the Board's 25th Anniversary Symposium. The February 28, 2014 session of the Board meeting is scheduled to adjourn at 5:00 p.m.

On March 1, 2014, the Nominations Committee will meet in closed session from 7:30 a.m. to 8:15 a.m. to discuss potential candidates for Board terms beginning October 1, 2014. The Committee's recommendations will be presented for full Board consideration in closed session from 8:30 a.m. to 8:45 a.m. The Committee's discussions and Board review pertain solely to internal personnel rules and practices of an agency and information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 of the United States Code. Board action on the recommendations will be taken in open session at 8:45 a.m.

On March 1, 2014, from 8:50 a.m. to 9:50 a.m. the full Board will receive a closed session briefing on the NAEP budget and costs for specific activities under current contracts, and independent government cost estimates from the National Center for Education Statistics (NCES) staff on various options for proposed item development, data collection, scoring and analysis, and NAEP reporting for 2014–2017. Implications of the cost estimates and the available funds on future NAEP activities will also be discussed.

The costs of specific activities budgeted under current contracts would disclose financial information that is proprietary, protected under Section 552b(c)(4) of Title 5 U.S.C. The discussion of independent government cost estimates for the NAEP contracts is necessary for ensuring that NAEP contracts meet congressionally mandated goals and adhere to Board policies on NAEP assessments available at *www.nagb.org/policies.html.* Public disclosure of this information would likely have an adverse financial effect on the NAEP program by providing contractors attending an unfair advantage in procurement and contract negotiations for NAEP. Therefore discussion of this information in open session would significantly impede implementation of a proposed agency action and is protected by exemption 9(B) of section 552b of Title 5 U.S.C.

Following this closed briefing, the Board will meet in open session to discuss Board initiatives and ongoing work. The Board is scheduled to receive reports from the standing Committees and take action on Committee recommendations from 11:00 a.m. to 12:00 p.m. The March 1, 2014 meeting is scheduled to adjourn at 12:00 p.m.

A verbatim transcript of the meeting, consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite # 825, 800 North Capitol Street NW., Washington, DC 20002, from 9:00 a.m. to 5:00 p.m. Eastern Time, Monday through Friday.

Electronic Access to This Document: You may 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) on the Internet at *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at *http://get.adobe.com/reader.* If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC area at (202) 512–0000.

Note: 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 on GPO Access at: *www.gpoaccess.gov/nara/index.html.*

Dated: February 10, 2014.

Cornelia S. Orr,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2014–03225 Filed 2–13–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–66–000]

Columbia Gas Transmission, LLC; Prior Notice of Activity Under Blanket Certificate

On January 31, 2014, Columbia Gas Transmission, LLC (Columbia) filed with the Federal Energy Regulatory Commission (Commission) an application under section 7 of the Natural Gas Act and Sections 157.205 and 157.210 of the Commission's regulations and Columbia's blanket authorization in CP83–76–000, 22 FERC 62,029 (1983). Columbia seeks authorization to increase the horsepower of two existing compressor units at its Lost River Compressor Station located in Hardy County, West Virginia by 520 HP per unit. The facility changes are needed to maintain reliability levels for all current Station operating levels.

Questions regarding this application may be directed to Fredric J. George, Senior Counsel, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273 by calling (304) 357–2359 or via fax at 304 357–3206.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review (NSER). If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a NSER will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such motions or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant, on or before the comment date. It is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03196 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC14–8–000]

Commission Information Collection Activities (FERC–521); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–521 (Payments for Benefits from Headwater Benefits).

DATES: Comments on the collection of information are due April 15, 2014.

ADDRESSES: You may submit comments (identified by Docket No. IC14–8–000) by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: Payments for Benefits From Headwater Benefits.

OMB Control No.: 1902–0087.

Type of Request: Three-year extension of the FERC–521 information collection requirements with no changes to the current reporting requirements.

Abstract: The information collected under the requirements of FERC–521 is used by the Commission to implement the statutory provisions of Section 10(f)

of the Federal Power Act (FPA).[1] The FPA authorizes the Commission to determine headwater benefits received by downstream hydropower project owners. Headwater benefits are the additional energy production possible at a downstream hydropower project resulting from the regulation of river flows by an upstream storage reservoir.

When the Commission completes a study of a river basin, it determines headwater benefits charges that will be apportioned among the various downstream beneficiaries. A headwater benefits charge and the cost incurred by the Commission to complete an evaluation are paid by downstream hydropower project owners. In essence, the owners of non-federal hydropower projects that directly benefit from a headwater improvement must pay an equitable portion of the annual charges for interest, maintenance, and depreciation of the headwater project to the U.S. Treasury. The regulations provide for apportionment of these costs between the headwater project and downstream projects based on downstream energy gains and propose equitable apportionment methodology that can be applied to all rivers basins in which headwater improvements are built. The Commission requires owners of non-federal hydropower projects to file data for determining annual charges as outlined in 18 Code of Federal Regulations (CFR) Part 11.

Type of Respondents: There are two types of entities that respond, Federal and Non-Federal hydropower project owners. The Federal entities that typically respond are the US Army Corps of Engineers and the US Department of Interior Bureau of Reclamation. The Non-Federal entities may consist of any Municipal or Non-Municipal hydropower project owner.

Estimate of Annual Burden:[2] The Commission estimates the total Public Reporting Burden for this information collection as:

Number of respondents (A)	Number of responses per respondent (B)	Total number of responses (A) × (B) = (C)	Average burden hours per response (D)	Estimated total annual burden (C) × (D)
3	1	3	40	120

The total estimated annual cost burden to respondents is $8,460 [120 hours * $70.50/hour[3] = $8,460]

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03198 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 803

[2] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[3] $70.50/hour is the average FERC employee salary plus benefits. We assume (based upon consultation of subject matter experts for this industry) that respondents to this collection are similarly compensated in terms of salary and benefits.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14430–002]

Monroe Hydro, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 14430–002.

c. *Date filed:* October 10, 2013.

d. *Applicant:* Monroe Hydro, LLC.

e. *Name of Project:* Monroe Drop Hydroelectric Project.

f. *Location:* The proposed Monroe Drop Hydroelectric Project would be located on the North Unit Irrigation District Main Canal in Jefferson County, Oregon.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ms. Gia Schneider, Natel Energy, 2175 Monarch Street, Alameda, CA 95401; phone (510) 342–5269.

i. *FERC Contact:* Robert Bell, (202) 502–6062, *robert.bell@ferc.gov.*

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents:* The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533, issued May 8, 1991, 56 FR 23108 (May 20, 1991)) that all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions concerning the application be filed with the Commission: 60 days from the issuance of this notice. All reply comments must be filed with the Commission: 105 days from the issuance of this notice.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an

issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of the project:* The proposed Monroe Drop Hydroelectric Project would consist of: (1) A proposed 16.19-foot-long, 12-inch-diameter intake pipe; (2) a proposed powerhouse containing one proposed generating unit with an installed capacity of 80 kilowatts; (3) a proposed 9.42-foot-long, 12-inch-diamter exit pipe; and (4) appurtenant facilities. The applicant estimates the project would have an average annual generation of 0.4745 gigawatt-hours.

m. This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number, P–14430, in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for review and reproduction at the address in item h above.

n. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

o. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

p. All filings must (1) bear in all capital letters the title ''PROTEST,'' ''MOTION TO INTERVENE,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading, the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and seven copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–03230 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2246–064]

Yuba County Water Agency; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of License Requirement.

b. *Project No.:* 2246–064.

c. *Date Filed:* February 5, 2014.

d. *Applicants:* Yuba County Water Agency (licensee).

e. *Name of Projects:* Yuba River Project.

f. *Location:* Yuba River and Oregon Creek in Yuba, Sierra, and Nevada Counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Curt Aikens, General Manager, Yuba County Water Agency, 1220 F Street, Marysville, CA 95901.

Phone: (530) 741–5015.

i. *FERC Contact:* Mr. John Aedo, (415) 369–3335, *john.aedo@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 15 days from the issuance date of this notice (February 22, 2014). The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2246–064) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests a temporary variance of the minimum flow requirements of article 33(d) of its project license. The licensee states that the Yuba River watershed conditions are extremely dry, with no indication of changing. Therefore the licensee requests that it be allowed a variance from the fixed and calculated minimum flow requirements of 600 and 673 cubic feet per second (cfs), respectively in the lower Yuba River below Englebright Reservoir so that it may conserve water storage at the upstream Bullards Bar Reservoir. The licensee requests Commission approval to implement the flow variance through March 31, 2014, during which time, it will instead, release 500 cfs to the lower Yuba River. The licensee also requests that the method for determining compliance with article 33 be temporarily modified, such that compliance with the minimum flow requirements be based on 5-day running averages of the applicable daily streamflows, with instantaneous flows

never less than 90 percent of the specified requirement.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03200 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1061–094]

Pacific Gas and Electric Company; Notice of Application Accepted For Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of License Requirement.

b. *Project No.:* 1061–094.

c. *Date Filed:* January 28, 2014.

d. *Applicants:* Pacific Gas and Electric Company (licensee).

e. *Name of Project:* Phoenix Project.

f. *Location:* South Fork of the Stanislaus River in Tuolumne County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Ezra Becker, License Coordinator, Pacific Gas and Electric Company, Mail Code: N11C, P.O. Box 770000, San Francisco, CA 94177. Phone (415) 973–3082.

i. *FERC Contact:* Mr. Mark Pawlowski, (202) 502–6052, or *mark.pawlowski@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–1061–094) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests a temporary variance to reduce minimum flows required by article 105 of the project's license. The licensee states that water conditions in the South Fork of the Stanislaus River are critically dry, and requests that it be allowed to reduce the minimum flow released from Lyons Dam from 5 cubic feet per second (cfs) to 1 cfs. Due to the urgent nature of this request and the potential to conserve water for later municipal and instream flow purposes, the Commission approved the licensee's request by order dated February 6, 2014. The approved temporary variance expires no later than March 15, 2014. However, should the licensee request another temporary variance due to continued drought conditions once the current variance expires, the Commission will take into account any comments received, intervention requests, and protests received in its analysis of any future variance request. Based on responses received to this notice, the Commission has also reserved the right to modify its February 6, 2014 order.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or

email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–03228 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2130–088]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of License Requirement.

b. *Project No.:* 2130–088.

c. *Date Filed:* January 29, 2014.

d. *Applicants:* Pacific Gas and Electric Company (licensee).

e. *Name of Project:* Spring Gap-Stanislaus Project.

f. *Location:* Middle and South Fork Stanislaus River in Tuolumne and Calaveras Counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Rich Doble, Senior License Coordinator, Pacific Gas and Electric Company, Mail Code: N11E, P.O. Box 770000, San Francisco, CA 94177. Phone (415) 973–4480.

i. *FERC Contact:* Mr. John Aedo, (415) 369–3335, or *john.aedo@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 15 days from the issuance date of this notice by the Commission (February 22, 2014). The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2130–088) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests a temporary variance of the minimum flow and minimum reservoir storage requirements of the California State Water Resources Control Board Section 401 water quality certification and the U.S. Forest Service's Section 4(e) Conditions, as contained in appendices A and B of the project license. Specifically, the licensee requests temporary relief of the minimum flow requirements of 30 cubic feet per second (cfs) at stream gage S–52 in the Middle Fork Stanislaus River below the confluence of Kennedy Creek and Summit Creek. Because project operations have no influence on inflows from Kennedy Creek, the licensee requests that minimum flow compliance instead, be based on streamflow releases in Summit Creek from Relief Reservoir at stream gage S–2. The licensee also requests that minimum flow compliance be based on ''target'' streamflows, rather than ''minimum'' streamflows at gage S–2. Finally, the licensee requests a temporary reduction of the minimum reservoir storage requirement to 100 acre-feet at Relief Reservoir. The licensee states that the temporary variance is necessary due to extremely dry weather conditions and low reservoir storage levels. The licensee requests the temporary variance until inflow conditions meet the ''dry'' or ''normal'' inflow criteria.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit

comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03199 Filed 2–13–14; 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: PR14–17–000.
Applicants: Public Service Company of Colorado.
Description: Tariff filing per 284.123(b)(1)/.: 20140130 PSCo SOR Rate Filing to be effective 1/1/2014 TOFC: 980.
Filed Date: 1/30/14.
Accession Number: 20140130–5356.
Comments Due: 5 p.m. ET 2/20/14.

Docket Numbers: PR14–18–000.
Applicants: Peoples TWP LLC.
Description: Tariff filing per 284.123(b)(1) +: Rate Change to be effective 1/31/2014 TOFC: 1300.
Filed Date: 1/31/14.
Accession Number: 20140131–5230.
Comments Due: 5 p.m. ET 2/21/14.
284.123(g) Protests Due: 5 p.m. ET 4/1/14.

Docket Numbers: PR14–19–000.
Applicants: Wisconsin Power and Light Company.
Description: Tariff filing per 284.123(b)(1),: Statement of Operating Conditions for Interstate Transportation Service to be effective 1/28/2014 TOFC: 990.
Filed Date: 2/3/14.
Accession Number: 20140203–5152.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: PR14–20–000.
Applicants: Southcross Mississippi Pipeline, L.P.
Description: Tariff filing per 284.123(b)(1)/.: Petition for Rate Approval to be effective 2/1/2014 TOFC: 980.
Filed Date: 2/3/14.
Accession Number: 20140203–5203.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: PR14–21–000.
Applicants: Ameren Illinois Company.
Description: Tariff filing per 284.224: Application for a Blanket Certificate under 284.244 to be effective 2/4/2014 TOFC: 1340.
Filed Date: 2/4/14.
Accession Number: 20140204–5001.
Comments Due: 5 p.m. ET 2/25/14.

Docket Numbers: RP14–443–000.
Applicants: Rockies Express Pipeline LLC.
Description: Neg Rate 2014–02–04 Conoco Phillips to be effective 2/5/2014.
Filed Date: 2/4/14.
Accession Number: 20140204–5108.
Comments Due: 5 p.m. ET 2/18/14.

Docket Numbers: RP14–444–000.
Applicants: Enable Gas Transmission, LLC.
Description: Negotiated Rate Filing—February 2014—Tenaska 9840 Att A to be effective 2/5/2014.
Filed Date: 2/5/14.
Accession Number: 20140205–5111.
Comments Due: 5 p.m. ET 2/18/14.

Docket Numbers: RP14–445–000.
Applicants: Midwestern Gas Transmission Company.
Description: Midwestern Gas Transmission Company submits tariff filing per 154.204: Negotiated Rate PAL Agreement—NJR Energy Services Company to be effective 2/6/2014.
Filed Date: 2/6/14.
Accession Number: 20140206–5001.
Comments Due: 5 p.m. ET 2/18/14.

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 date(s). 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: February 6, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03202 Filed 2–13–14; 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: ER10–2124–007; ER10–2125–008; ER10–2127–006; ER10–2128–007; ER10–2129–006; ER10–2130–007; ER10–2131–007; ER10–2132–007; ER10–2133–007; ER10–2134–005; ER10–2135–006; ER10–2136–006; ER10–2137–007;

ER10–2138–007; ER10–2139–007; ER10–2140–007; ER10–2141–007; ER10–2764–007; ER11–3872–008; ER11–4044–008; ER11–4046–007; ER12–161–006; ER12–164–006; ER12–645–008.

Applicants: Spring Canyon Energy LLC, Judith Gap Energy LLC, Invenergy TN LLC, Wolverine Creek Energy LLC, Grays Harbor Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Willow Creek Energy LLC, Sheldon Energy LLC, Hardee Power Partners Limited, Spindle Hill Energy LLC, Invenergy Cannon Falls LLC, Beech Ridge Energy LLC, Vantage Wind Energy LLC, Stony Creek Energy LLC, Gratiot County Wind II LLC, Gratiot County Wind LLC, Bishop Hill Energy LLC, Bishop Hill Energy III LLC, California Ridge Wind Energy LLC.

Description: Notification of Change in Facts of Spring Canyon Energy LLC, et al.

Filed Date: 2/6/14.

Accession Number: 20140206–5076.

Comments Due: 5 p.m. ET 2/27/14.

Docket Numbers: ER10–3301–002; ER10–2757–002; ER10–2756–002.

Applicants: Arlington Valley, LLC, Griffith Energy LLC, GWF Energy LLC.

Description: Supplement to June 28, 2013 Triennial Market Power Update for the Southwest Region of the GWF Energy LLC.

Filed Date: 1/22/14.

Accession Number: 20140122–5228.

Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: ER10–3301–003; ER10–2757–003; ER10–2756–003.

Applicants: Arlington Valley, LLC, Griffith Energy LLC, GWF Energy LLC.

Description: Notice of Change in Status under Market Based Authority, et al. of the Star West Companies.

Filed Date: 1/22/14.

Accession Number: 20140122–5246.

Comments Due: 5 p.m. ET 2/12/14.

Docket Numbers: ER11–2790–005.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–02–06_SA 2005_ Ameren-Hoosier WDS Agreement to be effective 3/30/2011.

Filed Date: 2/6/14.

Accession Number: 20140206–5012.

Comments Due: 5 p.m. ET 2/27/14.

Docket Numbers: ER14–711–001.

Applicants: Public Service Company of Colorado.

Description: 2014–2–6_325–PSCo-Appendix 1 thru 3 Filing to be effective 12/1/2013.

Filed Date: 2/6/14.

Accession Number: 20140206–5045.

Comments Due: 5 p.m. ET 2/27/14.

Docket Numbers: ER14–1101–001.

Applicants: Southwest Power Pool, Inc.

Description: 2638 Prairie Wind Transmission and OG&E Inter. Agr—Errata to be effective 12/31/9998.

Filed Date: 2/5/14.

Accession Number: 20140205–5104.

Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: ER14–1173–001.

Applicants: Duke Energy Carolinas, LLC.

Description: NCEMC 2nd Amended NITSA OATT SA No. 210 to be effective 1/1/2014.

Filed Date: 1/30/14.

Accession Number: 20140130–5255.

Comments Due: 5 p.m. ET 2/20/14.

Docket Numbers: ER14–1256–000.

Applicants: Lackawanna Energy Center LLC.

Description: Request of Lackawanna Energy Center LLC for Limited Waiver of the PJM Interconnection, L.L.C. Open Access Transmission Tariff and Request for Expedited Action.

Filed Date: 2/4/14.

Accession Number: 20140204–5087.

Comments Due: 5 p.m. ET 2/25/14.

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: February 6, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03193 Filed 2–13–14; 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: RP14–438–000.

Applicants: Chandeleur Pipe Line Company.

Description: Petition for approval of Settlement of Chandeleur Pipe Line Company.

Filed Date: 2/3/14.

Accession Number: 20140203–5128.

Comments Due: 5 p.m. ET 2/24/14.

Reply Comments Due: 5 p.m. ET 3/6/14.

Docket Numbers: RP14–439–000.

Applicants: Millennium Pipeline Company, LLC.

Description: Retainage Calculation Revision to be effective 3/6/2014.

Filed Date: 2/3/14.

Accession Number: 20140203–5138.

Comments Due: 5 p.m. ET 2/18/14.

Docket Numbers: RP14–440–000.

Applicants: TC Offshore LLC.

Description: New Negotiated Rates Section to be effective 2/1/2014.

Filed Date: 2/3/14.

Accession Number: 20140203–5219.

Comments Due: 5 p.m. ET 2/18/14.

Docket Numbers: RP14–441–000.

Applicants: Rockies Express Pipeline LLC.

Description: Neg Rate 2014–02–03 BP Energy to be effective 2/1/2014.

Filed Date: 2/4/14.

Accession Number: 20140204–5000.

Comments Due: 5 p.m. ET 2/18/14.

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 date(s). 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: February 4, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03201 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–5–000]

Algonquin Gas Transmission, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Salem Lateral Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Salem Lateral Project involving construction and operation of facilities by Algonquin Gas Transmission, LLC (Algonquin) in Salem, Massachusetts. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on March 10, 2014.

You may submit comments in written form. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meeting scheduled as follows:

Date and time	Location
Thursday, March 6, 2014, 6:00 pm local time	Bentley Elementary School Cafetorium, 25 Memorial Drive, Salem, MA 01970.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. Algonquin would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Algonquin plans to construct and operate 1.2 miles of new 16-inch-diameter lateral pipeline and a new metering and regulation station in Salem, Massachusetts in order to supply 115,000 dekatherms per day of natural gas to the Salem Harbor Station facility for power generation.[1] The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the planned facilities would involve conventional onshore construction and use of horizontal directional drills (HDD). Onshore construction would disturb approximately 11 acres of land for the pipeline and meter station. Following construction, Algonquin would maintain about 0.5 acre for permanent operation of the meter station and approximately 4 acres for the permanent onshore easement. About 7 percent of the planned lateral route parallels an existing electric transmission right-of-way. Two HDDs would be utilized to cross Collins Cove (for approximately 0.4 mile) and Beverly Harbor (for approximately 0.2 mile), up to a tie-in location with Algonquin's existing Hubline Pipeline. In-water work would be limited to the area immediately surrounding the new subsea tie-in within Beverly Harbor.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;
- vegetation and wildlife;
- endangered and threatened species;
- cultural resources;
- land use;
- air quality and noise;
- reliability and safety; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders

[1] The Salem Harbor Station facility is being redeveloped from an existing coal burning electric generation plant to a new natural gas-fired electric generation facility by Footprint Power Salem Harbor Development, LP.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the Additional Information section at the end of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

Our independent analysis of the issues will be presented in the EA. The EA will be available in the public record through the Commission's eLibrary. Depending on the comments received during scoping, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Massachusetts State Historic Preservation Office (SHPO), and to solicit its views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Algonquin. This preliminary list of issues may change based on your comments and our analysis.

- impact on aquatic resources;
- contaminated soils;
- cumulative impacts on air quality; and
- construction in residential areas.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 10, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF14–5–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Algonquin files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF14–5). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03189 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–3–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Intent to Prepare an Environmental Assessment For the Planned Rock Springs Expansion Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Rock Springs Expansion Project (Project) involving construction and operation of facilities by Transcontinental Gas Pipeline Company, LLC (Transco) in Lancaster County, Pennsylvania and Cecil County, Maryland. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on March 10, 2014.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Transco is proposing to construct facilities to provide 192,000 dekatherms per day of incremental firm transportation capacity from Transco's Market Pool Station 210 in Mercer County, New Jersey to Old Dominion Electric Cooperative's (ODEC) proposed expansion, referred to as the Wildcat Point Generating Facility (Wildcat Plant) in Cecil County, Maryland. Construction of the Project is scheduled to begin on August 1, 2015 to meet the proposed in-service date of August 2016.

The Rock Springs Expansion Project would consist of the following facilities:

- Approximately 10.6 miles of new 20-inch diameter pipeline lateral from Transco's existing Mainlines ''A'' and ''B'' near milepost (MP) 1682.8 in Lancaster County, Pennsylvania to the proposed Wildcat Plant in Cecil County, Maryland;
- Piping and valve modifications to the existing Transco Compressor Station 200 in Chester County, Pennsylvania;
- A pig launcher and valve facility at the start of the pipeline lateral, including two tie-ins; [1]
- A back-pressure control regulator valve to increase operational pressure flexibility; located either (1) near the existing 30-inch Mainline ''A'' block valve at MP 1691.1 or (2) near MP 1682.8, both in Lancaster County, Pennsylvania; and
- A 4,000 horsepower electric motor driven compressor station, designated as Compressor Station 196, with metering facilities at the terminus of the pipeline lateral. A pig receiver to be installed at the terminus of the pipeline lateral within the compressor station.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would disturb approximately 220.9 acres of land for the aboveground facilities and the pipeline lateral. Following construction, Transco would maintain approximately 55.3 acres for permanent operation of the Project's facilities; the remaining acreage would be restored and revert to former uses. Transco is continuing to evaluate the construction and operation land requirements for the launcher and valve facility at the start of the pipeline lateral, as well as the back-pressure control regulator valve, therefore the aforementioned acreages are preliminary estimations. Approximately 34 percent of the proposed pipeline route is situated adjacent to existing utility or road rights-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the

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[1] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 6.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the Maryland Department of Natural Resources has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Transco. This preliminary list of issues may change based on your comments and our analysis.

- Transco has identified 19 waterbodies during preliminary field surveys that are crossed within the proposed Project area. Five of the waterbody crossings are characterized as intermediate crossings and the remaining are characterized as minor waterbody crossings with crossing widths less than 10 feet. The intermediate waterbody crossings vary in crossing widths ranging from 10 to 49 feet. The intermediate waterbody crossings include: Fishing Creek (21.0 feet wide); Peters Creek (46.5 feet wide); Puddle Duck Creek (14.9 feet wide); Conowingo Creek (49.2 feet wide); and Unnamed Tributary of Conowingo Creek (10 feet wide).
- Transco has identified four palustrine emergent wetlands during preliminary field surveys that are crossed within the proposed Project area totaling approximately 0.4 acre of temporary impact.
- Preliminary field surveys, along with review of available sources and informal consultation with federal and state agencies have established that three federally-listed species (bog turtle [*Clemmys muhlenbergii*], small whorled pogonia [*Isotria medeoloides*], and Indiana bat [*Myotis sodalis*]), one species proposed to be federally-listed as endangered (northern long-eared bat [*Myotis septentrionalis*]), and 36 state-listed or protected species could potentially occur within the proposed Project area.
- Two residences along the pipeline route near MP 8.6 may be impacted by construction activities as they are located within 50 feet of the proposed workspace.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 10, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF14–3–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address:

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Transco files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF14–3–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03188 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS14–1–000]

TWP Pipeline LLC; Notice of Filing

Take notice that on December 9, 2013, TWP Pipeline LLC, pursuant to section 358.1(d) of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations, 18 CFR 358.1(d) filed a request for a partial waiver of the Commission's Standards of Conduct applicable to interstate natural gas pipelines.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 28, 2014.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03192 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL14–28–000, QF00–64–002]

Occidental Chemical Corporation; Notice of Petition for Enforcement

Take notice that on February 5, 2014, pursuant to section 210(h) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 824a–3, Occidental Chemical Corporation filed a Petition for Enforcement, requesting the Federal Energy Regulatory Commission (Commission) to initiate enforcement action against the Louisiana Public Service Commission; find that their actions violated PURPA; and to take any action deemed necessary to enforce the requirements of PURPA.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of

the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 26, 2014.

Dated: February 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–03232 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped chronologically, in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Exempt

Docket No.	Filed date	Presenter or requester
1. P–12790–000	1–23–14	FERC Staff.[1]
2. P–12790–000	1–23–14	FERC Staff.[2]
3. CP13–73–000, CP13–74–000	2–3–14	U.S. Dept. of Fish and Wildlife Service Staff.[3]

[1] Email record.
[2] Email record.
[3] Arizona Ecological Services Office.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03190 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR14–19–000]

Enterprise TE Products Pipeline Company, LLC; Notice of Request for Emergency Relief

Take notice that on February 6, 2014, the National Propane Gas Association (NPGA) and its members filed a request for the Commission to exercise its emergency powers pursuant to Section 1(15) of the Interstate Commerce Act (ICA), to allow, or if necessary direct, Enterprise TE Products Pipeline Company LLC (Enterprise) to temporarily provide priority treatment to propane shipments from Mont Belvieu, Texas to locations in the Midwest and Northeast. NPGA submits that due to unique weather and other circumstances beyond the control of shippers, propane supplies throughout the country, particularly the Midwest and Northeast, have reached dangerously low levels. Specifically, NPGA requests that the Commission direct Enterprise to suspend the 81,000

barrel per day (bpd) it reserves for contract shippers of diluent and instead to provide up to 75,000 bpd of capacity to propane shipments beginning immediately and extending through the first week of March 2014. In addition, if necessary NPGA requests that the Commission direct Enterprise to reverse its ATEX Pipeline to allow for shipments of propane from south to north instead of the current ethane shipments which move north to south.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 St. NE., Washington, DC 20426.

The filings in the above proceeding 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.

Comment Date: 5:00 p.m. Eastern time on February 11, 2014.

Dated: February 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–03227 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–64–000]

WBI Energy Transmission, Inc.; Notice of Request Under Blanket Authorization

Take notice that on January 29, 2014, WBI Energy Transmission, Inc., (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed in Docket No. CP14–64–000, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act. WBI Energy seeks authorization to abandon by sale a natural gas compressor unit at the WBI Energy's Landeck Compressor Station located in Campbell County, Wyoming. Speficially, WBI Energy request authorization to abandon Unit 8, which is a skid mounted unit the purchaser will be able to remove from the Landeck Plant. This abandonment will have no impact on WBI Energy's current operations or its shippers, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Keith A. Tiggelaar, Director of Regulatory Affairs, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, or by calling (701) 530–1560, or by email *keith.tiggelaar@wbienergy.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03194 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–67–000]

Eastern Shore Natural Gas Company; Notice of Request Under Blanket Authorization

Take notice that on January 31, 2014, Eastern Shore Natural Gas Company (Eastern Shore), 1110 Forrest Avenue, Suite 201, Dover, Delaware 19904, filed in Docket No. CP14–67–000, a prior notice request pursuant to sections 157.205, 157.208, and 157.210 of the Commission's regulations under the Natural Gas Act (NGA). Eastern Shore seeks authorization to modify meter facilities and appurtenances located near Honey Brook, Pennsylvania. Eastern Shore proposes to perform these activities under its blanket certificate issued in Docket No. CP96–128–000 [81 FERC ¶–61,013 (1997)], all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to David Kertis, Engineering, Procurement, and Construction Manager, 1110 Forrest Avenue, Suite 201, Dover, Delaware 19904, or by calling (302) 734–6710, ext. 6723 (telephone) or (302) 734–6745 (fax) *dkertis@esng.com*.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03197 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6618–007]

Christopher M. Anthony; Notice of Revocation of Exemption Under Section 31(B) of the Federal Power Act and Soliciting Comments and Interventions

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceed*ing: Revocation of exemption under section 31(b) of the Federal Power Act (FPA).

b. *Project No.:* 6618–007.

c. *Date Initiated:* February 7, 2014.

d. *Exemptee:* Christopher M. Anthony.

e. *Name and Location of Project:* The Frankfort Project is located at the head of tide on Marsh Stream, near the Town of Frankfort, in Waldo County, Maine.

f. *Filed Pursuant to:* 16 U.S.C. 823b(b) (2012).

g. *Exemptee Contact Information:* Christopher Anthony, Express Hydro Services, 312 Somerset Avenue, Pittsfield, Maine 04967.

h. *FERC Contact:* B. Peter Yarrington, (202) 502–6129 or *peter.yarrington@ferc.gov*.

i. *Deadline for filing comments, protests, and motions to intervene is 30 days from the issuance of this notice.* All reply comments filed in response to comments submitted by any resource agency, Indian tribe, or person, must be filed with the Commission within 45 days from the issuance date of this notice.

Please file your submittal electronically via the Internet (eFiling) in lieu of paper. Please refer to the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp* and filing instructions in the Commission's Regulations at 18 CFR section 385.2001(a)(1)(iii). To assist you with eFilings you should refer to the submission guidelines document at *http://www.ferc.gov/help/submission-guide/user-guide.pdf*. In addition, certain filing requirements have statutory or regulatory formatting and other instructions. You should refer to a list of these ''qualified documents'' at *http://www.ferc.gov/docs-filing/efiling/filing.pdf*. You must include your name and contact information at the end of your comments. Please include the project number (P–6618–007) on any documents or motions filed. The Commission strongly encourages electronic filings; otherwise, you should submit an original and seven copies of

any submittal to the following address: The Secretary, Federal Energy Regulatory Commission, Mail Code: DHAC, PJ–12, 888 First Street NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project Facilities:* The project consists of a 14-foot-high, 250-foot-long stone masonry dam, a powerhouse containing one generator unit rated at 400 kilowatts with a hydraulic capacity of 440 cubic feet per second, a Denil-style fishway, and appurtenant facilities.

k. *Opportunity for an Evidentiary Hearing:* Under section 31(b) of the FPA, 16 U.S.C. 823b(b) (2012), within 30 days of the issuance date of this notice, the exemptee may request an evidentiary hearing on this matter before a Commission administrative law judge.

l. *Violations of Exemption:* The exemptee failed to comply with the requirements of Commission staff's Compliance Order issued on January 30, 2013 (142 FERC ¶ 62,042), which notified the exemptee that it was in violation of the project exemption and required the exemptee to file a report illustrating that it could correct its noncompliance with its exemption. Specifically, the exemptee is in violation of standard article 2 of its exemption, which requires the exemptee to comply with terms and conditions set by the U.S. Fish and Wildlife Service (FWS) and the State of Maine for designing, constructing, and operating fish passage facilities at the project. The exemptee has failed to comply with its exemption and the January 30, 2013 Compliance Order within a reasonable period of time (over one year).

The exemptee's noncompliance with its exemption and with the Compliance Order is likely to affect Atlantic salmon, a species listed as endangered under the Endangered Species Act.

m. *Material Facts on Which the Violations Are Based:* On September 20, 1982, the Commission granted an exemption from the licensing requirements of Part I of the FPA for the Frankfort Project. Through standard article 2 of the exemption, FWS and the Maine state fish and wildlife agencies required the exemptee to design and construct upstream and downstream fish passage facilities after receiving design approval from FWS and the Maine agencies. In 1986, the exemptee constructed the fish passage facilities without obtaining full approval of the design from FWS or the Maine fish and wildlife agencies.

On April 19, 2012, the FWS informed the Commission that the exemptee was in violation of its exemption because the project's fish passage facilities prevented upstream and downstream passage of fish, including endangered Atlantic salmon. On May 15, 2012, and September 7, 2012, Commission staff requested the exemptee file a plan and schedule to address the problems with upstream and downstream passage of fish. On October 31, 2012, the exemptee filed a plan; however, FWS and the National Marine Fisheries Service (NMFS) [1] found the plan to be inadequate and requested that the exemptee consult with both agencies.

On December 13, 2012, Commission staff issued an order modifying and approving the exemptee's plan and schedule. Specifically, the order required the exemptee, in accordance with its plan and schedule to: Modify the entrance to the fish ladder and install a tide gate that ensures that the entrance can be accessed by fish by the spring of 2013; construct and install powerhouse intake trashracks or removable trashrack overlays by the summer of 2013; consult with FWS and NMFS on the design and installation work; and file final drawings that have been approved by FWS and NMFS with the Commission. The order also required the exemptee to file monthly progress reports, by the 15th of each month, including: (1) A detailed description of progress in designing and completing the measures identified FWS and NMFS; (2) summaries of consultation with the FWS, NMFS, and other resource agencies regarding the completion of the measures; (3) identification of any problems that may interfere with the scheduled completion of the measures; (4) descriptions of any interim measures that will be taken to pass fish and protect Atlantic salmon; (5) summaries of descriptions of any observations of, or interactions with, Atlantic salmon at the project, and copies of correspondence with NMFS and Commission staff regarding those observations; and (6) copies of any communications with NMFS regarding the need for consultation under section 7 of the Endangered Species Act. The first progress report was due January 15, 2013. The exemptee did not file its first monthly progress report or consult with FWS and NMFS as required by the December 13, 2012 order.

On January 30, 2013, Commission staff issued a Compliance Order, finding that the exemptee was in violation of its exemption and ordering the exemptee to file a report by February 14, 2013, addressing: the monthly reporting requirements contained in the December 13, 2012 order, evidence that the exemptee consulted with FWS and NMFS, and evidence that the exemptee can complete the measures required by the December 13, 2012 order, within the timeframes specified by that order. Specifically, that it could complete modifications to the fish ladder by the spring of 2013 and construction of the intake trashracks by the summer of 2013. The Compliance Order warned the exemptee that failure to comply could result in the imposition of civil penalties or revocation of the exemption pursuant to section 31 of the FPA.

On February 20, March 22, and April 22, 2013, the exemptee filed late monthly progress on reports that generally addressed the December 13, 2012 order's requirements, but did not address the requirements of the Compliance Order. The reports indicated that the exemptee was designing a tide gate to allow upstream fish passage.

On May 14, 2013, Commission staff, including staff from the Commission's Office of Enforcement, held a teleconference with the exemptee to review the importance of complying with the Commission's requirements, and providing protection for endangered Atlantic salmon. Staff agreed to extend the deadline for the exemptee's next progress report until May 30, 2013. The exemptee did not file its May 2013 report.

On June 11, 2013, FWS stated that it had met with the exemptee and NMFS to review and provide guidance regarding the exemptee's fishway design, but the exemptee did not incorporate the agencies' guidance.

On June 26, 2013, Commission staff issued a letter reviewing the exemptee's noncompliance with the project exemption and Commission staff's orders and stating that failure to comply could result in the imposition of civil penalties or revocation of the project's exemption. The exemptee did not file any further monthly progress reports with the Commission.

On August 13, 2013, the Commission issued a Notice of Termination of

[1] While NMFS did not place mandatory terms and conditions on the exemption, it is currently the lead federal agency in protecting federally listed Atlantic salmon using the rivers of Maine.

Exemption by Implied Surrender based on the exemptee's failure to comply with the December 13, 2012 order and Compliance Order. Comments in favor of termination were filed by NMFS; the U.S. Department of the Interior on behalf of the FWS; the Maine Department of Marine Resources; and Clinton B. Townsend on behalf of the Penobscot Indian Nation, Atlantic Salmon Federation, Maine Rivers, Natural Resources Council of Maine, and the Maine Council of Trout Unlimited.

On September 16, 2013, the exemptee filed a report indicating that it would, within 10 days, install its tide gate on the fishway entrance, and file a follow up report on the installation. The report did not address the August 13, 2013 termination notice. On September 17, 2013, Commission staff asked the exemptee to include in its next filing photographs showing that the tide gate had been installed and was operating. On October 7, 2013, the exemptee filed a report indicating that it had installed the tide gate and was adjusting it, and was planning to begin other fish passage work, but failed to include photographs of the tide gate. On October 18, 2013, the exemptee indicated that it was continuing to work with its tide gate, and expressed disagreement with the agencies regarding fish passage designs. On October 31, November 1, and November 7, 2013, NMFS and FWS personnel inspected the exemptee's tide gate, and determined that its design was unsatisfactory because of problems with size, elevation, and durability.

The exemptee has knowingly violated the terms of its exemption and, despite being given a reasonable time to comply with its exemption and the January 30, 2013 Compliance Order, has failed to do so.

n. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the Docket number (P–6618–007) excluding the last three digits in the docket number field to access the notice. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659.

o. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

p. *Comments, Protests, and Motions To Intervene*—Anyone may submit comments, protests, or motions to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents*—Any filing must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS'', or ''REPLY COMMENTS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, or terms and conditions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

r. *Previous Comments*—The Commission will consider, as filed in this proceeding, all comments filed in response to the August 13, 2013 Notice of Termination by Implied Surrender.

Dated: February 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03187 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission or Commission Staff Attendance at MISO Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission and Commission staff may attend the following MISO-related meetings:

- **Advisory Committee (10:00 a.m.–1:00 p.m., Local Time)**
  - February 26 (Windsor Court Hotel, 300 Gravier Street, New Orleans, LA)
  - March 26
  - April 23
  - May 21
  - July 23
  - August 27 (St. Paul Hotel, 350 Market St., St. Paul, MN)
  - September 24
  - October 22
  - November 19
  - December 10

- **Board of Directors Audit & Finance Committee**
  - February 26 (Windsor Court Hotel, 300 Gravier Street, New Orleans, LA)
    - 3:30 p.m.–4:45 p.m.
  - April 21 (9:00a.m.–11:00a.m.)
  - August 27 (St. Paul Hotel, 350 Market St., St. Paul, MN, 2:00 p.m.–3:00 p.m.)
  - October 22 (3:30 p.m.–5:00 p.m.)
  - November 19 (10:30a.m.–12:30a.m.)

- **Board of Directors (8:30 a.m.–10:00 a.m., Local Time)**
  - February 27 (Windsor Court Hotel, 300 Gravier Street, New Orleans, LA)
  - April 24
  - June 19 (Ritz-Carlton, 100 Carondelet Plaza, St. Louis, MO)
  - August 28 (St. Paul Hotel, 350 Market St., St. Paul, MN)
  - October 23
  - December 11

- **Board of Directors Markets Committee (8:00 a.m.–10:00 a.m., Local Time)**
  - February 26 (Windsor Court Hotel, 300 Gravier Street, New Orleans, LA)
  - March 26
  - April 23
  - May 28
  - June 18 (Ritz-Carlton, 100 Carondelet Plaza, St. Louis, MO)
  - July 23
  - August 27 (St. Paul Hotel, 350 Market St., St. Paul, MN)
  - September 23
  - October 22
  - November 19
  - December 10

- **Board of Directors System Planning Committee**
  - February 19 (11:00 a.m.–12:30 p.m.) (Windsor Court Hotel, 300 Gravier Street, New Orleans, LA)
  - April 23 (3:30 p.m.–5:15 p.m.)
  - June 17 (9:00 a.m.–11:00a.m.) (Ritz-Carlton, 100 Carondelet Plaza, St. Louis, MO)
  - August 26 (4:00 p.m.–6:00 p.m.) (St. Paul Hotel, 350 Market St., St. Paul, MN)
  - October 15 (11:00 a.m.–12:30 p.m.)
  - November 19 (2:00 p.m.–4:00 p.m.)
  - December 10 (3:30–5:30 p.m.)
- **MISO Informational Forum (3:00 p.m.–5:00 p.m., Local Time)**
  - February 25 (Windsor Court Hotel, 300 Gravier Street, New Orleans, LA)
  - March 25
  - April 22
  - May 20
  - July 22
  - August 26 (St. Paul Hotel, 350 Market St., St. Paul, MN)
  - September 23
  - October 21
  - November 18
  - December 6
- **MISO Market Subcommittee (9:00 a.m.–4:00 p.m., Local Time)**
  - March 4
  - April 1
  - April 29
  - June 3
  - July 8 (2985 Ames Crossing Road, Eagan, MN)
  - August 5
  - September 2
  - September 30
  - October 28
  - December 2
- **MISO Supply Adequacy Working Group (9:00 a.m.–5:00 p.m., Local Time)**
  - March 6
  - April 3
  - May 1
  - June 5
  - July 10
  - August 7
  - September 4
  - October 2
  - October 30
  - December 4
- **MISO Regional Expansion Criteria and Benefits Task Force (9:00 a.m.–5:00 p.m., Local Time)**
  - February 20
  - March 20
  - April 17
  - May 15
  - June 26
  - July 31
  - August 21
  - September 18
  - October 16
  - November 13
  - December 18
- **MISO Planning Advisory Committee (9:00 a.m.–5:00 p.m., Local Time)**
  - February 19
  - March 19
  - April 16
  - May 14
  - June 25
  - July 30
  - August 20
  - September 17
  - October 15
  - November 12
  - December 17

Except as noted, all of the meetings above will be held at: MISO Headquarters, 701 City Center Drive, 720 City Center Drive, and Carmel, IN 46032.

Further information may be found at *www.misoenergy.org.*

The above-referenced meetings are open to the public.

The discussions at each of the meetings described above may address matters at issue in the following proceedings:

Docket No. EL14–21, *Southwest Power Pool, Inc.* v. *Midcontinent Independent System Operator, Inc.*

Docket No. ER14–1174, *Southwest Power Pool, Inc.*

Docket No. EL11–34, *Midwest Independent Transmission System Operator, Inc.* v. *Southwest Power Pool, Inc.*

Docket Nos. ER04–691, EL04–104 and ER04–106, *et al., Midwest Independent Transmission System Operator, Inc., et al.*

Order No. 890, *Preventing Undue Discrimination and Preference in Transmission Service.*

Docket Nos. ER06–18, *et al., Midwest Independent Transmission System Operator, Inc.*

Docket No. ER09–1431, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER10–1791, *Midwest Independent Transmission System Operator, Inc. and the Midwest ISO Transmission Owners.*

Docket No. ER10–2283, *Midwest Independent Transmission System Operator, Inc.*

Docket No. RM10–23 and Order No. 1000, *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities.*

Docket No. ER11–2275, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER11–3279, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER11–4081, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–678, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–2302, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–2706, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL13–13, *ITC Midwest, LLC.*

Docket No. ER13–187, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–186, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–101, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–89, *MidAmerican Energy Company.*

Docket No. ER12–1266, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–1265, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–1564, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–1194, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–971, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER08–925, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–309, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–480, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–2682, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–984, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1923, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1695, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1924, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1943, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1944, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1945, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–692, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–2156, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–2375, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2376, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2379, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–862, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–859, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2233, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–836, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–801, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–790, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–503, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–721, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–706, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–684, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–705, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–698, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–689, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–684, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–681, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–659, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–649, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–421, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–422, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–624, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–256, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2124, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–102, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2295, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–603, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–114, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–115, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2378, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2337, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–542, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–170, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–516, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–206, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–202, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–83, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–960, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–698, *Midcontinent Independent System Operator, Inc.*
Docket No. EL13–88, *Northern Indiana Public Service Corp.* v *Midcontinent Independent System Operator, Inc., et al.*
Docket No. EL14–12, *ABATE et al.* v *Midcontinent Independent System Operator, Inc., et al.*
Docket No. AD12–16, *Capacity Deliverability across the MISO/PJM Seam.*
Docket No. AD14–3, *Coordination of Energy and Capacity across the MISO/PJM Seam.*
Docket No. ER13–1938, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–990, *Midcontinent Independent System Operator, Inc.*

For more information, contact Patrick Clarey, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov,* or Christopher Miller, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (317) 249–5936 or *christopher.miller@ferc.gov.*

Dated: February 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–03226 Filed 2–13–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2009–0491; FRL–9906–78–OAR]

Proposed Information Collection Request; Comment Request; Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: The Environmental Protection Agency published in the **Federal Register** of February 6, 2013, a notice for comment request for the renewal of the Information Collection Request for the Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone. The notice referenced the incorrect Docket ID Number. This notice provides the correct Docket ID Number.

FOR FURTHER INFORMATION CONTACT: Karen VanSickle at (202) 343–9220 or email at *vansickle.karen@epa.gov.*

Correction: In the **Federal Register** of February 6, 2013, (79 FR 7179) in [FRL 9906–29–OAR], in the heading, correct the Docket ID Number to read: EPA–HQ–OAR–2009–0491.

Dated: February 10, 2014.

Karen Orehowsky,

Acting Director, Clean Air Markets Division.

[FR Doc. 2014–03326 Filed 2–13–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9906–27–OARM]

Availability of Guidance Documents; Permit Appeals; Citizens' Guide to the Environmental Appeals Board; Superfund Program; Consent Agreements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of guidance documents.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing the availability of four revised guidance documents: A Citizens' Guide to EPA's Environmental Appeals Board; The Environmental Appeals Board Practice Manual; Revised Guidance on Procedures for Submission and Review of CERCLA Section 106(b) Reimbursement Petitions; and Environmental Appeals Board Consent Agreement and Final Order Procedures. EPA's Environmental Appeals Board is the final decision maker on administrative appeals under all major environmental statutes the EPA administers. The EPA issued these guidance documents to provide guidance to citizens and practitioners on procedures and practice before the Board. The EPA revised the first two documents to reflect amendments to an EPA rule governing the Agency's permit appeal procedures, which EPA published in the **Federal Register** on January 25, 2013, and which became effective on March 26, 2013. The EPA revised the third document in February 2012 to streamline the procedures to petition for reimbursement of response costs under section 106(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The EPA has removed the fourth document as an appendix to the Board's Practice Manual, and it now is available as a freestanding document

with minor revisions to make it easier for stakeholders to locate it.

FOR FURTHER INFORMATION CONTACT: Eurika Durr, Clerk of the Environmental Appeals Board, U.S. Environmental Protection Agency, Mail Code: 1103M, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: 202–233–0122; fax number: 202–233–0121; email address: *durr.eurika@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of particular interest to anyone who seeks review by the Environmental Appeals Board of a permit decision issued pursuant to the Hazardous and Solid Waste Amendments to the Resource Conservation Recovery Act (RCRA), Underground Injection Control (UIC), National Pollutant Discharge Elimination System (NPDES), Prevention of Significant Deterioration (PSD), or other final permit decision under 40 CFR 124.19 or who seeks reimbursement of response costs under section 106(b) of CERCLA. Because these guidance documents may be of interest to everyone, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding the applicability of this information to the particular petition, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

Electronic copies of these four guidance documents and other related documents, including a copy of the recent rule revising part 124, are available at *http://www.epa.gov/eab/.* The public also may view these documents on site at the Environmental Appeals Board, U.S. Environmental Protection Agency, 1201 Constitution Avenue NW., U.S. EPA East Building, Room 3332, Washington, DC 20460. The Clerk of the Board's hours are 8:30 a.m. to 12 p.m. and 1 p.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. The Clerk of the Board's telephone number is (202) 233–0122. For security reasons, advance notice is required to access the EPA building where the Board is located.

II. Background

The EPA announces the availability of four guidance documents that the Agency's Environmental Appeals Board (Board) has issued: (1) A Citizens' Guide to EPA's Environmental Appeals Board (Citizens' Guide); (2) The Environmental Appeals Board Practice Manual (Practice Manual); (3) Revised Guidance on Procedures for Submission and Review of CERCLA Section 106(b) Reimbursement Petitions (CERCLA Section 106(b) Reimbursement Guidance); and (4) Environmental Appeals Board Consent Agreement and Final Order Procedures (CAFO Procedures). The EPA revised the Citizens' Guide and Practice Manual to reflect changes to the Agency's permit appeal procedures under 40 CFR 124.19. The amendments to 40 CFR 124.19 were published in the **Federal Register** on January 25, 2013, and became effective on March 26, 2013.

The Citizens' Guide provides general guidance about the Board and its procedures and is intended principally to assist stakeholders without legal training involved with matters pending before the Board. Because the Citizens' Guide contains information about the part 124 permit appeals process, the EPA revised this guidance document to reflect the recent changes to 40 CFR part 124.

The Practice Manual provides general descriptions of the regulatory framework for Board proceedings and provides guidance to litigants on matters related to practice before the Board. Because it too contains information about the part 124 permit appeals process, it also was revised to reflect the recent changes to 40 CFR part 124.

The EPA issued the CERCLA Section 106(b) Reimbursement Guidance on February 23, 2012. Section 106(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 USC 9606(b), as amended by the Superfund Amendments and Reauthorization Act of 1986, allows any person who complies with an EPA order issued under section 106(a) of the statute to petition for reimbursement of the reasonable costs incurred in complying with the order, plus interest. Reimbursement is authorized if a petitioner can establish that it was not liable for response costs or that the Agency's selection of a response action was arbitrary or capricious or otherwise not in accordance with law. The CERCLA Section 106(b) Reimbursement Guidance details both the information a petitioner is expected to submit as part of a petition for reimbursement under CERCLA section 106(b) and the procedures the Board intends to follow in evaluating petitions. The EPA initially issued procedural guidance regarding the procedures for submission and review of petitions for reimbursement in June 1994. Based on its experience with reimbursement petitions after that date, the EPA issued revised CERCLA 106(b) guidance on October 9, 1996, and then again on November 10, 2004. The February 23, 2012 CERCLA Section 106(b) Reimbursement Guidance supersedes the previous CERCLA 106(b) guidance and is applicable to all petitions submitted on or after February 23, 2012.

The CAFO Procedures document was formerly included as an appendix to the Practice Manual. For convenience to practitioners, the EPA has removed the document from the Practice Manual and has made it available as its own separate document as of January 2014.

Authority: Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 *et seq.;* Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. 1251 *et. seq.;* Safe Drinking Water Act, 42 U.S.C. 300f *et. seq.;* Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et. seq.;* Clean Air Act, 42 U.S.C. 7401 *et. seq.;* Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.;* 40 CFR 1.25(e), 22.4, 124.19)

Dated: January 29, 2014.

Craig E. Hooks,

Assistant Administrator, Office of Administration and Resources Management.

[FR Doc. 2014–02693 Filed 2–13–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Sunshine Act Meeting

ACTION: Notice of an Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

TIME AND PLACE: Thursday, February 20, 2014 at 9:30 a.m. The meeting will be held at Ex-Im Bank in Room 321, 811 Vermont Avenue NW., Washington, DC 20571.

OPEN AGENDA ITEM: Item No. 1 Ex-Im Bank Advisory Committee for 2014 (New Member)

PUBLIC PARTICIPATION: The meeting will be open to public observation for Item No. 1 only.

FURTHER INFORMATION: Members of the public who wish to attend the meeting should call Joyce Stone, Office of the Secretary, 811 Vermont Avenue NW., Washington, DC 20571 (202) 565–3336

by close of business Tuesday, February 18, 2014.

Joyce Brotemarkle Stone,

Assistant Corporate Secretary.

[FR Doc. 2014–03447 Filed 2–12–14; 4:15 pm]

BILLING CODE 6690–01–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 March 3, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *Stephen Richard Winn, Judith Anderson Winn, Leslie W. Sokol, Michelle Stacey Winn, Jason David Winn, 3T.D.A., LLC, all of Tallahassee, Florida; and Susan Beth Winn, South West Ranches, Florida; Edward William Dougherty, Jr., Audrey Kay Dougherty, Igler & Dougherty P.A. 401K Profit Sharing Plan and Trust with Edward Dougherty and George Igler co-trustees,* all of Tallahassee, Florida; to retain voting shares of Pro Financial Holdings, Inc., and thereby indirectly retain voting shares of ProBank, both of Tallahassee, Florida.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Thomas H. Olson, Jr., Julesburg, Colorado; Kerstin Eckstrom, Lincoln, Nebraska; and Lynne Petro, Vestavia, Alabama; as members of the Olson family group,* to retain voting shares of First Nebraska Bancs, Inc., Sidney, Nebraska, and thereby indirectly retain voting shares of Points West Community Bank, Julesburg, Colorado, and Point West Community Bank, Sidney, Nebraska.

Board of Governors of the Federal Reserve System, February 11, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–03258 Filed 2–13–14; 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 13, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Crazy Woman Creek Bancorp,* to become a bank holding company upon the conversion of Buffalo Federal Savings Bank, both in Buffalo, Wyoming, to a commercial bank.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Industry Bancshares, Inc.,* Industry, Texas; to acquire 100 percent of the voting shares of Bank of Brenham, National Association, Brenham, Texas.

Board of Governors of the Federal Reserve System, February 11, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–03257 Filed 2–13–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0034; Docket 2013–0077; Sequence 1]

Federal Acquisition Regulation; Submission for OMB Review; Examination of Records by Comptroller General and Contract Audit

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, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the examination of records by comptroller general and contract audit. A notice was published in the **Federal Register** at 78 FR 42074, on July 16, 2013. No comments were received.

DATES: Submit comments on or before March 17, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0034 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for OMB Control No. 9000–0034. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0034, Examination of Records by Comptroller General and Contract Audit.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0034, Examination of Records by Comptroller General and Contract Audit'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat

(MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0034, Examination of Records by Comptroller General and Contract Audit.

Instructions: Please submit comments only and cite Information Collection 9000–0034, in all correspondence related to this collection. Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503. 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. Michael O. Jackson, Procurement Analyst, Contract Policy Branch, GSA, 202–208–4949 or email *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The objective of this information collection, for the examination of records by Comptroller General and contract audit, is to require contractors to maintain certain records and to ensure the Comptroller General and/or agency have access to, and the right to, examine and audit records, which includes: books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form, for a period of three years after final payment. This information is necessary for examination and audit of contract surveillance, verification of contract pricing, and to provide reimbursement of contractor costs, where applicable. The records retention period is required by the statutory authorities at 10 U.S.C. 2313, 41 U.S.C. 254, and 10 U.S.C. 2306, and are implemented through the following clauses: Audit and Records—Negotiation clause, 52.215–2; Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items clause, 52.212–5; and Audit and Records—Sealed Bidding clause, 52.214–26. This information collection does not require contractors to create or maintain any records that the contractor does not normally maintain in its usual course of business.

B. Annual Reporting Burden

For this information collection requirement, data from Fiscal Year (FY) 2012 was retrieved from the Federal Procurement Data System—Next Generation (FPDS–NG).

The parameters for this information collection were based on the prescription from each of the applicable clauses. Resulting from a thorough review of each clause prescription, it was determined that the type of contracts associated with this information collection are: Negotiated awards over the simplified acquisition threshold (SAT) using commercial procedures; Negotiated awards over the SAT using other than commercial procedures; and, Sealed bid awards over $700,000. For negotiated awards over the SAT using commercial procedures, FPDS–NG shows 18,709 contracts (7,797 of those were awarded to unique vendors). For negotiated awards over the SAT using other than commercial procedures, FPDS–NG shows 14,085 contracts (6,731 of those were awarded to unique vendors). For sealed bid awards over $700,000, FPDS–NG shows 1,602 contracts (809 of those were awarded to unique vendors). This equates to a total of 34,396 total actions and a total of 15,337 unique vendors after you drill down the 34,396 actions looking only for the unique Data Universal Numbering System (DUNS) number. The 15,337 actions will be used as the number of estimated respondents per year. It is estimated that the number or responses per respondent is ten. This is derived by dividing the number of contract actions by the number of unique vendors (2.2 contracts), plus an average of three subcontracts per contract (considering the applicable clauses flows down to subcontractors). It is further estimated that the time required to read and prepare a response is 60 minutes.

Respondents: 15,337.
Responses per Respondent: 10.
Total Number of Responses: 153,370.
Hours per Response: 1.0.
Total Burden Hours: 153,370.

The 153,370 burden hours represent a significant increase over the 63,934 hours that was published in the information collection notice in the **Federal Register** at 75 FR 10268 on March 5, 2010, due to the increase in the estimated hours per response, by fifty minutes, from ten minutes to 1 hour.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (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 and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control Number 9000–0034, Examination of Records by Comptroller General and Contract Audit, in all correspondence.

Dated: February 10, 2014.

Karlos Morgan,

Acting Director, Federal Acquisition Policy, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2014–03338 Filed 2–13–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID)

Notice of Cancellation: A notice was published in the **Federal Register** on December 27, 2013, Volume 78, Number 249, Pages 78964–78965, announcing an Audio Conference Call of the ABRWH–SDRR on February 6, 2014. This meeting was canceled due to a lack of quorum for the meeting. Notice will be provided when the meeting is rescheduled in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

Contact Person for More Information: Theodore Katz, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta Georgia 30333, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, Email *ocas@cdc.gov.*

This notice is published less than the required 15 days prior to the start of the announced meeting, in accordance with Section 102–3.150(b) of the GSA Final Rule (2001) that allows for exceptions to the meeting notification time requirement. Section 102–3.150(b) states the following: ''In exceptional circumstances, the agency or an independent Presidential advisory committee may give less than 15 calendar days'' notice, provided that the reasons for doing so are included in the

advisory committee meeting notice published in the **Federal Register**.''

In this case, the agency is giving less than 15 days' notice due to the inability to have quorum for the meeting.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–03244 Filed 2–13–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, Announces the Following Meeting

Name: ICD–10 Coordination and Maintenance (C&M) Committee meeting.

Time and Date: 9:00 a.m.–5:00 p.m., March 19–20, 2014.

Place: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 240 people. We will be broadcasting the meeting live via Webcast at *http://www.cms.gov/live/.*

Security Considerations: Due to increased security requirements CMS has instituted stringent procedures for entrance into the building by non-government employees. Attendees will need to present valid government-issued picture identification, and sign-in at the security desk upon entering the building.

Attendees who wish to attend the March 19–20, 2014 ICD–10–CM C&M meeting must submit their name and organization by March 14, 2014, for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by the guards to admit visitors to the meeting.

Participants who attended previous Coordination and Maintenance meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you wish attend.

Please register to attend the meeting on-line at: *http://www.cms.hhs.gov/apps/events/.*

Please contact Mady Hue (410–786–4510 or *Marilu.hue@cms.hhs.gov),* for questions about the registration process.

Purpose: The ICD–10 Coordination and Maintenance (C&M) Committee is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Tenth Revision, Clinical Modification and ICD–10 Procedure Coding System.

Matters To Be Discussed: Tentative agenda items include: March 19–20, 2014.

ICD–10 Topics:
- Administration of Dalbavancinc
- Administration of Serelaxin
- Implantation of Chemotherapeutic Agent
- Number of Coronary Vessels and Stents
- Addenda and key updates
- ICD–10 MS–DRGs Update
- ICD–10–CM Home Health Conversions

ICD–10–CM Diagnosis Topics:
- Abnormal level of advanced glycation end products in tissues
- Complications of nervous system devices
- Complications of urinuary devices
- Encounter for newborn, infant and child health examinations
- External cause codes for over exertion and repetitive motion
- Familial Hypercholesterolemia
- In-Stent Restenosis of Coronary and Peripheral Stent
- Necrotizing enterocolitis for non newborns
- Observation and evualation of newborns for suspected condition not found
- Oral medicine controlled diabetes mellitus
- Pediatric topics
- Pulsatile tinnitus
- Sesamoid fracture
- ICD–10–CM Addendum

Agenda items are subject to change as priorities dictate.

Note: CMS and NCHS will no longer provide paper copies of handouts for the meeting. Electronic copies of all meeting materials will be posted on the CMS and NCHS Web sites prior to the meeting at *http://www.cms.hhs.gov/ICD9ProviderDiagnosticCodes/03_meetings.asp#TopOfPage* and *http://www.cdc.gov/nchs/icd/icd9cm_maintenance.htm*

Contact Persons for Additional Information: Donna Pickett, Medical Systems Administrator, Classifications and Public Health Data Standards Staff, NCHS, 3311 Toledo Road, Room 2337, Hyattsville, Maryland 20782, email *dfp4@cdc.gov,* telephone 301–458–4434 (diagnosis); Mady Hue, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Boulevard, Baltimore, Maryland 21244, email *marilu.hue@cms.hhs.gov*, telephone 410–786–4510 (procedures).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–03245 Filed 2–13–14; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–R–53]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by March 17, 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.*

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Imposition of Cost Sharing Charges Under Medicaid and Supporting Regulations; *Use:* The purpose of this collection is to ensure that states impose nominal cost sharing charges upon categorically and medically needy individuals as allowed by law and implementing regulations. States must identify in their state plan the service for which the charge is made, the amount of the charge, the basis for determining the charge, the basis for determining whether an individual is unable to pay the charge and the way in which the individual will be identified to providers, and the procedures for implementing and enforcing the exclusions from cost sharing. The template has been revised and is being released for this 30-day comment period before it is submitted to OMB for review and approval under CMS–10398 (OCN: 0938–1148). *Form Number:* CMS–R–53 (OCN: 0938–0429); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 10; *Total Annual Hours:* 50. (For policy questions regarding this collection contact Rebecca Bruno at 415–744–3677).

Dated: February 11, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–03297 Filed 2–13–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–21 and –21B]

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 15, 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–21 and –21B CMS–21 (Quarterly Children's Health Insurance Program (CHIP) Statement of Expenditures for the Title XXI Program) and CMS–21B (State Children's Health Insurance Program Budget Report for the Title XXI Program State Plan Expenditures)

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. 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 Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Quarterly Children's Health Insurance Program (CHIP) Statement of Expenditures for the Title XXI Program (CMS–21) and State Children's Health Insurance Program Budget Report for the Title XXI Program State Plan Expenditures (CMS–21B); *Use:* Forms CMS–21 and –21B provide CMS with the information necessary to issue quarterly grant awards, monitor current year expenditure levels, determine the allowability of state claims for reimbursement, develop CHIP financial management information, provide for state reporting of waiver expenditures, and ensure that the federally established allotment is not exceeded. Further, these forms are necessary in the redistribution and reallocation of unspent funds over the federally mandated timeframes. *Form Number:* CMS–21 and CMS–21B (OCN: 0938–0731); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 448; *Total Annual Hours:* 7,840. (For policy questions regarding this collection contact Abraham John at 410–786–4519).

Dated: February 11, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–03293 Filed 2–13–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–18F5, CMS–10120, and CMS–10512]

Agency Information Collection Activities: Submission for OMB Review; Comment Request and 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 17, 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:* Extension of a currently approved collection; *Title of Information Collection:* Application for Hospital Insurance and Supporting Regulations; *Use:* Regulations at 42 CFR 406.6 specify the individuals who must file an application for Medicare Hospital Insurance (Part A) and those who need not file an application for Part A. Section 406.7 lists CMS–18F5 as the application form. The form elicits information that the Social Security Administration and CMS need to determine entitlement to Part A and Supplementary Medical Insurance (Part B); *Form Number:* CMS–18F5 (OCN: 0938–0251); *Frequency:* Once; *Affected Public:* Individuals or households; *Number of Respondents:* 50,000; *Total Annual Responses:* 50,000; *Total Annual Hours:* 12,500. (For policy questions regarding this collection contact Naomi Rappaport at 410–786–2175).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* 1932(a) State Plan Amendment Template, State Plan Requirements and Supporting Regulations; *Use:* Section 1932(a)(1)(A) of the Social Security Act (the Act) grants states the authority to enroll Medicaid beneficiaries on a mandatory basis into managed care entities and primary care case managers. Under this authority, a state can amend its Medicaid state plan to require certain categories of Medicaid beneficiaries to enroll in managed care entities without being out of compliance with provisions of section 1902 of the Act on state-wideness (42 CFR 431.50), freedom of choice (42 CFR 431.51) or comparability (42 CFR 440.230). The template may be used by states to easily modify their state plans if they choose to implement the provisions of section 1932(a)(1)(A); *Form Number:* CMS–10120 (OCN: 0938–0933); *Frequency:* Once and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 15; *Total Annual Hours:* 65. (For policy questions regarding this collection contact Camille Dobson at 410–786–7062).

3. *Title of Information Collection:* Direct Service Workforce (DSW) Resource Center (RC) Core Competencies (CC) Survey Instrument. *Form Number:* CMS–10512 (OCN: 0938—New).

The 30-day PRA notice published in the **Federal Register** on February 7, 2014, as a correction. While the requirements, burden estimates, and public comment information that were set out in that notice and in the associated supporting materials were correct, the notice inadvertently published as a correction.

Correction

In the **Federal Register** of February 7, 2014, in FR Doc. 2014–02630, on page 7462, in the first column, correct the document as follows:

a. Correct the subject heading to read: Agency Information Collection Activities: Submission for OMB Review; Comment Request

b. Correct the ''Action'' caption to read: **ACTION:** Notice.

Dated: February 11, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–03290 Filed 2–13–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–5504–N4]

Medicare Program; Bundled Payments for Care Improvement Models 2, 3, and 4 2014 Winter Open Period

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces an open period for additional organizations to be considered for participation in Models 2, 3, and 4 of the Bundled Payments for Care Improvement initiative.

DATES: *Submission Deadline:* Models 2, 3, and 4 Open Period intake forms must be submitted by April 18, 2014.

ADDRESSES: Interested organizations must submit their Models 2, 3, and 4 Open Period intake forms via email at *BundledPayments@cms.hhs.gov.* All forms must be in a searchable word or PDF format.

FOR FURTHER INFORMATION CONTACT: For questions regarding Models 2, 3, and 4 of the Bundled Payments for Care Improvement initiative send an email to *BundledPayments@cms.hhs.gov.* For additional information on this initiative go to the CMS Center for Medicare and Medicaid Innovation (Innovation Center) Web site at *http://innovation.cms.gov/initiatives/Bundled-Payments/Models2-4OpenPeriod.html.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 1115A of the Social Security Act (the Act), as added by section 3021 of the Affordable Care Act, authorized the Center for Medicare and Medicaid Innovation to test innovative payment and service delivery models that reduce spending under Medicare, Medicaid, or CHIP, while preserving or enhancing the quality of care. Consistent with that authority, we seek to achieve the following goals:

- Improve care coordination, beneficiary experience, and accountability in a person-centered manner.
- Support and encourage providers that are interested in continuously reengineering care to deliver better care and better health at lower costs through continuous improvement.
- Create a cycle that leads to continually decreasing the cost of an acute or chronic episode of care while fostering quality improvement.
- Develop and test payment models that create extended accountability for better care, better health at lower costs for the full range of health care services.
- Shorten the cycle time for adoption of evidence-based care.
- Create environments that stimulate rapid development of new evidence-based knowledge.

We are committed to achieving better health, better care, and lower costs through continuous improvement for Medicare, Medicaid and Children's Health Insurance Program (CHIP) beneficiaries. Beneficiaries can experience improved health outcomes and encounters in the health care system when providers work in a coordinated and person-centered manner. To this end, we are interested in partnering with providers that are working to redesign care to meet these goals. Payment approaches that reward providers that assume payment accountability for a particular ''episode'' of care are potential mechanisms for developing these partnerships.

The Innovation Center is testing four episode payment models through the Bundled Payments for Care Improvement initiative. The current participants in the initiative were selected following a review of the applications submitted in response to a Request for Application, *http://innovation.cms.gov/Files/x/Bundled-Payment-Request-for-Application.pdf* released by the Innovation Center in August 2011. On January 31, 2013, the first set of BPCI Phase 1 participants were announced. Phase 2 began either on October 1, 2013 or January 1, 2014 for Awardees that have entered into Model 2 Awardee Agreements with CMS, at which point Awardees began the risk-bearing phase for some or all of their episodes. The complete transition of all episodes for all episode initiators to Phase 2 will be completed by October 2014. During the transition period, Awardees may transition episodes and/or Episode Initiators that have remained in Phase 1 to Phase 2 on a quarterly basis.

We began testing Model 1 of the initiative in April 2013. Model 1 is a retrospective payment model for the acute inpatient hospital stay. In the May 17, 2013 **Federal Register** (78 FR 29139), we published a notice announcing an open period for additional organizations to be considered for participation in Model 1 of the initiative.

Phase 2 of Models 2 through 4 began testing in October 2013. Models 2, 3, and 4 are described as follows:

- Model 2—Retrospective bundled payment models for hospitals,

physicians, and post-acute providers for an episode of care consisting of an inpatient hospital stay followed by post-acute care.

- Model 3—Retrospective bundled payment models for post-acute care where the episode does not include the acute inpatient hospital stay.
- Model 4—Prospectively administered bundled payment models for the acute inpatient hospital stay and related readmissions.

II. Provisions of the Notice

To help us achieve the implementation goals noted previously, the Innovation Center is announcing a 2014 winter open period for additional organizations to be considered for participation in Models 2, 3, and 4 of the initiative. We believe that increasing the number of Awardees and the types of episodes being tested would result in an even more robust data set and improve our evaluation of the models. Interested organizations must submit Model 2, 3 or 4 Open Period forms as specified in the **DATES** and **ADDRESSES** sections of this notice. Organizations may participate in more than one model. Organizations who are interested in participating in more than one model should submit a request to participate in each model using separate Open Period forms. Interested organizations can find information about the intake process, eligible organizations and providers, and model requirements on the Innovation Center Web site as specified in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

We will review the submitted intake forms and evaluate organizations for participation in Models 2, 3, and 4. We expect to offer Model 2, 3, or 4 participation agreements to those organizations that demonstrate their fitness for participation in the applicable Model. For information on the screening process go to the CMS Center for Medicare and Medicaid Innovation Web site as specified at: *http://innovation.cms.gov/initiatives/Bundled-Payments/Models2-4OpenPeriod.html*

III. Collection of Information Requirements

Section 1115A(d) of the Act waives the requirements of the Paperwork Reduction Act of 1995 for purposes of testing and evaluation of new models or expansion of such models under section 1115A of the Act.

Authority: Section 1115A of the Social Security Act (42 U.S.C. 1315a)

(Catalog of Federal Domestic Assistance No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Hospital Insurance Program; and No. 93.774, Medicare Supplementary Medical Insurance Program)

Dated: February 10, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–03311 Filed 2–13–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Numbers: 93.581, 93.587, 93.612]

Notice of Final Issuance on the Adoption of Administration for Native Americans (ANA) Program Policies and Procedures

AGENCY: Administration for Native Americans (ANA), ACF, HHS.

ACTION: Issuance of Final Policy Relating to Funding Opportunity Announcements.

SUMMARY: The Administration for Native Americans (ANA) is issuing final interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice relating to the following Funding Opportunity Announcements (FOAs): Social and Economic Development Strategies (hereinafter referred to as SEDS), Sustainable Employment and Economic Development Strategies (hereinafter referred to as SEEDS), Native Language Preservation and Maintenance (hereinafter referred to as Language Preservation), Native Language Preservation and Maintenance—Esther Martinez Immersion (hereinafter referred to as Language—EMI), and Environmental Regulatory Enhancement (hereinafter referred to as ERE).

DATES: The policies proposed in the **Federal Register** Notice for Public Comment (78 FR 76834, Dec. 19, 2013) are final and effective immediately upon this publication.

FOR FURTHER INFORMATION CONTACT: Carmelia Strickland, Director, Division of Program Operations, ANA (877) 922–9262.

SUPPLEMENTARY INFORMATION: Section 814 of the Native American Programs Act of 1974 (NAPA), as amended, requires ANA to provide notice of its proposed interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice. The proposed clarifications, modifications, and new text will appear in the five Fiscal Year (FY) 2014 FOAs: SEDS, SEEDS, Language Preservation, Language—EMI, and ERE. ANA published a Notice of Public Comment (NOPC) in the **Federal Register** (78 FR 76834, Dec. 19, 2013), with proposed policy and program clarifications, modifications, and activities governing standing FOAs beginning with FY 2014 FOAs. The public comment period was open for 30 days.

This notice transmits ANA's final policy governing standing FOAs to be published in FY 2014. ANA received 20 comments from entities affected by the FOAs including 1 Native Hawaiian organization and 4 federally recognized Indian tribes. Each comment was fully considered. This final notice summarizes all comments received and ANA's responses to them.

A. Comments and Responses

1. *Comment:* ANA received two comments in reference to ANA's change to the frequency with which program progress reports must be submitted. Beginning with awards issued under the FY 2014 FOAs, program progress reports must be submitted semi-annually instead of quarterly. One commenter disagreed with the proposed change and recommended a program progress report frequency of no less than three times a year in order to ensure that grantees had time to analyze the progress of project goals and demonstrate financial accountability. Another commenter expressed support for the change to semi-annual reporting, expressing the belief that such reporting frequency could be just as effective as quarterly reporting provided there was effective communication between ANA and grantees.

Response: ANA considered establishing a requirement for more frequent program progress reports but determined that semi-annual reporting is sufficient to provide grantees with opportunities to demonstrate the results of their on-going monitoring of project progress and provide ANA adequate information to maintain project accountability. ANA plans to increase the interaction it has with grantees through means other than reporting, including monthly one-on-one telephone calls and weekly webinars.

2. *Comment:* ANA received two comments related to proposed language requiring community involvement in both the development of proposed projects and in their implementation. One commenter praised ANA for clarifying that community involvement in the development of the project is required, as well as in the implementation of the project, and expressed the recommendation that the

FOA include language related to how such required community involvement could be reflected. The other commenter requested clarification on how community members were expected to be involved in project implementation given that different community members may be involved in the implementation of a project than those involved in the planning and development of a project.

Response: In *Section IV.2. Content and Form of Application Submission* of the FOA, ANA has included text providing examples of community input in the development of projects (e.g., community meetings and surveys) and in the implementation of projects (e.g., recruitment strategies and outreach activities). We believe the language related to community involvement in *Section IV.2. Content and Form of Application Submission* provides sufficient detail in its examples to provide clear guidance to applicants.

3. *Comment:* ANA received one comment related to language proposed in *Section III.3. Other* of the FOA clarifying the types of projects that ANA will not fund as prescribed by 45 CFR 1336.33(b). The commenter asked for clarification of the scope of the funding prohibition as applied to on-going social service delivery systems.

Response: The text in *Section III.3. Other* of the FOA includes an explanation of the types of projects that ANA will not fund under the categorical prohibitions specified in 45 CFR 1336.33(b). Such ineligible projects are those that ''provide or expand ongoing social services that involve cash transfers or other material assistance such as food, medicine, child care, or income support to individuals.'' Here, we sought to make clear that if, prior to submission of an application for funding, an applicant was already or had been delivering social services that involved cash transfers or other material support, ANA would not fund a project that proposed to use ANA grant funds to replace or supplant existing sources of funding or to expand existing social services on an on-going basis.

4. *Comment:* ANA received one comment related to another part of *Section III.3. Other* of the FOA clarifying the kinds of third-party technical assistance (TA) ANA will not fund as specified by 45 CFR 1336.33(b) and what types of TA are permissible.

Response: The text in *Section III.3. Other* of the FOA related to third-party TA that cannot be funded under 45 CFR 1336.33(b) includes clarification that the prohibition applies only to TA ''that is intended to be provided to other tribes or Native American organizations or to non-members of the grantee organization where such training or technical assistance is duplicative of ANA-funded training and technical assistance available to tribes and other entities that are eligible to apply for ANA funding.'' Such clarification makes clear the scope of activities that fall into the regulatory prohibition regarding TA ineligible for ANA funding.

5. *Comment:* ANA received one comment expressing belief that the technology to enable all applicants to comply with a two-file application upload limitation was available and that an exemption from the requirement was unnecessary.

Response: The burden that the two-file application upload requirement imposed on applicants and potential applicants to convert and consolidate multiple documents comprised a significant amount of feedback received related to last year's FOAs. In addition, application of the two-file upload requirement required ACF to independently determine what files, or parts of files, to accept when more than two files were received and page limitations otherwise satisfied. Finally, in the absence of a tribal consultation (including through a **Federal Register** notice soliciting input) we determined that it would not accord with our Tribal Consultation Policy to impose this requirement on tribes.

6. *Comment:* One commenter disagreed with ANA's proposed policy to move the concept previously articulated in *Section V.I. Criteria* in the FOAs as ''Project Integration'' to the stand-alone criterion, ''Objective Work Plan (OWP),'' believing that merely requiring applicants to complete the OWP form was insufficient to allow reviewers to evaluate whether all aspects of a proposed project were fully integrated with one another.

Response: The change ANA proposed to *Section V.I. Criteria* was made to facilitate more focused attention on the applicant's integration of multiple project components documented through completion of the OMB-approved OWP form. The form requires that the connections among project goals, objectives, results expected, benefits expected, and activities be addressed. We believe the OWP form allows for adequate demonstration of how all aspects of the proposed project are integrated with one another and do not believe any change to the proposed policy is necessary.

7. *Comment:* One commenter objected to ANA's proposed policy establishing a 150 page limitation for all applications, including those that allowed for 5-year project periods. The commenter reasoned that a longer project period and larger budget made such projects more complex and required more explanation than 150 pages would allow.

Response: We believe 150 pages provide ample opportunity to respond to FOAs, including those proposing 5-year projects. The FOA makes clear the maximum page limit excludes required Standard Forms and OMB-approved forms. On the basis of ANA's consideration of recent grant competitions, we are confident the maximum 150 page limit applicable to all FOAs for all project periods is sufficient. Applications that exceed the maximum page limitation will have excess pages removed.

8. *Comments:* One federally recognized Alaska Native tribe submitted comments on 11 separate issues. The commenter expressed ''no issues or concerns'' related to the name change of one FOA, ANA's administrative policies, name change of one disqualification factor, projects ineligible for funding, organizational changes to the evaluation criteria, and outcomes expected for SEEDS applications. Regarding the proposed language related to protection of sensitive and/or confidential information, the proposed weights assigned the evaluation criteria, the proposed clarification related to the requirement for community involvement, and language related to ANA's internal review process, the commenter also expressed support for ANA's changes. The commenter expressed disagreement with ANA's conflict of interest administrative policy in *Section I. Funding Opportunity Description,* under which, with one categorical exception, staff employed through an ANA-funded project cannot also serve as a member of the governing body for the grantee organization. The commenter characterized the policy as burdensome on communities or villages with small populations.

Response: With regard to the disagreement with ANA's conflict of interest administrative policy, ANA believes such policy is an appropriate risk management strategy that, with the categorical exception, best ensures appropriate grant oversight and independent judgment in the discharge of obligations under ANA-funded grants.

B. Funding Opportunity Announcements

For information on the projects funded by ANA, please refer to ANA's Web site for information on our program areas and FOAs: *http://*

www.acf.hhs.gov/programs/ana. We encourage interested applicants to sign up for updates on these FOA at HHS Grant Forecast at *www.acf.hhs.gov/hhsgrantsforecast.*

Once ANA's FOAs have been published, the FY 2014 FOAs can be accessed at *http://www.acf.hhs.gov/grants/open/foa/office/ana* or *http://www.acf.hhs.gov/grants/open/foa/.* Synopses and application forms will be available at *www.Grants.gov.*

Statutory Authority: This notice for public comment is required by Section 814 of the Native American Programs Act of 1974 (NAPA), as amended.

Lillian A. Sparks Robinson,

Commissioner, Administration for Native Americans.

[FR Doc. 2014–03282 Filed 2–13–14; 8:45 am]

BILLING CODE 4184–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0393]

Questions and Answers About Electronic Medical Device Reporting; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Questions and Answers About eMDR—Electronic Medical Device Reporting.'' FDA has published a final rule that requires device manufacturers and importers to submit mandatory reports of individual medical device adverse events, also known as medical device reports (MDRs), to the Agency in an electronic format that FDA can process, review and archive. This guidance provides general information regarding how to prepare and send an electronic postmarket medical device report to the Center for Devices and Radiological Health (CDRH) in FDA. The guidance also identifies where to find more detailed information on the preparation and transmission of the reports.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''Questions and Answers About eMDR—Electronic Medical Device Reporting'' to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

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. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Tahseen Mirza, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2312, Silver Spring, MD 20993–0002, 301–796–7645.

SUPPLEMENTARY INFORMATION:

I. Background

Section 519 of the Federal Food, Drug and Cosmetic Act (the FD&C Act) (21 U.S.C. 360i) is FDA's authorization to issue a regulation to require mandatory reporting of device-related adverse events. The Medical Device Reporting (MDR) regulation, 21 CFR part 803, effective December 13, 1984, contained reporting requirements for device manufacturers and importers. Amendments to the FD&C Act under the Safe Medical Devices Act of 1990 and the Medical Device Amendments of 1992 introduced mandatory reporting by device user facilities and changed the requirements for device manufacturers, importers and distributors. FDA revised the MDR regulation (part 803) effective July 31, 1996, to address the reporting changes. On February 28, 2005, FDA revised the MDR regulation into plain language.

On August 21, 2009, FDA published a proposed rule (74 FR 42203) to amend part 803 to require manufacturers, importers, and user facilities to submit MDRs to the Agency in an electronic format. Because of concerns over the cost of implementation for user facilities, and the relatively low volume of reports FDA receives from such facilities, the final rule does not require user facilities to adopt electronic reporting. Although FDA encourages user facilities to file reports electronically, they may continue to use only paper forms for MDR reporting. The final rule for electronic submission of MDRs to FDA anticipates that there will be a reduction in costs and time associated with the submission of MDR reports, elimination of transcription errors associated with paper reports, and both expedited access to safety information and enhanced ability to communicate information about suspected problems. This question and answer guidance provides general information on how to prepare and send an electronic postmarket medical device report to FDA and identifies where to find more detailed information on how to prepare and transmit eMDRs.

The draft eMDR guidance document was published in the **Federal Register** of August 21, 2009. No significant comments were received.

II. Significance of Guidance

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 electronic MDR reporting. 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 statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. To receive ''Questions and Answers about eMDR—Electronic Medical Device Reporting,'' you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1679 to identify the guidance you are requesting. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.*

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 803 have been approved under OMB control numbers 0910–0291 and 0910–0437.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: February 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03276 Filed 2–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The National Health Service Corps and NURSE Corps Interest Capture Form OMB No. 0915–0337—Revision.

Abstract: The National Health Service Corps (NHSC) and the NURSE Corps of the Bureau of Clinician Recruitment and Service (BCRS), HRSA, are both committed to improving the health of the nation's underserved by uniting communities in need with caring health professionals and by supporting communities' efforts to build better systems of care. The NHSC and NURSE Corps Interest Capture Form, which will be used when exhibiting at national and regional conferences as well as when presenting on campuses to health profession students, is an optional form that a health profession student, licensed clinician, faculty member, or clinical site administrator can fill out and submit to BCRS representatives at the recruitment event. The purpose of the form is to enable individuals and clinical sites to ask BCRS for periodic program updates and other general information regarding opportunities with the NHSC and/or the NURSE Corps via email. Completed forms will contain information such as the names of the individual(s), their email address(es), their city and state, the organization where they are employed (or the school which they attend), the year they intend to graduate (if applicable), how they heard about the NHSC and/or the NURSE Corps, and the programs in which they are interested. Assistance in completing the form will be given by the BCRS staff person (or BCRS representative) who is present at the event.

Need and Proposed Use of the Information: The need and purpose of this information collection is to share resources and information regarding the NHSC and NURSE Corps programs with interested conference/event participants.

Likely Respondents: Conference/event participants interested in the NHSC or NURSE Corps programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NHSC and NURSE Corps Interest Capture Form	2,400	1	2,400	.025	60
Total	2,400	1	2,400	.025	60

Dated: February 7, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–03239 Filed 2–13–14; 8:45 am]

BILLING CODE 4165–15–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 Druggable Genome.
Date: March 5, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn (Arlington Capital View), 2850 South Potomac Avenue, Arlington, VA 22202.
Contact Person: Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 435–2344, *moscajos@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Understanding and Promoting Health Literacy.
Date: March 7, 2014.
Time: 10:30 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Rebecca Henry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, 301–435–1717, *henryrr@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowships: Behavioral Neuroscience.
Date: March 13–14, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.
Contact Person: Kristin Kramer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5205, MSC 7846, Bethesda, MD 20892, (301) 437–0911, *kramerkm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Special Topics: Topics in Bacterial Pathogenesis.
Date: March 13–14, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Richard G Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–402–4454, *kostrikr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Biological Chemistry, Biophysics and Drug Discovery.
Date: March 13, 2014.
Time: 8:30 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.
Contact Person: Vonda K Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7892, Bethesda, MD 20892, 301–435–1789, *smithvo@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflicts: Asthma, COPD and Host Defense.
Date: March 13–14, 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: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Basic and Integrative Bioengineering.
Date: March 13, 2014.
Time: 11:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: David R Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR 13–322: Methods for HIV Prevention Program.
Date: March 13, 2014.
Time: 12:00 p.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.
Contact Person: Hilary D Sigmon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 594–6377, *sigmonh@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Neurotechnology.
Date: March 13, 2014.
Time: 12:30 p.m. to 2:30 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: Eugene Carstea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 408–9756, *carsteae@csr.nih.gov*.
(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 10, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03223 Filed 2–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentablematerial, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Organelle Disorders in Pancreatitis (P01).
Date: March 14, 2014.
Time: 2:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel PAR13–305 R24 Collaborative Interdisciplinary Team Science in Complications of Diabetes.
Date: March 17, 2014.
Time: 1:00 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases

Special Emphasis Panel Cystic Fibrosis Related Diabetes Collaborative Team Science.

Date: March 18, 2014.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel PAR13–305 R24 Collaborative Interdisciplinary Team Science in Chronic Kidney Disease.

Date: March 19, 2014.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Diabetic Foot Ulcer Collaborative Team Science.

Date: March 20, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Towards Precision Medicine in Childhood Acquired Aplastic Anemia (R24).

Date: March 25, 2014.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 10, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03218 Filed 2–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, February 20, 2014, 01:00 p.m. to February 20, 2014, 02:30 p.m., Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA, 94108 which was published in the **Federal Register** on January 23, 2014, 79 FR 3837.

The meeting location has changed to The Argonaut Hotel, 495 Jefferson Street, San Francisco, CA 94109. The meeting date and time remain the same. The meeting is closed to the public.

Dated: February 10, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03222 Filed 2–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: March 6, 2014.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camilla E. Day, Ph.D., Scientific Review Officer, CIDR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4075, Bethesda, MD 20892, 301–402–8837, *camilla.day@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 10, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03220 Filed 2–13–14; 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 Initial Review Group Neuroscience of Aging Review Committee.

Date: March 6–7, 2014.

Time: 4:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jeannette Johnson, Scientific Review Officer, National Institute of Health, 7201 Wisconsin Ave., Bethesda, MD 20814, 301–402–7705, *johnsonj9@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 7, 2014.

Melanie J. Gray,

Policy Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03224 Filed 2–13–14; 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: Cancer Therapeutics.
Date: March 5, 2014.
Time: 11:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; National Biomedical Computation Resource Review.
Date: March 5–7, 2014.
Time: 6:00 p.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn La Jolla, 8901 Gilman Drive, San Diego, CA 92037.
Contact Person: Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, *petersonjt@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Epidemiology of Cancer.
Date: March 7, 2014.
Time: 11:00 a.m. to 2:00 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: Motor, Speech and Rehabilitation.
Date: March 10, 2014.
Time: 9:00 a.m. to 11:00 a.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Serena Chu, Ph.D., Scientific Review Officer, BBBP IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, 301–500–5829, *sechu@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Imaging and Engineering AREA Review.
Date: March 10, 2014.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Lee Rosen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171, *rosenl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Academic Research Enhancement Award.
Date: March 11, 2014.
Time: 9:30 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Rebecca Henry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, 301–435–1717, *henryrr@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR–11–130 and PAR–11–131: Zebrafish Screens and Tools.
Date: March 12, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: John Burch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–408–9519, *burchjb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Synthetic and Biological Chemistry.
Date: March 12–13, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–1722, *eissenstatma@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA Grants: Genomes and Genetics.
Date: March 12, 2014.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Ronald Adkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–4511, *ronald.adkins@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 10, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03221 Filed 2–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, February 20, 2014, 4:30 p.m. to February 20, 2014, 6:30 p.m., National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on January 22, 2014, 79 FR 03600.

The meeting will be held on March 7, 2014 from 12:00 p.m. until 1:00 p.m., National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20897. The meeting is closed to the public.

Dated: February 10, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03217 Filed 2–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 Dental and Craniofacial Research Special Emphasis Panel; Clinical Trial or Biomarker Evaluation Study Planning Grant (R34) and Cooperative Agreement (U01) Applications Review Panel.

Date: March 11, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel.

Date: March 14, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Savvas C Makrides, Ph.D., Scientific Review Officer, Scientific Review Branch, NIDCR, NIH, 6701 Democracy Boulevard, Suite 672, Bethesda, MD 20892, 301–594–4859, *makridessc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 10, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03219 Filed 2–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2007–0008]

National Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; request for applicants for appointment to the National Advisory Council.

SUMMARY: The Federal Emergency Management Agency (FEMA) is requesting individuals who are interested in serving on the National Advisory Council (NAC) to apply for appointment as identified in this notice. As provided for in the *Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)* (Pub. L. 109–295), the NAC shall advise the Administrator of FEMA on all aspects of emergency management. The NAC shall incorporate State, local and Tribal government, non-profit and private sector input in the development and revision of national emergency management doctrine, policy, and plans. The NAC consists of up to 35 members, all of whom are experts and leaders in their respective fields. FEMA seeks to appoint individuals to ten (10) positions on the NAC that are open due to vacancy or term expiration.

DATES: Applications and nominations will be accepted until 11:59 p.m. EST on March 14, 2014.

ADDRESSES: Applications for membership should be submitted by ONE of the following methods:

- *E-Mail: FEMA-NAC@fema.dhs.gov.*
- *Fax:* (540) 504–2331.
- *Mail:* Office of the National Advisory Council, Federal Emergency Management Agency, 8th Floor, 500 C Street SW., Washington, DC 20472–3100.

FOR FURTHER INFORMATION CONTACT: Alexandra Woodruff, Alternate Designated Federal Officer, The Office of the National Advisory Council, Federal Emergency Management Agency, 8th Floor, 500 C Street SW., Washington, DC 20472–3100; telephone (202) 646–2700; fax (540) 504–2331; and email *FEMA-NAC@fema.dhs.gov*. For more information on the NAC, please visit *http://www.fema.gov/national-advisory-council*.

SUPPLEMENTARY INFORMATION: The NAC is an advisory committee established in accordance with the provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. Appendix (Pub. L. 92–463). As required by PKEMRA, the Secretary of Homeland Security established the NAC to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters. FEMA is requesting individuals who are interested in serving on the NAC to apply for appointment. One appointment for each discipline listed below (total of 10 appointments) will be open: Emergency Management (one representative appointment), Emergency Response (one representative appointment), Non-Elected Local Government Officials (one representative appointment), Health Scientist (one Special Government Employee appointment), Communications (one SGE appointment), Infrastructure Protection (one SGE appointment), Standards Setting and Accrediting (one representative appointment), Disabilities (one representative appointment), Elected Tribal Government Officials (one representative appointment) and Tribal Non-Elected Tribal Government Officials (one representative appointment). These appointments will be for three-year terms. The Administrator may appoint additional candidates to serve as FEMA Administrator Selections (either as a representative appointment or as a Special Government Employee (SGE)) for three-year terms.

Individuals interested in serving on the NAC are invited to apply for appointment by submitting an application package to the Office of the NAC as listed in the **ADDRESSES** section of this notice. There is no application form; however, each application package MUST include the following information:

- Cover letter, addressed to the Office of the NAC, detailing the discipline area(s) being applied for, current position title and organization, mailing address, a current telephone number and email address;
- Resume or Curriculum Vitae (CV); and
- Letters of Recommendation addressed to the Office of the NAC (if applicable—not required).

Incomplete applications will not be considered. Current NAC members whose terms are ending should notify the Office of the NAC of their interest in reappointment in lieu of submitting a new application, and if desired, provide updated application materials for consideration.

Each application will be scored based on the following criteria:

1. Demonstrated knowledge of Federal disasters and emergency response functions;
2. Demonstrated skill in working with high level officials and governments representing divergent points of view;
3. Experience coordinating and integrating activities with Federal, State, Local, Tribal or Territorial organizations and practitioner groups;
4. Proven leadership experience in specified discipline area(s) of interest;
5. Demonstrated knowledge of national emergency management policies and doctrine;
6. Demonstrated service on national, State, or Local task force, committee, or advisory body dealing with emergency preparedness and response;
7. Demonstrated experience in a senior management and leadership position, providing supervisory direction to an organization responsible for effective administration of complex policies and programs;
8. Demonstrated knowledge of and experience with the strategic planning process for an organization or a committee;
9. Proven ability to provide expert technical advice, guidance, and recommendations on critical program issues requiring new approaches, establishment of precedents or the interpretation of controversial law, regulation, or past practice; and
10. Demonstrated ability to communicate effectively orally and in writing.

Appointees may be designated as a SGE as defined in section 202(a) of title 18, United States Code, or as a Representative appointment. Candidates selected for appointment as SGEs are required to complete a Confidential Financial Disclosure Form (Office of Government Ethics (OGE) Form 450). This form can be obtained by visiting the Web site of the Office of Government Ethics (*http://www.oge.gov*), or by contacting the Office of the NAC. Please do not submit this form with your application. Contact information is provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

The NAC will meet in person approximately two times a year. Members may be reimbursed for travel and per diem, and all travel for NAC business must be approved in advance by the Designated Federal Officer. NAC members are expected to serve on one of the three NAC Subcommittees, which regularly meet by teleconference throughout the year. The Department of Homeland Security (DHS) does not discriminate in employment on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. DHS strives to achieve a widely diverse candidate pool for all of its recruitment actions. Registered lobbyists, current FEMA employees, Disaster Assistance Employees, Reservists, Contractors, and potential Contractors will not be considered for membership.

Dated: February 6, 2014.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–03153 Filed 2–13–14; 8:45 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Request for Information

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-day notice and request for comments; extension of an existing collection of information: 1651–0023.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Request for Information. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (78 FR 75576) on December 12, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before March 17, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Request for Information.

OMB Number: 1651–0023.

Form Number: CBP Form 28.

Abstract: Under 19 U.S.C. 1500 and 1401a, Customs and Border Protection (CBP) is responsible for appraising imported merchandise by ascertaining its value, classifying merchandise under the tariff schedule, and assessing a rate and amount of duty to be paid. On occasions when the invoice or other

documentation does not provide sufficient information for appraisement or classification, the CBP Officer requests additional information through the use of CBP Form 28, ''Request for Information''. This form is completed by CBP personnel requesting additional information and the importers, or their agents, respond in the format of their choice. CBP Form 28 is provided for by 19 CFR 151.11. A copy of this form and instructions are available at *http://forms.cbp.gov/pdf/CBP_Form_28.pdf.*

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to CBP Form 28.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 60,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 60,000.

Dated: February 10, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–03334 Filed 2–13–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Arrival and Departure Record and Electronic System for Travel Authorization

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-day notice and request for comments; Revision of an existing collection of information: 1651–0111.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: CBP Form I–94W (Nonimmigrant Visa Waiver Arrival/Departure), and the Electronic System for Travel Authorization (ESTA). This is a proposed revision of an information collection that was previously approved. CBP is proposing that the data elements on CBP Form I–94W and ESTA be revised. This document is published to obtain comments from the public and affected agencies on the proposed revisions. This proposed information collection was previously published in the **Federal Register** (78 FR 70570) on November 26, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before March 17, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or for a copy of the new ESTA/I–94W questions should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments on the revision of the following information collection:

Title: Arrival and Departure Record, Nonimmigrant Visa Waiver Arrival/Departure, and Electronic System for Travel Authorization (ESTA).

OMB Number: 1651–0111.

Form Number: I–94W.

Abstract: CBP proposes to revise the questions on CBP Form I–94W and ESTA, which are required for Visa Waiver Program (VWP) travelers, in order to make them more easily understandable to respondents, and to collect more detailed information about health and security issues. CBP also proposes to remove some questions from CBP Form I–94W and ESTA that are no longer relevant.

CBP Form I–94W is used to document a VWP traveler's admission into the United States at land ports of entry. It is filled out by aliens and is used to collect information on citizenship, residency, and contact information for aliens traveling under the Visa Waiver Program (VWP). The data elements collected on CBP Form I–94W enable DHS to perform its mission related to the screening of alien visitors for potential risks to national security, and the determination of admissibility to the United States.

The Electronic System for Travel Authorization (ESTA) is the automated system that must be used by VWP travelers arriving at U.S. air and sea ports of entry. These travelers must provide the required data elements electronically to CBP and obtain a travel authorization through ESTA before embarking on travel to the United States.

ESTA can be accessed at *http://www.cbp.gov/xp/cgov/travel/id_visa/esta/.* Instructions and a sample of CBP Form I–94W can be viewed at *http://forms.cbp.gov/pdf/visa_waiver.pdf.*

Current Actions: This submission is being made to revise the information collected on ESTA and on Form I–94W by adding some new health and security questions; by revising some of the existing questions; and by removing some questions that are no longer relevant. The estimated number of I–94Ws filed annually was increased due to updated estimates. There is no change to the estimated time to complete ESTA or Form I–94W. There are no proposed changes to Form I–94.

Type of Review: Revision.

Affected Public: Individuals, Carriers, and the Travel and Tourism Industry.

Form I–94W (Nonimmigrant Visa Waiver Arrival/Departure)

Estimated Number of Respondents: 1,835,951.

Estimated Number of Total Annual Responses: 1,835,951.

Estimated Time per Response: 8 minutes.

Estimated Annual Burden Hours: 244,181.

Estimated Annual Cost to the Public: $11,015,706.

Electronic System for Travel Authorization (ESTA)

Estimated Number of Respondents: 21,910,000.

Estimated Number of Total Annual Responses: 21,910,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 5,477,500.

Estimated Annual Cost to the Public: $252,420,000.

Dated: February 10, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–03327 Filed 2–13–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Canadian Border Boat Landing Permit

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-day notice and request for comments; Extension of an existing collection of information: 1651–0108.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Canadian Border Boat Landing Permit (CBP Form I–68). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (78 FR 73875) on December 9, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before March 17, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Canadian Border Boat Landing Permit.

OMB Number: 1651–0108.

Form Number: CBP Form I–68.

Abstract: The Canadian Border Boat Landing Permit (CBP Form I–68) generally allows participants entering the United States along the northern border by small pleasure boats to telephonically report their arrival without having to appear in person for an inspection by a CBP officer. United States citizens, Lawful Permanent Residents of the United States, Canadian citizens, and Landed Residents of Canada who are nationals of the Visa Waiver Program countries listed in 8 CFR 217.2(a) are eligible to participate.

The information collected on CBP Form I–68 generally allows people who enter the United States from Canada by small pleasure boats to be inspected in person only once during the boating season, rather than each time they make an entry. This information collection is pursuant to 8 CFR 235.1(g) and Section 235 of Immigration and Nationality Act. CBP Form I–68 is accessible at *http://forms.cbp.gov/pdf/CBP_Form_I68.pdf.*

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to CBP Form I–68.

Type of Review: Extension (without change).

Affected Public: Individuals or Households.

Estimated Number of Respondents: 68,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 11,288.

Estimated Annual Cost: $1,088,000.

Dated: February 10, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–03333 Filed 2–13–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B814.IA001213]

Revision of Agency Information Collection for Reporting Systems for Public Law 102–477 Demonstration Project

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments and tribal consultation meeting.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs is seeking comments on the revision of the collection of information for the Reporting System for Public Law 102–477 Demonstration Project authorized by OMB Control Number 1076–0135. This information collection expires January 31, 2017. See the **SUPPLEMENTARY INFORMATION** section of this notice for details on the tribal consultation session.

DATES: Submit comments on or before April 15, 2014. A tribal consultation session will be held on Thursday, March 16, 2014 from 1:00 to 5:00 p.m.

at the Westin Washington City Center, 1400 M Street NW., Washington, DC 20005. See the **SUPPLEMENTARY INFORMATION** section of this notice for details on the tribal consultation session.

ADDRESSES: You may submit comments on the information collection to James West, Office of Indian Energy and Economic Development, Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., MS–20 SIB, Washington, DC 20240; facsimile: (202) 208–4564; email: *JimR.West@bia.gov*. Copies of the draft forms can be viewed at: *http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm*. See the **SUPPLEMENTARY INFORMATION** section of this notice for information on the consultation session.

FOR FURTHER INFORMATION CONTACT: James West, (202) 208–6310.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Assistant Secretary—Indian Affairs is seeking comments on the revisions for the information collection conducted under OMB Control Number 1076–0135, Reporting System for Public Law 102–477 Demonstration Project. This information allows funding agencies to document compliance with statutory, regulatory, and program specific requirements of the various integrated programs. Public Law 102–477 authorized tribal governments to integrate federally funded employment, training, and related services and programs tribes provide into a single, coordinated, comprehensive service delivery plan. Funding agencies include the Department of the Interior, Department of Labor, and the Department of Health and Human Services. Indian Affairs (IA) is statutorily required to serve as the lead agency and provides a single report format related to the approved plan for the individual project for use by tribal governments to report on integrated activities and expenditures. IA shares the information collected from these reports with the Department of Labor and the Department of Health and Human Services.

There were previously four information collections, three of which were collected on forms, associated with this OMB Control Number: IA 7701—Narrative Report, IA 7702—Statistical Report, IA 7703—Financial Report, and IA 7703A—Tribal Temporary Assistance for Needy Families (TANF) Financial Report. This revision reduces the number of forms to two: Narrative and Statistical Report and Financial Expenditure Report. The previous TANF Financial Report and Financial Report have been combined to create the Financial Expenditure Report, allowing tribes to complete and submit the information on one form. Revisions were made to the Narrative Report Instructions and Statistical Report and Instructions to provide clear guidance for completion. These revisions are the result of input by a Federal and Tribal workgroup (''477 Workgroup'').

Consultation Session

A consultation session with tribal leaders will be held on Thursday, March 14, 2014 from 1:00 to 5:00 p.m. at the Westin Washington City Center, 1400 M Street NW., Washington, DC 20005. Copies of the draft forms can be viewed at: *http://www.bia.gov/WhoWeAre/AS-IA/Consultation/index.htm*.

II. Request for Comments

The Assistant Secretary—Indian Affairs requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. 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.

III. Data

OMB Control Number: 1076–0135.

Title: Reporting System for Public Law 102–477 Demonstration Project.

Brief Description of Collection: Public Law 102–477 authorized tribal governments to integrate federally-funded employment, training and related services programs into a single, coordinated, comprehensive delivery plan. Interior has made available a single universal format for Statistical Reports for tribal governments to report on integrated activities undertaken within their projects, and a single universal format for Financial Reports for tribal governments to report on all project expenditures.

Type of Review: Revision of currently approved collection.

Respondents: Indian tribes participating in Public Law 102–477.

Number of Respondents: 62 on average.

Number of Responses: 62 on average.

Frequency of Response: Each respondent must supply the information for the Financial Status Report and Public Law 102–477 Demonstration Project Statistical Report once.

Estimated Time per Response: Ranges from 2 to 40 hours.

Estimated Total Annual Hour Burden: 3,628 hours.

Estimated Total Non-Hour Dollar Cost: $310.

Dated: February 10, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–03340 Filed 2–13–14; 8:45 am]

BILLING CODE 4310–G1–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK6006201 145A2100DD AOR3B3030.999900]

Final Environmental Impact Statement for the Proposed RES Americas Moapa Solar Energy Center, Clark County, Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Indian Affairs, as the lead Federal agency, intends to file a final environmental impact statement for the proposed RES Americas Moapa Solar Energy Center on the Moapa River Indian Reservation in Clark County, Nevada. Cooperating Agencies in this filing are the Bureau of Land Management (BLM), the Environmental Protection Agency (EPA), the National Park Service (NPS), and the Moapa Band of Paiute Indians (Tribe). The final environmental impact statement is now available for public review.

DATES: The Record of Decision on the proposed action will be issued no

sooner than 30 days after EPA publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: You may request a hard copy or compact disk copy of the final environmental impact statement (FEIS) by writing or contacting Mr. Garry Cantley, BIA Western Regional Office, 2600 North Central Avenue, 4th Floor Mail Room, Phoenix, Arizona 85004–3008; fax (602) 379–3833; email: *Garry.Cantley@bia.gov.* The FEIS is available on line at: *www.MoapaSolarEnergyCenterEIS.com.* Hard copies of the FEIS are also available for review at:

- BIA Western Regional Office, 2600 North Central Avenue, 12th Floor, Suite 210, Phoenix, Arizona;
- BIA Southern Paiute Agency, 180 North 200 East, Suite 111, St. George, Utah; and
- BLM Southern Nevada District Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Mr. Garry Cantley, BIA Western Regional Office, Branch of Environmental Quality Services, 2600 North Central Avenue, Phoenix, Arizona 85004–3008, telephone (602) 379–6750 Ext. 1256.

SUPPLEMENTARY INFORMATION: The purpose of the proposed project is to construct a 200 megawatt (MW) solar electric generation facility, water line, and associated infrastructure on the Reservation, and obtain grants of right-of-way (ROW) on BLM lands for 230 kV and 500 kV transmission lines and associated access roads. The proposed project is needed to:

- Provide land lease income, sustainable renewable resources, new jobs, and other benefits for the Tribe by using solar resources on Reservation lands where there is high potential for solar electric generation (the primary need).
- Assist utilities in meeting their renewable energy goals by providing electricity generated from solar resources from Tribal lands (the secondary need).

The proposed Federal action consists of:

- BIA approval of a solar energy ground lease and agreements entered into by the Tribe with Moapa Solar LLC (Applicant);
- BIA approval of ROWs and easements for the Applicant to construct, operate, and maintain an up to 200 MW solar photovoltaic electricity generating facility and water pipeline on the Reservation;
- BLM approval of ROWs for the 230 kV and 500 kV transmission lines and access roads on BLM-administered Federal lands; and
- BLM approval of ROWs for the portions of the 500 kV transmission line and water pipeline located within an existing utility corridor located on the Reservation.

BIA and BLM will use the FEIS to make decisions on the land lease and ROW applications under their respective jurisdictions; EPA and NPS may use the documentation under their authorities; the Tribe may use the FEIS to make decisions under their Tribal Environmental Policy Ordinance; and the U.S. Fish and Wildlife Service may use the FEIS to support its decision under the Endangered Species Act.

Authority: This notice is published in accordance with the Council on Environmental Quality regulations (40 CFR part 1500 *et seq.*) and the Department of the Interior Regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Dated: January 30, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–03147 Filed 2–13–14; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CONC–14802; PPMVSCS1Y.Y00000, PPWOBSADC0]

Notice of Public Meeting for the National Park Service Concessions Management Advisory Board

AGENCY: National Park Service, Interior.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16) that the 27th meeting of the National Park Service Concessions Management Advisory Board (the Board) will be held as indicated below.

DATES: The meeting will be held March 19, 2014, at the Department of the Interior Building, 1849 C Street NW., Room 5160, Washington, DC 20240, beginning at 9 a.m. Members of the public are invited to attend. A public comment period will be held.

FOR FURTHER INFORMATION CONTACT: Erica Chavis, Concessions Management Specialist, National Park Service, Commercial Services Program, 1201 Eye Street NW., 11th Floor, Washington, DC 20005, Telephone: (202) 513–7156.

SUPPLEMENTARY INFORMATION: The Board was established by Title IV, Section 409 of the National Parks Omnibus Management Act of 1998, November 13, 1998 (Pub. L. 105–391). The purpose of the Board is to advise the Secretary of the Interior and the National Park Service on matters relating to management of concessions in the National Park System. The members of the Board are: Dr. James J. Eyster, Ms. Ramona Sakiestewa, Mr. Richard Linford, Mr. Courtland Nelson, and Ms. Michele Michalewicz.

Topics that will be presented during the meeting include:

- General Commercial Services Program Updates
- Concession Contracting Status Update
- Standards, Evaluations, and Rate Approval Project Update
- Government Shutdown
- Working Group Updates: Incentive Programs, Innovative Services, Simplifying the Proposal Process
- Public Comment—Limited to 3 minutes per person

The meeting will be open to the public, however, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis.

The meeting site is accessible to individuals with disabilities. If you plan to attend and will require an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least 2 weeks before the scheduled meeting date. Attempts will be made to meet any request(s) we receive after that date, however, we may not be able to make the requested auxiliary aid or service available because of insufficient time to arrange for it.

Anyone may file with the Board a written statement concerning matters to be discussed. The Board may also permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time. Such requests should be sent to the Director, National Park Service, Attention: Chief, Commercial Services Program, 1201 Eye Street NW., 11th Floor, Washington, DC 20005, or emailed to *commercialservices@nps.gov* at least 7 days prior to the meeting. Draft minutes of the meeting will be available for public inspection approximately 6 weeks after the meeting at the Commercial Services Program office located at 1201 Eye Street NW., 11th Floor, Washington, DC 20005.

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 may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 11, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–03341 Filed 2–13–14; 8:45 am]

BILLING CODE 4312–53–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–GATE–14879; PPNEGATEB0, PPMVSCS1Z.Y00000]

Notice of the February Through August 2014 Meeting Schedule for the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: This notice sets forth the meeting schedule of the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee (Committee) occurring in February through August 2014.

DATES: The schedule for future public meetings of the Committee is as follows:

1. February 28, 2014, at 9:00 a.m. (EASTERN)
2. April 11, 2014, at 9:00 a.m. (EASTERN)
3. May 30, 2014, at 9:00 a.m. (EASTERN)
4. July 18, 2014, 2014, at 9:00 a.m. (EASTERN)
5. August 22, 2014, at 9:00 a.m. (EASTERN)

ADDRESSES: For the February through August 2014 meetings, the Committee will meet at The Chapel at Sandy Hook, Hartshorne Drive, Middletown, NJ 07732. Please check *www.forthancock21stcentury.org* for additional information.

Agenda: Committee meeting will consist of the following:

1. Welcome and Introductory Remarks
2. Update on Working Group Progress
3. Assessment of Committee Needs
4. Public Comment
5. Potential Frameworks and Reuse Scenarios
6. Development of Committee Work Plan
7. Future Committee Activities, Meeting Schedule
8. Adjournment

The final agenda will be posted on *www.forthancock21stcentury.org* prior to each meeting.

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from John Warren, Park Ranger, Gateway National Recreation Area, 26 Hudson Road, Fort Hancock, NJ, at (732) 872–5908 or email: *forthancock21stcentury@yahoo.com,* or visit the Committee Web site at *www.forthancock21stcentury.org.*

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), the purpose of the Committee is to provide advice to the Secretary of the Interior, through the Director of the National Park Service, on the development of a reuse plan and on matters relating to future uses of certain buildings at Fort Hancock within Gateway National Recreation Area.

The meeting is open to the public. Interested members of the public may present, either orally or through written comments, information for the Committee to consider during the public meeting. Attendees and those wishing to provide comment are strongly encouraged to preregister through the contact information provided. The public will be able to comment at the February through August meetings from 1:00 p.m. to 1:45 p.m. Written comments will be accepted prior to, during or after the meeting. Due to time constraints during the meeting, the Committee is not able to read written public comments submitted into the record. Individuals or groups requesting to make oral comments at the public committee meeting will be limited to no more than 5 minutes per speaker.

Before including your address, telephone number, email address, or other personal indentifying information in your written comments, you should be aware that your entire comment including your personal identifying information may be made publicly available. While you may 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. All comments will be made part of the public record and will be electronically distributed to all Committee members.

Dated: February 11, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–03301 Filed 2–13–14; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management (BOEM)

[MMAA104000]

Eastern Gulf of Mexico Planning Area (EPA) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 225 (EPA Sale 225)

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Final notice of sale.

SUMMARY: On Wednesday, March 19, 2014, BOEM will open and publicly announce bids received for blocks offered in EPA Sale 225 in accordance with the provisions of the OCS Lands Act (OCSLA, 43 U.S.C. 1331–1356, as amended) and the implementing regulations issued pursuant thereto (30 CFR parts 550 and 556).

The EPA 225 Final Notice of Sale (NOS) package (Final NOS Package) contains information essential to potential bidders, and bidders are charged with knowing the contents of the documents contained in the Final NOS Package. The Final NOS Package is available at the address and Web site below.

DATES: Public bid reading for EPA Sale 225 will begin at 9:00 a.m., Wednesday, March 19, 2014, at the Mercedes-Benz Superdome, 1500 Sugarbowl Drive, New Orleans, Louisiana 70112. The lease sale will be held in the St. Charles Club Room on the second floor (Loge Level). Entry to the Superdome will be on the Poydras Street side of the building through Gate A on the Ground Level; parking will be available at Garage 6. All times referred to in this document are local New Orleans times, unless otherwise specified.

Bid Submission Deadline: BOEM must receive all sealed bids between 8:00 a.m. and 4:00 p.m. on normal working days, or from 8:00 a.m. to the Bid Submission Deadline of 10:00 a.m. on Tuesday, March 18, 2014, the day before the lease sale. For more information on bid submission, see Section VII, ''Bidding Instructions,'' of this document.

ADDRESSES: Interested parties, upon request, may obtain a compact disc (CD–ROM) containing the Final NOS Package by contacting the BOEM Gulf of Mexico Region (GOMR) at:

Gulf of Mexico Region Public Information Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF.

or by visiting the BOEM Web site at *www.boem.gov/sale-225/.*

Table of Contents

This Final NOS includes the following sections:

I. Lease Sale Area
II. Statutes and Regulations
III. Lease Terms and Economic Conditions
IV. Lease Stipulations
V. Information to Lessees
VI. Maps
VII. Bidding Instructions
VIII. Bidding Rules and Restrictions
IX. Forms
X. The Lease Sale
XI. Delay of Sale

I. Lease Sale Area

Blocks Offered for Leasing

In EPA Sale 225, BOEM is offering for lease all blocks and partial blocks in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package. All of these blocks are shown on the following leasing maps and Official Protraction Diagrams (OPDs):

Outer Continental Shelf Official Protraction Diagrams (These Diagrams Sell for $2.00 Each.)

NG16–02 Lloyd Ridge (revised February 28, 2007)
NH16–11 De Soto Canyon (revised February 28, 2007)

Please Note:

A CD–ROM (in ArcInfo and Acrobat (.pdf) format) containing all of the Gulf of Mexico (GOM) leasing maps and OPDs, except for those not yet converted to digital format, is available from the BOEM Gulf of Mexico Region Public Information Office for a price of $15.00. These GOM leasing maps and OPDs are available for free online in .pdf and .gra formats at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Mapping-and-Data/Official-Protraction-Diagrams.aspx.*

For the current status of all EPA leasing maps and OPDs, please refer to 66 FR 28002 (May 21, 2001), 69 FR 23211 (April 28, 2004), 72 FR 27590 (May 16, 2007), 72 FR 35720 (June 29, 2007), 73 FR 63505 (October 24, 2008), and 76 FR 54787 (September 2, 2011).

All blocks being offered in the lease sale are shown on these leasing maps and OPDs. The available Federal acreage of all whole and partial blocks in this lease sale is shown in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package. Some of these blocks may be partially leased or deferred, or transected by administrative lines such as the Federal/State jurisdictional line. A bid on a block must include all of the available Federal acreage of that block. Information on the unleased portions of such blocks is found in the document ''Eastern Planning Area, Lease Sale 225, March 19, 2014—Unleased Split Blocks and Available Unleased Acreage of Blocks With Aliquots and Irregular Portions Under Lease or Deferred'' included in the Final NOS Package.

For additional information, please call Mr. Lenny Coats, Chief of the Mapping and Automation Section, at (504) 736–1457.

Blocks Not Offered for Leasing

All whole or partial blocks in the EPA deferred by the Gulf of Mexico Energy Security Act of 2006, Public Law 109–432.

II. Statutes and Regulations

Each lease is issued pursuant to OCSLA, and is subject to OCSLA, implementing regulations promulgated pursuant thereto, and other applicable statutes and regulations in existence upon the effective date of the lease, as well as those applicable statutes enacted and regulations promulgated thereafter, except to the extent that the after-enacted statutes and regulations explicitly conflict with an express provision of the lease. Each lease is also subject to amendments to statutes and regulations, including but not limited to OCSLA, that do not explicitly conflict with an express provision of the lease. The lessee expressly bears the risk that such new or amended statutes and regulations (i.e., those that do not explicitly conflict with an express provision of the lease) may increase or decrease the lessee's obligations under the lease.

III. Lease Terms and Economic Conditions

Lease Terms

OCS Lease Form

BOEM will use Form BOEM–2005 (October 2011) to convey leases issued as a result of this sale. This lease form may be viewed on the BOEM Web site at *http://www.boem.gov/About-BOEM/Procurement-Business-Opportunities/BOEM-OCS-Operation-Forms/BOEM-2005.aspx.* The lease form will be amended to conform with the specific terms, conditions, and stipulations applicable to each individual lease. The terms, conditions, and stipulations applicable to this sale are set forth below.

Initial Periods

Initial periods are summarized in the following table:

Water depth (meters)	Initial periods
800 to <1,600	Standard initial period is 7 years; the lessee will earn an additional 3 years (i.e., for a 10-year extended initial period) if a well is spudded during the first 7 years of the lease.
1,600+	10 years.

(1) The standard initial period for a lease in water depths of 800 to less than 1,600 meters issued as a result of this sale will be 7 years. The lessee will earn an additional 3 years, resulting in a 10-year extended initial period, if the lessee spuds a well within the first 7 years of the lease.

In order to earn the 10-year extended initial period, the lessee is required to submit to the appropriate Bureau of Safety and Environmental Enforcement (BSEE) District Manager, within 30 days after spudding a well, a letter providing the well number and spud date, and requesting concurrence that the lessee earned the 10-year extended initial period. The BSEE District Manager will review the request and make a determination. A written response will be sent to the lessee documenting the BSEE District Manager's decision within 30 days of receipt of the request. The BSEE District Manager must concur in writing that the conditions have been met by the lessee to earn the 10-year extended initial period.

(2) The standard initial period for a lease in water depths 1,600 meters or greater issued as a result of this sale will be 10 years.

Economic Conditions

Minimum Bonus Bid Amounts

- $100.00 per acre or fraction thereof for all blocks.

BOEM will not accept a bonus bid unless it provides for a cash bonus in the amount equal to, or exceeding, the specified minimum bid of $100.00 per acre or fraction thereof.

Rental Rates

Annual rental rates for all blocks are summarized in the following table:

RENTAL RATES PER ACRE OR FRACTION THEREOF

Water depth (meters)	Years 1–5	Years 6+
800+	$11.00	$16.00

Royalty Rate

- 18.75 percent

Minimum Royalty Rate

- $11.00 per acre or fraction thereof per year

IV. Lease Stipulations

One or more of the following stipulations may be applied to leases issued as a result of this sale. The detailed text of these stipulations is contained in the ''Lease Stipulations'' section of the Final NOS Package.

(1) Military Areas
(2) Evacuation
(3) Coordination
(4) Protected Species

V. Information to Lessees

The ''Information to Lessees'' (ITL) clauses provide detailed information on certain issues pertaining to this oil and gas lease sale. The detailed text of these ITL clauses is contained in the ''Information to Lessees'' section of the Final NOS Package:

(1) Navigation Safety
(2) Ordnance Disposal Areas
(3) Existing and Proposed Artificial Reefs/Rigs-to-Reefs
(4) Lightering Zones
(5) Indicated Hydrocarbons List
(6) Military Warning Areas
(7) Bureau of Safety and Environmental Enforcement (BSEE) Inspection and Enforcement of Certain Coast Guard Regulations
(8) Commercial Waste Disposal Areas
(9) Air Quality Permits
(10) Notice of Arrival on the Outer Continental Shelf
(11) Bidder/Lessee Notice Obligations Related to Criminal/Civil Charges and Offenses, Suspension, or Debarment.

VI. Maps

The map pertaining to this lease sale may be found on the BOEM Web site at *www.boem.gov/sale-225/.* The following map is also included in the Final NOS Package:

Lease Terms, Economic Conditions, and Stipulations Map

The lease terms, economic conditions, stipulations, and blocks to which these terms and conditions apply are shown on the map ''Final, Eastern Planning Area, Lease Sale 225, March 19, 2014, Lease Terms, Economic Conditions, and Stipulations'' included in the Final NOS Package.

VII. Bidding Instructions

Instructions on how to submit a bid, secure payment of the advance bonus bid deposit (if applicable), and what information must be included with the bid are as follows:

Bid Form

For each block bid upon, a separate sealed bid shall be submitted in a sealed envelope (as described below) and must include the following:

- Total amount of the bid in whole dollars only;
- sale number;
- sale date;
- each bidder's exact name;
- each bidder's proportionate interest, stated as a percentage, using a maximum of five decimal places (e.g., 33.33333 percent);
- typed name, title, and signature of each bidder's authorized officer;
- each bidder's qualification number;
- map name and number or Official Protraction Diagram (OPD) name and number;
- block number; and
- statement acknowledging that the bidder(s) understand that this bid legally binds the bidder(s) to comply with all applicable regulations, including payment of one-fifth of the bonus bid amount on all apparent high bids.

The information required on the bid(s) will be specified in the document ''Bid Form'' contained in the Final NOS Package. A blank bid form is provided therein for convenience and may be copied and completed with the necessary information described above.

Bid Envelope

Each bid must be submitted in a separate sealed envelope labeled as follows:

- ''Sealed Bid for Oil and Gas Lease Sale 225, not to be opened until 9 a.m. Wednesday, March 19, 2014'';
- map name and number or OPD name and number;
- block number for block bid upon; and
- the exact name and company number of the submitting bidder only.

The Final NOS Package includes samples of the bid envelopes for reference.

Mailed Bids

If bids are mailed, please address the envelope containing the sealed bid envelope(s) as follows:

Attention: Leasing and Financial Responsibility Section, BOEM Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394.

Contains Sealed Bids for EPA Oil and Gas Lease Sale 225

Please Deliver to Ms. Cindy Thibodeaux or Ms. Kasey Couture, 2nd Floor, Immediately

Please Note:

Bidders mailing bid(s) are advised to call Ms. Cindy Thibodeaux at (504) 736–2809, or Ms. Kasey Couture at (504) 736–2909, immediately after putting their bid(s) in the mail. If BOEM receives bids later than the Bid Submission Deadline, the BOEM Regional Director (RD) will return those bids unopened to bidders. Please see ''Section XI. Delay of Sale'' regarding BOEM's discretion to extend the Bid Submission Deadline in the case of an unexpected event (e.g., flooding or travel restrictions) and how bidders can obtain more information on such extensions.

Advance Bonus Bid Deposit Guarantee

Bidders that are not currently an OCS oil and gas lease record title holder or designated operator or those that ever have defaulted on a one-fifth bonus bid deposit, by Electronic Funds Transfer (EFT) or otherwise, must guarantee (secure) the payment of the one-fifth bonus bid deposit prior to bid submission using one of the following four methods:

- Provide a third-party guarantee;
- amend an areawide development bond via bond rider;
- provide a letter of credit; or
- provide a lump sum payment in advance via EFT.

For more information on EFT procedures, see Section X of this document entitled ''The Lease Sale.''

Affirmative Action

BOEM requests that, prior to bidding, the bidder file the Equal Opportunity Affirmative Action Representation Form BOEM–2032 (October 2011) and the Equal Opportunity Compliance Report Certification Form BOEM–2033 (October 2011) with the BOEM Gulf of Mexico Region Adjudication Section. This certification is required by 41 CFR part 60 and Executive Order No. 11246, issued September 24, 1965, as amended by Executive Order No. 11375, issued October 13, 1967. Please note that both forms are required to be on file for the

bidder(s) in the GOMR Adjudication Section prior to the execution of any lease contract.

Geophysical Data and Information Statement Package (GDIS)

The GDIS is composed of three parts:

(1) The ''Statement'' page includes the company representatives' information and lists of blocks bid on that used proprietary data and those bid on that did not use proprietary data,

(2) the ''Table'' listing the required data about each proprietary survey used (see below), and

(3) the ''Maps,'' which are the live trace maps for each survey identified in the GDIS statement and table.

Every bidder submitting a bid on a block in EPA Sale 225, or participating as a joint bidder in such a bid, must submit at the time of bid submission all three parts of the GDIS. A bidder must submit the GDIS even if its joint bidder or bidders on a specific block also have submitted a GDIS. Any speculative data that has been reprocessed externally or ''in-house'' is considered proprietary due to the proprietary processing and is no longer considered to be speculative.

The GDIS must be submitted in a separate and sealed envelope. It also must identify all proprietary data; reprocessed speculative data, and/or any Controlled Source Electromagnetic surveys, Amplitude Versus Offset (AVO), Gravity, or Magnetic data; or other information used as part of the decision to bid or participate in a bid on the block. The bidder and joint bidder must also include a live trace map (e.g., .pdf and ArcGIS shape file) for each survey that they identify in the GDIS illustrating the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' in the Final NOS Package for additional information).

The GDIS statement must include the name, phone number, and full address of a contact person and an alternate who are both knowledgeable about the information and data listed and who are available for 30 days post sale. The GDIS statement also must include entries for all blocks bid upon that did not use proprietary or reprocessed pre- or post-stack geophysical data and information as part of the decision to bid or to participate as a joint bidder in the bid. The GDIS statement must be submitted even if no proprietary geophysical data and information were used in bid preparation for the block.

The GDIS table should have columns that clearly state the sale number; the bidder company's name; the block area and block number bid on; the owner of the original data set (i.e., who initially acquired the data); the industry's original survey name (e.g., E Octopus); the BOEM permit number for the survey; whether the data set is a fast track version; whether the data is speculative or proprietary; the data type (e.g., 2–D, 3–D, or 4–D; pre-stack or post-stack; and time or depth); migration algorithm (e.g., Kirchhoff Migration, Wave Equation Migration, Reverse Migration, Reverse Time Migration) of the data; and areal extent of bidder survey (i.e., number of line miles for 2–D or number of blocks for 3–D). Provide the computer storage size, to the nearest gigabyte, of each seismic data and velocity volume used to evaluate the lease block in question. This will be used in estimating the reproduction costs for each data set, if applicable. The next column should state who reprocessed the data (e.g., external company name or ''in-house'') and when the date of final reprocessing was completed (month and year). If the data was sent to BOEM for bidding in a previous lease sale, list the date the data was processed (month and year) and indicate if AVO data was used in the evaluation. BOEM reserves the right to query about alternate data sets, to quality check, and to compare the listed and alternative data sets to determine which data set most closely meets the needs of the fair market value determination process. An example of the preferred format of the table may be found in the Final NOS Package and a blank digital version of the preferred table may be accessed on the EPA 225 Sale page at *http://www.boem.gov/Sale-225/*.

The GDIS maps are live trace maps (in .pdf and ArcGIS shape files) that should be submitted for each survey that is identified in the GDIS table. They should illustrate the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' in the Final NOS Package for additional information).

Pursuant to 30 CFR 551.12 and 30 CFR 556.32, as a condition of the sale, the BOEM Gulf of Mexico RD requests that all bidders and joint bidders submit the proprietary data identified on their GDIS within 30 days after the lease sale (unless they are notified after the lease sale that BOEM has withdrawn the request). This request only pertains to proprietary data that is not commercially available. Commercially available data is not required to be submitted to BOEM, and reimbursement will not be provided if such data is submitted by a bidder. The BOEM Gulf of Mexico RD will notify bidders and joint bidders of any withdrawal of the request, for all or some of the proprietary data identified on the GDIS, within 15 days of the lease sale. Pursuant to 30 CFR part 551 and as a condition of this sale, all bidders required to submit data must ensure that the data is received by BOEM no later than the 30th day following the lease sale, or the next business day if the submission deadline falls on a weekend or Federal holiday. The data must be submitted to BOEM at the following address:

Bureau of Ocean Energy Management, Resource Studies, MS 881A, 1201 Elmwood Park Blvd., New Orleans, LA 70123–2304.

BOEM recommends that bidders mark the submission's external envelope as ''Deliver Immediately to DASPU.'' BOEM also recommends that the data be submitted in an internal envelope, or otherwise marked, with the following designation: ''Proprietary Geophysical Data Submitted Pursuant to Lease Sale 225 and used during <Bidder Name's> evaluation of Block <Block Number>.''

In the event a person supplies any type of data to BOEM, that person must meet the following requirements to qualify for reimbursement:

(1) Persons must be registered with the System for Award Management (SAM), formerly known as the Central Contractor Registration (CCR). CCR usernames will not work in SAM. A new SAM User Account is needed to register or update an entity's records. The Web site for registering is *https://www.sam.gov.*

(2) Persons must be enrolled in the Department of Treasury's Internet Payment Platform (IPP) for electronic invoicing. The person must enroll in the IPP at *https://www.ipp.gov/*. Access then will be granted to use the IPP for submitting requests for payment. When a request for payment is submitted, it must include the assigned Purchase Order Number on the request.

(3) Persons must have a current On-line Representations and Certifications Application at *https://www.sam.gov.*

Please Note:

The GDIS Information Table must be submitted digitally, preferably as an Excel spreadsheet, on a CD or DVD along with the seismic data map(s). If you have any questions, please contact Ms. Dee Smith at (504) 736–2706, or Mr. John Johnson at (504) 736–2455. Bidders should refer to Section X of this document, ''The Lease Sale: Acceptance, Rejection, or Return of Bids,'' regarding a bidder's failure to comply with the requirements of the Final NOS, including any failure to submit information as required in the Final NOS or Final NOS Package.

Telephone Numbers/Addresses of Bidders

BOEM requests that bidders provide this information prior to or at the time of bid submission. The suggested format is contained in the Final NOS Package. This form must not be enclosed inside the sealed bid envelope.

Additional Documentation

BOEM may require bidders to submit other documents in accordance with 30 CFR 556.46.

VIII. Bidding Rules and Restrictions

Restricted Joint Bidders

BOEM published in the **Federal Register**, on October 28, 2013, the most recent List of Restricted Joint Bidders at 78 FR 64243. Potential bidders are advised to refer to the **Federal Register**, prior to bidding, for the most current List of Restricted Joint Bidders in place at the time of the lease sale. Please refer to joint bidding provisions at 30 CFR 556.41 for additional restrictions.

Authorized Signatures

All signatories executing documents on behalf of bidder(s) must execute the same in conformance with the BOEM qualification records.

Unlawful Combination or Intimidation

BOEM warns bidders against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

Bid Withdrawal

Bids may be withdrawn only by written request delivered to BOEM prior to the Bid Submission Deadline. The withdrawal request must be on company letterhead and must contain the bidder's name, its company number, the map name/number, and the block number(s) of the bid(s) to be withdrawn. The request must be executed in conformance with the BOEM qualification records. Signatories must be authorized to bind their respective legal business entities (e.g., a corporation, partnership, or LLC); they also must have an incumbency certificate and/or specific power of attorney setting forth express authority to act on the business entity's behalf for purposes of bidding and lease execution under OCSLA. The name and title of the signatory must be typed under the signature block on the withdrawal letter. Upon the BOEM Gulf of Mexico RD's, or his designee's, approval of such request, he will indicate his approval by signing and dating the withdrawal request.

Bid Rounding

The bonus bid amount must be stated in whole dollars. If the acreage of a block contains a decimal figure, then prior to calculating the minimum bonus bid, BOEM rounded up to the next whole acre. The appropriate minimum rate per acre was then applied to the whole (rounded up) acreage. If this calculation resulted in a fractional dollar amount, the minimum bonus bid was rounded up to the next whole dollar amount. The bonus bid amount must be greater than or equal to the minimum bonus bid in whole dollars. Minimum bonus bid calculations, including all rounding, for all blocks will be shown in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package.

IX. Forms

The Final NOS Package includes instructions, samples, and/or the preferred formats for the following items. Bidders are strongly encouraged to use these formats; should bidders use another format, they are responsible for including all the information specified for each item in the Final NOS Package.

(1) Bid Form
(2) Sample Completed Bid
(3) Sample Bid Envelope
(4) Sample Bid Mailing Envelope
(5) Telephone Numbers/Addresses of Bidders Form
(6) GDIS Form
(7) GDIS Envelope Form

X. The Lease Sale

Bid Opening and Reading

Sealed bids received in response to the Final NOS will be opened at the place, date, and hour specified in the **DATES** section of this document above. The opening of the bids is for the sole purpose of publicly announcing and recording the bids received; no bids will be accepted or rejected at that time.

Bonus Bid Deposit for Apparent High Bids

Each bidder submitting an apparent high bid must submit a bonus bid deposit to the U.S. Department of the Interior's Office of Natural Resources Revenue (ONRR) equal to one-fifth of the bonus bid amount for each such bid. A copy of the notification of the high bidder's one-fifth bonus liability may be obtained at the EFT Area outside the Bid Reading Room on the day of the bid opening, or it may be obtained on the BOEM Web site at *www.boem.gov/Sale-225/* under the heading ''Notification of EFT 1/5 Bonus Liability.'' All payments must be deposited electronically into an interest-bearing account in the U.S. Treasury by 11:00 a.m. Eastern Time the day following the bid reading (no exceptions). Account information is provided in the ''Instructions for Making Electronic Funds Transfer Bonus Payments'' found on the BOEM Web site at *http://www.boem.gov/Final-Notice-of-Sale-225-Package/.*

BOEM requires bidders to use EFT procedures for payment of one-fifth bonus bid deposits for EPA Sale 225, following the detailed instructions contained on the ONRR Payment Information Web page at *www.onrr.gov/FM/PayInfo.htm.* Acceptance of a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Withdrawal of Blocks

The United States reserves the right to withdraw any block or partial block from this lease sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids

The United States reserves the right to reject any and all bids. No bid will be accepted, and no lease for any block will be awarded, to any bidder, unless the bidder has complied with all requirements of the Final NOS, including those set forth in the documents contained in the Final NOS Package and applicable regulations, the bid is the highest valid bid, and the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted that does not conform to the requirements of the Final NOS and Final NOS Package, OCSLA, or other applicable statute or regulation may be rejected and returned to the bidder. The U.S. Department of Justice and Federal Trade Commission will review the results of the lease sale for anti-trust issues prior to the acceptance of bids and issuance of leases. To ensure that the Government receives a fair return for the conveyance of leases from this sale, high bids will be evaluated in accordance with BOEM's bid adequacy procedures. A copy of current procedures, ''Modifications to the Bid Adequacy Procedures,'' published at 64 FR 37560 on July 12, 1999, can be obtained from the BOEM Gulf of Mexico Region Public Information Office, or via the BOEM Gulf of Mexico Region Web site at *www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.*

Lease Award

BOEM requires each bidder awarded a lease to: (1) Execute all copies of the lease (Form BOEM–2005 (October 2011), as amended); (2) pay by EFT the balance of the bonus bid amount and the first year's rental for each lease

issued in accordance with the requirements of 30 CFR 1218.155 and 556.47(f); and (3) satisfy the bonding requirements of 30 CFR part 556, subpart I, as amended. ONRR requests that only one transaction be used for payment of the four-fifths bonus bid amount and the first year's rental.

XI. Delay of Sale

The BOEM Gulf of Mexico RD has the discretion to change any date, time, and/or location specified in the Final NOS Package in case of an event that the BOEM Gulf of Mexico RD deems may interfere with the carrying out of a fair and proper lease sale process. Such events could include, but are not limited to, natural disasters (e.g., earthquakes, hurricanes, and floods), wars, riots, acts of terrorism, fires, strikes, civil disorder, or other events of a similar nature. In case of such events, bidders should call (504) 736–0557, or access the BOEM Web site at *http://www.boem.gov.* for information regarding any changes.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–03320 Filed 2–13–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000]

Central Gulf of Mexico Planning Area (CPA) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 231 (CPA Sale 231)

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Final notice of sale.

SUMMARY: On Wednesday, March 19, 2014, BOEM will open and publicly announce bids received for blocks offered in CPA Sale 231 in accordance with the provisions of the OCS Lands Act (OCSLA, 43 U.S.C. 1331–1356, as amended) and the implementing regulations issued pursuant thereto (30 CFR Parts 550 and 556).

The CPA 231 Final Notice of Sale (NOS) package (Final NOS Package) contains information essential to potential bidders, and bidders are charged with knowing the contents of the documents contained in the Final NOS Package. The Final NOS Package is available at the address and Web site below.

DATES: Public bid reading for CPA Sale 231 will begin at 9:00 a.m., Wednesday, March 19, 2014, at the Mercedes-Benz Superdome, 1500 Sugarbowl Drive, New Orleans, Louisiana 70112. The lease sale will be held in the St. Charles Club Room on the second floor (Loge Level). Entry to the Superdome will be on the Poydras Street side of the building through Gate A on the Ground Level; parking will be available at Garage 6. All times referred to in this document are local New Orleans times, unless otherwise specified.

Bid Submission Deadline: BOEM must receive all sealed bids between 8:00 a.m. and 4:00 p.m. on normal working days, or from 8:00 a.m. to the Bid Submission Deadline of 10:00 a.m. on Tuesday, March 18, 2014, the day before the lease sale. For more information on bid submission, see Section VII, ''Bidding Instructions,'' of this document.

ADDRESSES: Interested parties, upon request, may obtain a compact disc (CD–ROM) containing the Final NOS Package by contacting the BOEM Gulf of Mexico Region (GOMR) at: Gulf of Mexico Region Public Information Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or by visiting the BOEM Web site at *http://www.boem.gov/Sale-231/.*

SUPPLEMENTARY INFORMATION:

Table of Contents

This Final NOS includes the following sections:

I. Lease Sale Area
II. Statutes and Regulations
III. Lease Terms and Economic Conditions
IV. Lease Stipulations
V. Information to Lessees
VI. Maps
VII. Bidding Instructions
VIII. Bidding Rules and Restrictions
IX. Forms
X. The Lease Sale
XI. Delay of Sale

I. Lease Sale Area

Blocks Offered for Leasing

In CPA Sale 231, BOEM is offering for lease all blocks and partial blocks in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package. All of these blocks are shown on the following leasing maps and Official Protraction Diagrams (OPDs):

Outer Continental Shelf Leasing Maps—Louisiana Map Numbers 1 Through 12

(These 30 maps sell for $2.00 each.)

LA1 West Cameron Area (Revised July 1, 2011)
LA1A West Cameron Area, West Addition (Revised February 28, 2007)
LA1B West Cameron Area, South Addition (Revised February 28, 2007)
LA2 East Cameron Area (Revised November 1, 2000)
LA2A East Cameron Area, South Addition (Revised November 1, 2000)
LA3 Vermilion Area (Revised November 1, 2000)
LA3A South Marsh Island Area (Revised November 1, 2000)
LA3B Vermilion Area, South Addition (Revised November 1, 2000)
LA3C South Marsh Island Area, South Addition (Revised November 1, 2000)
LA3D South Marsh Island Area, North Addition (Revised November 1, 2000)
LA4 Eugene Island Area (Revised November 1, 2000)
LA4A Eugene Island Area, South Addition (Revised November 1, 2000)
LA5 Ship Shoal Area (Revised November 1, 2000)
LA5A Ship Shoal Area, South Addition (Revised November 1, 2000)
LA6 South Timbalier Area (Revised November 1, 2000)
LA6A South Timbalier Area, South Addition (Revised November 1, 2000)
LA6B South Pelto Area (Revised November 1, 2000)
LA6C Bay Marchand Area (Revised November 1, 2000)
LA7 Grand Isle Area (Revised November 1, 2000)
LA7A Grand Isle Area, South Addition (Revised February 17, 2004)
LA8 West Delta Area (Revised November 1, 2000)
LA8A West Delta Area, South Addition (Revised November 1, 2000)
LA9 South Pass Area (Revised November 1, 2000)
LA9A South Pass Area, South and East Additions (Revised November 1, 2000)
LA10 Main Pass Area (Revised November 1, 2000)
LA10A Main Pass Area, South and East Additions (Revised November 1, 2000)
LA10B Breton Sound Area (Revised November 1, 2000)
LA11 Chandeleur Area (Revised November 1, 2000)
LA11A Chandeleur Area, East Addition (Revised November 1, 2000)
LA12 Sabine Pass Area (Revised July 1, 2011)

Outer Continental Shelf Official Protraction Diagrams

(These 19 diagrams sell for $2.00 each.)

NG15–02 Garden Banks (Revised February 28, 2007)
NG15–03 Green Canyon (Revised November 1, 2000)
NG15–05 Keathley Canyon (Revised February 28, 2007)

NG15–06 Walker Ridge (Revised November 1, 2000)
NG15–08 Sigsbee Escarpment (Revised February 28, 2007)
NG15–09 Amery Terrace (Revised October 25, 2000)
NG16–01 Atwater Valley (Revised November 1, 2000)
NG16–02 Lloyd Ridge (Revised August 1, 2008)
NG16–04 Lund (Revised November 1, 2000)
NG16–05 Henderson (Revised August 1, 2008)
NG16–07 Lund South (Revised November 1, 2000)
NG16–08 Florida Plain (Revised February 28, 2007)
NH15–12 Ewing Bank (Revised November 1, 2000)
NH16–04 Mobile (Revised July 1, 2011)
NH16–05 Pensacola (Revised February 28, 2007)
NH16–07 Viosca Knoll (Revised November 1, 2000)
NH16–08 Destin Dome (Revised February 28, 2007)
NH16–10 Mississippi Canyon (Revised November 1, 2000)
NH16–11 De Soto Canyon (Revised August 1, 2008)

Please Note: A CD–ROM (in ArcInfo and Acrobat (.pdf) format) containing all of the Gulf of Mexico (GOM) leasing maps and OPDs, except for those not yet converted to digital format, is available from the BOEM Gulf of Mexico Region Public Information Office for a price of $15.00. These GOM leasing maps and OPDs are available for free online in .pdf and .gra formats at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Mapping-and-Data/Official-Protraction-Diagrams.aspx.*

For the current status of all CPA leasing maps and OPDs, please refer to 66 FR 28002 (May 21, 2001), 69 FR 23211 (April 28, 2004), 72 FR 27590 (May 16, 2007), 72 FR 35720 (June 29, 2007), 73 FR 63505 (October 24, 2008), and 76 FR 54787 (September 2, 2011).

All blocks being offered in the lease sale are shown on these leasing maps and OPDs. The available Federal acreage of all whole and partial blocks in this lease sale is shown in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package. Some of these blocks may be partially leased or deferred, or transected by administrative lines such as the Federal/state jurisdictional line. A bid on a block must include all of the available Federal acreage of that block. Information on the unleased portions of such blocks is found in the document ''Central Planning Area, Lease Sale 231, March 19, 2014—Unleased Split Blocks and Available Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease or Deferred'' included in the Final NOS Package.

For additional information, please call Mr. Lenny Coats, Chief of the Mapping and Automation Section, at (504) 736–1457.

Blocks Not Offered for Leasing

The following whole and partial blocks are not offered for lease in this sale:

Whole and partial blocks deferred by the Gulf of Mexico Energy Security Act of 2006, Public Law 109–432:

Pensacola (OPD NH 16–05)

Whole Blocks: 751 through 754, 793 through 798, 837 through 842, 881 through 886, 925 through 930, and 969 through 975

Destin Dome (OPD NH 16–08)

Whole Blocks: 1 through 7, 45 through 51, 89 through 96, 133 through 140, 177 through 184, 221 through 228, 265 through 273, 309 through 317, 353 through 361, 397 through 405, 441 through 450, 485 through 494, 529 through 538, 573 through 582, 617 through 627, 661 through 671, 705 through 715, 749 through 759, 793 through 804, 837 through 848, 881 through 892, 925 through 936, and 969 through 981

DeSoto Canyon (OPD NH 16–11)

Whole Blocks: 1 through 15, 45 through 59, and 92 through 102
Partial Blocks: 16, 60, 61, 89 through 91, 103 through 105, and 135 through 147

Henderson (OPD NG 16–05)

Partial Blocks: 114, 158, 202, 246, 290, 334, 335, 378, 379, 422, and 423

Blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap:

Lund South (OPD NG 16–07)

Whole Blocks: 128, 129, 169 through 173, 208 through 217, 248 through 261, 293 through 305, and 349

Henderson (OPD NG 16–05)

Whole Blocks: 466, 508 through 510, 551 through 554, 594 through 599, 637 through 643, 679 through 687, 722 through 731, 764 through 775, 807 through 819, 849 through 862, 891 through 905, 933 through 949, and 975 through 992
Partial Blocks: 467, 511, 555, 556, 600, 644, 688, 732, 776, 777, 820, 821, 863, 864, 906, 907, 950, 993, and 994

Florida Plain (OPD NG 16–08)

Whole Blocks: 5 through 24, 46 through 67, 89 through 110, 133 through 154, 177 through 197, 221 through 240, 265 through 283, 309 through 327, and 363 through 370

Whole and partial blocks that lie within the 1.4-nautical mile buffer zone north of the Continental Shelf Boundary between the United States and Mexico:

Amery Terrace (OPD NG 15–09)

Whole Blocks: 280, 281, 318 through 320, and 355 through 359
Partial Blocks: 235 through 238, 273 through 279, and 309 through 317

Sigsbee Escarpment (OPD NG 15–08)

Whole Blocks: 239, 284, and 331 through 341
Partial Blocks: 151, 195, 196, 240, 241, 285 through 298, and 342 through 349

The following block is deferred until measures to ensure the safety of planned decommissioning operations are completed:

Green Canyon (OPD NG15–03) Block 20

Please Note: Blocks that lie within the former Western Gap and within 1.4 nautical miles north of the Continental Shelf Boundary (1.4-nautical mile buffer) between the United States and Mexico.

After extensive negotiations, the United States and Mexico exchanged instruments of ratification in January 2001, and a Continental Shelf Boundary treaty entered into force in the Western Gap area of the GOM. The treaty states that, at the earliest, exploration or development within 1.4 nautical miles of the Continental Shelf Boundary would occur after January 2011. On June 23, 2010, the United States and Mexico mutually agreed to extend this period for an additional three years. The treaty provision was to remain in effect until January 17, 2014, but, by exchange of diplomatic notes on January 17, 2014, the United States and Mexico have extended the prohibition on exploration and development in the 1.4-nautical mile buffer until July 17, 2014, or until the day the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico (Agreement) enters into force, whichever is sooner. Although the Agreement (described below), negotiated between and signed by the United States and Mexico on February 20, 2012, has received Congressional approval and the President's signature, it has not entered into force. Once it enters into force, the Agreement will supersede and automatically terminate the prohibition on exploration or development in the 1.4-nautical mile buffer imposed by the continuing treaty provision.

As the Agreement has not entered into force, and the United States and Mexico have extended the Treaty provision prohibiting exploration and development in this area, BOEM has decided not to offer for lease whole and partial blocks in the 1.4-nautical mile buffer for CPA Sale 231. BOEM currently anticipates that blocks in the 1.4-nautical mile buffer will be offered in the next CPA lease sale in 2015.

Bids on Blocks near the U.S.–Mexico Maritime and Continental Shelf Boundary

The following definitions apply to this section:

''Agreement'' refers to the transboundary agreement between the United Mexican States and the United States of America that addresses identification and unitization of transboundary hydrocarbon reservoirs, allocation of production, inspections, safety, and environmental protection. A copy of the Agreement can be found at *http://www.boem.gov/BOEM-Newsroom/Library/Boundaries-Mexico.aspx.*

''Boundary Area'' means an area comprised of any and all blocks in the CPA that are wholly or partially located within 3 statute miles of the Maritime and Continental Shelf Boundary with Mexico, as that Maritime Boundary is delimited in the November 23, 1970, Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary; the May 4, 1978, Treaty on Maritime Boundaries between the United Mexican States and the United States of America; and the June 9, 2000, Treaty on the Continental Shelf between the Government of the United Mexican States and the Government of the United States of America.

The Agreement was signed on February 20, 2012. The United States Congress approved the Agreement as part of the Bipartisan Budget Act of 2013, which the President signed on December 26, 2013. The Agreement will enter into force 60 days after the exchange of diplomatic notes between the United States and Mexico. Therefore, BOEM has decided that bids submitted on available blocks in the Boundary Area will be opened on the date scheduled for the sale. Bidders should refer to Stipulation No. 10 in the Stipulations section of the Final NOS Package, which will be applicable to leases issued for blocks in the Boundary Area.

The following whole and partial blocks comprise the entire Boundary Area (not all of which may be available under CPA Sale 231):

Sigsbee Escarpment—151, 152, 195, 196, 197, 239, 240, 241, 242, 243, 284, 285, 286, 287, 288*, 289*, 290*, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349

Amery Terrace—118, 119, 120*, 121*, 122*, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164*, 165*, 166*, 167, 168, 169, 170, 171, 172, 173, 174, 175, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 265, 266, 267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 355, 356, 357, 358, 359

Lund South—133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 293, 294, 295, 296

* = Leased

II. Statutes and Regulations

Each lease is issued pursuant to OCSLA, and is subject to OCSLA, implementing regulations promulgated pursuant thereto, and other applicable statutes and regulations in existence upon the effective date of the lease, as well as those applicable statutes enacted and regulations promulgated thereafter, except to the extent that the after-enacted statutes and regulations explicitly conflict with an express provision of the lease. Each lease is also subject to amendments to statutes and regulations, including but not limited to OCSLA, that do not explicitly conflict with an express provision of the lease. The lessee expressly bears the risk that such new or amended statutes and regulations (i.e., those that do not explicitly conflict with an express provision of the lease) may increase or decrease the lessee's obligations under the lease.

III. Lease Terms and Economic Conditions

Lease Terms

OCS Lease Form

BOEM will use Form BOEM–2005 (October 2011) to convey leases resulting from this sale. This lease form may be viewed on the BOEM Web site at *http://www.boem.gov/About-BOEM/Procurement-Business-Opportunities/BOEM–OCS-Operation-Forms/BOEM–2005.aspx.* The lease form will be amended to conform with the specific terms, conditions, and stipulations applicable to each individual lease. The terms, conditions, and stipulations applicable to this sale are set forth below.

Initial Periods

Initial periods are summarized in the following table:

Water depth (meters)	Initial periods
0 to < 400	Standard initial period is 5 years; the lessee may earn an additional 3 years (i.e., for an 8-year extended initial period) if a well is spudded targeting hydrocarbons below 25,000 feet True Vertical Depth Subsea (TVD SS) during the first 5 years of the lease.
400 to < 800	Standard initial period is 5 years; the lessee will earn an additional 3 years (i.e., for an 8-year extended initial period) if a well is spudded during the first 5 years of the lease.
800 to < 1,600	Standard initial period is 7 years; the lessee will earn an additional 3 years (i.e., for a 10-year extended initial period) if a well is spudded during the first 7 years of the lease.
1,600+	10 years.

(1) The standard initial period for a lease in water depths less than 400 meters issued as a result of this sale is 5 years. If the lessee spuds a well targeting hydrocarbons below 25,000 feet TVD SS within the first 5 years of the lease, then the lessee may earn an additional 3 years, resulting in an 8-year extended initial period. The lessee will earn the 8-year extended initial period when the well is drilled to a target below 25,000 feet TVD SS, or the lessee may earn the 8-year extended initial period in cases where the well targets, but does not reach, a depth below

25,000 feet TVD SS due to mechanical or safety reasons, where sufficient evidence is provided.

In order to earn the 8-year extended initial period, the lessee is required to submit to the Bureau of Safety and Environmental Enforcement (BSEE) GOM Regional Supervisor for Production and Development, within 30 days after completion of the drilling operation, a letter providing the well number, spud date, information demonstrating a target below 25,000 feet TVD SS and whether that target was reached, and if applicable, any safety, mechanical, or other problems encountered that prevented the well from reaching a depth below 25,000 feet TVD SS. The BSEE Gulf of Mexico Regional Supervisor for Production and Development must concur in writing that the conditions have been met for the lessee to earn the 8-year extended initial period. The BSEE Gulf of Mexico Regional Supervisor for Production and Development will provide a written response within 30 days of receipt of the lessee's letter.

A lessee that has earned the 8-year extended initial period by spudding a well with a hydrocarbon target below 25,000 feet TVD SS during the first 5 years of the lease, confirmed by BSEE, will not be eligible for a suspension for that same period under the regulations at 30 CFR 250.175 because the lease is not at risk of expiring.

(2) The standard initial period for a lease in water depths ranging from 400 to less than 800 meters issued as a result of this sale is 5 years. The lessee will earn an additional 3 years, resulting in an 8-year extended initial period, if the lessee spuds a well within the first 5 years of the lease.

In order to earn the 8-year extended initial period, the lessee is required to submit to the appropriate BSEE District Manager, within 30 days after spudding a well, a letter providing the well number and spud date, and requesting concurrence that the lessee has earned the 8-year extended initial period. The BSEE District Manager will review the request and make a written determination within 30 days of receipt of the request. The BSEE District Manager must concur in writing that the conditions have been met by the lessee to earn the 8-year extended initial period.

(3) The standard initial period for a lease in water depths ranging from 800 to less than 1,600 meters issued as a result of this sale will be 7 years. The lessee will earn an additional 3 years, resulting in a 10-year extended initial period, if the lessee spuds a well within the first 7 years of the lease.

In order to earn the 10-year extended initial period, the lessee is required to submit to the appropriate BSEE District Manager, within 30 days after spudding a well, a letter providing the well number and spud date, and requesting concurrence that the lessee earned the 10-year extended initial period. The BSEE District Manager will review the request and make a determination. A written response will be sent to the lessee documenting the BSEE District Manager's decision within 30 days of receipt of the request. The BSEE District Manager must concur in writing that the conditions have been met by the lessee to earn the 10-year extended initial period.

(4) The standard initial period for a lease in water depths 1,600 meters or greater issued as a result of this sale will be 10 years.

Economic Conditions

Minimum Bonus Bid Amounts

- $25.00 per acre or fraction thereof for blocks in water depths less than 400 meters
- $100.00 per acre or fraction thereof for blocks in water depths 400 meters or deeper

BOEM will not accept a bonus bid unless it provides for a cash bonus in the amount equal to, or exceeding, the specified minimum bid of $25.00 per acre or fraction thereof for blocks in water depths less than 400 meters, and $100.00 per acre or fraction thereof for blocks in water depths 400 meters or deeper.

Rental Rates

Annual rental rates are summarized in the following table:

RENTAL RATES PER ACRE OR FRACTION THEREOF

Water depth (meters)	Years 1–5	Years 6, 7, & 8+
0 to < 200	$7.00	$14.00, $21.00, & $28.00
200 to < 400	11.00	$22.00, $33.00, & $44.00
400+	11.00	$16.00

Escalating Rental Rates for Leases with an 8-Year Extended Initial Period in Water Depths Less Than 400 Meters

Any lessee with a lease in less than 400 meters water depth who earns an 8-year extended initial period will pay an escalating rental rate as shown above. The rental rates after the fifth year for blocks in less than 400 meters water depth will become fixed and no longer escalate if another well is spudded targeting hydrocarbons below 25,000 feet TVD SS after the fifth year of the lease, and BSEE concurs that such a well has been spudded. In this case, the rental rate will become fixed at the rental rate in effect during the lease year in which the additional well was spudded.

Royalty Rate

- 18.75 percent.

Minimum Royalty Rates

- $7.00 per acre or fraction thereof per year for blocks in water depths less than 200 meters.
- $11.00 per acre or fraction thereof per year for blocks in water depths 200 meters or deeper.

Royalty Suspension Provisions

Leases with royalty suspension volumes (RSVs) are authorized under existing BOEM regulations at 30 CFR part 560. Royalty relief or reduction is implemented by BSEE through regulations at 30 CFR part 203.

Ultra-deep Gas Royalty Suspensions

A lease issued as a result of this sale may be eligible for RSV incentives for ultra-deep wells pursuant to 30 CFR part 203, implementing requirements of the Energy Policy Act of 2005. Certain wells on leases in less than 400 meters water depth completed to a drilling depth of 20,000 feet TVD SS or deeper may receive an RSV of 35 billion cubic feet of natural gas. This RSV incentive is subject to applicable price thresholds set forth in that regulation.

IV. Lease Stipulations

One or more of the following stipulations may be applied to leases issued as a result of this sale. The detailed text of these stipulations is

contained in the ''Lease Stipulations'' section of the Final NOS Package.

(1) Topographic Features
(2) Live Bottoms
(3) Military Areas
(4) Evacuation
(5) Coordination
(6) Blocks South of Baldwin County, Alabama
(7) Law of the Sea Convention Royalty Payment
(8) Protected Species
(9) Below Seabed Operations
(10) Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico

V. Information to Lessees

The Information to Lessees (ITL) clauses provide detailed information on certain issues pertaining to this oil and gas lease sale. The detailed text of these ITL clauses is contained in the ''Information to Lessees'' section of the Final NOS Package:

(1) Navigation Safety
(2) Ordnance Disposal Areas
(3) Communication Towers
(4) Existing and Proposed Artificial Reefs/Rigs to Reefs
(5) Lightering Zones
(6) Indicated Hydrocarbons List
(7) Military Areas
(8) Safety Zones for Certain Production Facilities
(9) Bureau of Safety and Environmental Enforcement (BSEE) Inspection and Enforcement of Certain Coast Guard Regulations
(10) Deepwater Port Applications for Offshore Liquefied Natural Gas Facilities
(11) Ocean Dredged Material Disposal Sites
(12) Potential Sand Dredging Activities
(13) Below Seabed Operations
(14) Commercial Waste Disposal Areas
(15) Air Quality Permits
(16) Notice of Arrival on the Outer Continental Shelf
(17) Gulf Islands National Seashore
(18) Bidder/Lessee Notice Obligations Related to Criminal/Civil Charges and Offenses, Suspension, or Debarment.

VI. Maps

The maps pertaining to this lease sale may be found on the BOEM Web site at *http://www.boem.gov/Sale-231/*. The following maps also are included in the Final NOS Package:

Lease Terms and Economic Conditions Map

The lease terms and economic conditions and the blocks to which these terms and conditions apply are shown on the map ''Final, Central Planning Area, Lease Sale 231, March 19, 2014, Lease Terms and Economic Conditions'' included in the Final NOS Package.

Stipulations and Deferred Blocks Map

The blocks to which one or more lease stipulations may apply are shown on the map ''Final, Central Planning Area, Lease Sale 231, March 19, 2014, Stipulations and Deferred Blocks Map'' included in the Final NOS Package.

VII. Bidding Instructions

Instructions on how to submit a bid, secure payment of the advance bonus bid deposit (if applicable), and what information must be included with the bid are as follows:

Bid Form

For each block bid upon, a separate sealed bid shall be submitted in a sealed envelope (as described below) and must include the following:

- total amount of the bid in whole dollars only;
- sale number;
- sale date;
- each bidder's exact name;
- each bidder's proportionate interest, stated as a percentage, using a maximum of five decimal places (e.g., 33.33333 percent);
- typed name, title, and signature of each bidder's authorized officer;
- each bidder's qualification number;
- map name and number or Official Protraction Diagram (OPD) name and number;
- block number; and
- statement acknowledging that the bidder(s) understand that this bid legally binds the bidder(s) to comply with all applicable regulations, including payment of one-fifth of the bonus bid amount on all apparent high bids.

The information required on the bid(s) will be specified in the document ''Bid Form'' contained in the Final NOS Package. A blank bid form is provided therein for convenience and may be copied and completed with the necessary information described above.

Bid Envelope

Each bid must be submitted in a separate sealed envelope labeled as follows:

- ''Sealed Bid for Oil and Gas Lease Sale 231, not to be opened until 9 a.m. Wednesday, March 19, 2014'';
- map name and number or OPD name and number;
- block number for block bid upon; and
- the exact name and qualification number of the submitting bidder only.

The Final NOS Package includes samples of the bid envelopes for reference.

Mailed Bids

If bids are mailed, please address the envelope containing the sealed bid envelope(s) as follows:

Attention: Leasing and Financial Responsibility Section, BOEM Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Contains Sealed Bids for CPA Oil and Gas Lease Sale 231 Please Deliver to Ms. Cindy Thibodeaux or Ms. Kasey Couture, 2nd Floor, Immediately.

Please Note: Bidders mailing bid(s) are advised to call Ms. Cindy Thibodeaux at (504) 736–2809, or Ms. Kasey Couture at (504) 736–2909, immediately after putting their bid(s) in the mail. If BOEM receives bids later than the Bid Submission Deadline, the BOEM Regional Director (RD) will return those bids unopened to bidders. Please see ''Section XI. Delay of Sale'' regarding BOEM's discretion to extend the Bid Submission Deadline in the case of an unexpected event (e.g., flooding or travel restrictions) and how bidders can obtain more information on such extensions.

Advance Bonus Bid Deposit Guarantee

Bidders that are not currently an OCS oil and gas lease record title holder or designated operator or those that ever have defaulted on a one-fifth bonus bid deposit, by Electronic Funds Transfer (EFT) or otherwise, must guarantee (secure) the payment of the one-fifth bonus bid deposit prior to bid submission using one of the following four methods:

- provide a third-party guarantee;
- amend an areawide development bond via bond rider;
- provide a letter of credit; or
- provide a lump sum payment in advance via EFT.

For more information on EFT procedures, see Section X of this document entitled ''The Lease Sale.''

Affirmative Action

BOEM requests that, prior to bidding, the bidder file Equal Opportunity Affirmative Action Representation Form BOEM–2032 (October 2011) and Equal Opportunity Compliance Report Certification Form BOEM–2033 (October 2011) with the BOEM Gulf of Mexico Region Adjudication Section. This certification is required by 41 CFR part 60 and Executive Order No. 11246, issued September 24, 1965, as amended by Executive Order No. 11375, issued October 13, 1967. Please note that both forms are required to be on file for the bidder(s) in the GOM Region

Adjudication Section prior to the execution of any lease contract.

Geophysical Data and Information Statement Package (GDIS)

The GDIS is composed of three parts:

(1) The ''Statement'' page includes the company representatives' information and lists of blocks bid on that used proprietary data and those bid on that did not use proprietary data,

(2) the ''Table'' listing the required data about each proprietary survey used (see below), and

(3) the ''Maps,'' which are the live trace maps for each survey identified in the GDIS statement and table.

Every bidder submitting a bid on a block in CPA Sale 231, or participating as a joint bidder in such a bid, must submit at the time of bid submission all three parts of the GDIS. A bidder must submit the GDIS even if its joint bidder or bidders on a specific block also have submitted a GDIS. Any speculative data that has been reprocessed externally or ''in-house'' is considered proprietary due to the proprietary processing and is no longer considered to be speculative.

The GDIS must be submitted in a separate and sealed envelope. It also must identify all proprietary data; reprocessed speculative data, and/or any Controlled Source Electromagnetic surveys, Amplitude Versus Offset (AVO), Gravity, or Magnetic data; or other information used as part of the decision to bid or participate in a bid on the block. The bidder and joint bidder must also include a live trace map (e.g., .pdf and ArcGIS shape file) for each survey that they identify in the GDIS illustrating the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' in the Final NOS Package for additional information).

The GDIS statement must include the name, phone number, and full address of a contact person and an alternate who are both knowledgeable about the information and data listed and who are available for 30 days post sale. The GDIS statement also must include entries for all blocks bid upon that did not use proprietary or reprocessed pre- or post-stack geophysical data and information as part of the decision to bid or to participate as a joint bidder in the bid. The GDIS statement must be submitted even if no proprietary geophysical data and information were used in bid preparation for the block.

The GDIS table should have columns that clearly state the sale number; the bidder company's name; the block area and block number bid on; the owner of the original data set (i.e., who initially acquired the data); the industry's original survey name (e.g., E Octopus); the BOEM permit number for the survey; whether the data set is a fast track version; whether the data is speculative or proprietary; the data type (e.g., 2–D, 3–D, or 4–D; pre-stack or post-stack; and time or depth); migration algorithm (e.g., Kirchhoff Migration, Wave Equation Migration, Reverse Migration, Reverse Time Migration) of the data; and areal extent of bidder survey (i.e., number of line miles for 2–D or number of blocks for 3–D). Provide the computer storage size, to the nearest gigabyte, of each seismic data and velocity volume used to evaluate the lease block in question. This will be used in estimating the reproduction costs for each data set, if applicable. The next column should state who reprocessed the data (e.g., external company name or ''in-house'') and when the date of final reprocessing was completed (month and year). If the data was sent to BOEM for bidding in a previous lease sale, list the date the data was processed (month and year) and indicate if AVO data was used in the evaluation. BOEM reserves the right to query about alternate data sets, to quality check, and to compare the listed and alternative data sets to determine which data set most closely meets the needs of the fair market value determination process. An example of the preferred format of the table may be found in the Final NOS Package and a blank digital version of the preferred table may be accessed on the CPA Sale 231 page at *http://www.boem.gov/Sale-231/.*

The GDIS maps are live trace maps (in .pdf and ArcGIS shape files) that should be submitted for each survey that is identified in the GDIS table. They should illustrate the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' in the Final NOS Package for additional information).

Pursuant to 30 CFR 551.12 and 30 CFR 556.32, as a condition of the sale, the BOEM Gulf of Mexico RD requests that all bidders and joint bidders submit the proprietary data identified on their GDIS within 30 days after the lease sale (unless they are notified after the lease sale that BOEM has withdrawn the request). This request only pertains to proprietary data that is not commercially available. Commercially available data is not required to be submitted to BOEM, and reimbursement will not be provided if such data is submitted by a bidder. The BOEM Gulf of Mexico RD will notify bidders and joint bidders of any withdrawal of the request, for all or some of the proprietary data identified on the GDIS, within 15 days of the lease sale. Pursuant to 30 CFR part 551 and as a condition of this sale, all bidders required to submit data must ensure that the data is received by BOEM no later than the 30th day following the lease sale, or the next business day if the submission deadline falls on a weekend or Federal holiday. The data must be submitted to BOEM at the following address: Bureau of Ocean Energy Management, Resource Studies, MS 881A, 1201 Elmwood Park Blvd., New Orleans, LA 70123–2304.

BOEM recommends that bidders mark the submission's external envelope as ''Deliver Immediately to DASPU.'' BOEM also recommends that the data be submitted in an internal envelope, or otherwise marked, with the following designation ''Proprietary Geophysical Data Submitted Pursuant to Lease Sale 231 and used during (Bidder Name's) evaluation of Block (Block Number).''

In the event a person supplies any type of data to BOEM, that person must meet the following requirements to qualify for reimbursement:

(1) Persons must be registered with the System for Award Management (SAM), formerly known as the Central Contractor Registration (CCR). CCR usernames will not work in SAM. A new SAM User Account is needed to register or update an entity's records. The Web site for registering is *https://www.sam.gov.*

(2) Persons must be enrolled in the Department of Treasury's Internet Payment Platform (IPP) for electronic invoicing. The person must enroll in the IPP at *https://www.ipp.gov/.* Access then will be granted to use IPP for submitting requests for payment. When a request for payment is submitted, it must include the assigned Purchase Order Number on the request.

(3) Persons must have a current On-line Representations and Certifications Application at *https://www.sam.gov.*

Please Note: The GDIS Information Table must be submitted digitally, preferably as an Excel spreadsheet, on a CD or DVD along with the seismic data map(s). If you have any questions, please contact Ms. Dee Smith at (504) 736–2706, or Mr. John Johnson at (504) 736–2455. Bidders should refer to Section X of this document, ''The Lease Sale: Acceptance, Rejection, or Return of Bids,'' regarding a bidder's failure to comply with the requirements of the Final NOS, including any failure to submit information as required in the Final NOS or Final NOS Package.

Telephone Numbers/Addresses of Bidders

BOEM requests that bidders provide this information prior to or at the time of bid submission. The suggested format

is contained in the Final NOS Package. This form must not be enclosed inside the sealed bid envelope.

Additional Documentation

BOEM may require bidders to submit other documents in accordance with 30 CFR 556.46.

VIII. Bidding Rules and Restrictions

Restricted Joint Bidders

BOEM published in the **Federal Register,** on October 28, 2013, the most recent List of Restricted Joint Bidders at 78 FR 64243. Potential bidders are advised to refer to the **Federal Register,** prior to bidding, for the most current List of Restricted Joint Bidders in place at the time of the lease sale. Please refer to joint bidding provisions at 30 CFR 556.41 for additional restrictions.

Authorized Signatures

All signatories executing documents on behalf of bidder(s) must execute the same in conformance with the BOEM qualification records.

Unlawful Combination or Intimidation

BOEM warns bidders against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

Bid Withdrawal

Bids may be withdrawn only by written request delivered to BOEM prior to the Bid Submission Deadline. The withdrawal request must be on company letterhead and must contain the bidder's name, its company number, the map name/number, and the block number(s) of the bid(s) to be withdrawn. The request must be executed in conformance with the BOEM qualification records. Signatories must be authorized to bind their respective legal business entities (e.g., a corporation, partnership, or LLC); they also must have an incumbency certificate and/or specific power of attorney setting forth express authority to act on the business entity's behalf for purposes of bidding and lease execution under OCSLA. The name and title of the signatory must be typed under the signature block on the withdrawal letter. Upon the BOEM Gulf of Mexico RD's, or his designee's, approval of such request, he/she will indicate approval by signing and dating the withdrawal request.

Bid Rounding

The bonus bid amount must be stated in whole dollars. If the acreage of a block contains a decimal figure, then prior to calculating the minimum bonus bid, BOEM rounded up to the next whole acre. The appropriate minimum rate per acre was then applied to the whole (rounded up) acreage. If this calculation resulted in a fractional dollar amount, the minimum bonus bid was rounded up to the next whole dollar amount. The bonus bid amount must be greater than or equal to the minimum bonus bid in whole dollars. Minimum bonus bid calculations, including all rounding, for all blocks will be shown in the document ''List of Blocks Available for Leasing'' included in the Final NOS Package.

IX. Forms

The Final NOS Package includes instructions, samples, and/or the preferred format for the following items. BOEM strongly encourages bidders to use these formats; should bidders use another format, they are responsible for including all the information specified for each item in the Final NOS Package.

(1) Bid Form
(2) Sample Completed Bid
(3) Sample Bid Envelope
(4) Sample Bid Mailing Envelope
(5) Telephone Numbers/Addresses of Bidders Form
(6) GDIS Form
(7) GDIS Envelope Form

X. The Lease Sale

Bid Opening and Reading

Sealed bids received in response to the Final NOS will be opened at the place, date, and hour specified in the **DATES** section of this document above. The opening of the bids is for the sole purpose of publicly announcing and recording the bids received; no bids will be accepted or rejected at that time.

Bonus Bid Deposit for Apparent High Bids

Each bidder submitting an apparent high bid must submit a bonus bid deposit to the U.S. Department of the Interior's Office of Natural Resources Revenue (ONRR) equal to one-fifth of the bonus bid amount for each such bid. A copy of the notification of the high bidder's one-fifth bonus liability may be obtained at the EFT Area outside the Bid Reading Room on the day of the bid opening, or it may be obtained on the BOEM Web site at *http://www.boem.gov/Sale-231/* under the heading ''Notification of EFT 1/5 Bonus Liability.'' All payments must be deposited electronically into an interest-bearing account in the U.S. Treasury by 11:00 a.m. Eastern Time the day following the bid reading (no exceptions). Account information is provided in the ''Instructions for Making Electronic Funds Transfer Bonus Payments'' found on the BOEM Web site *http://www.boem.gov/Final-Notice-of-Sale-231-Package/.*

BOEM requires bidders to use EFT procedures for payment of one-fifth bonus bid deposits for CPA Sale 231, following the detailed instructions contained on the ONRR Payment Information Web page at *http://www.onrr.gov/FM/PayInfo.htm.* Acceptance of a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Withdrawal of Blocks

The United States reserves the right to withdraw any block or partial block from this lease sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids

The United States reserves the right to reject any and all bids. No bid will be accepted, and no lease for any block will be awarded, to any bidder, unless the bidder has complied with all requirements of the Final NOS, including those set forth in the documents contained in the Final NOS Package and applicable regulations, the bid is the highest valid bid, and the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted that does not conform to the requirements of the Final NOS and Final NOS Package, OCSLA, or other applicable statute or regulation may be rejected and returned to the bidder. The U.S. Department of Justice and the Federal Trade Commission will review the results of the lease sale for anti-trust issues prior to the acceptance of bids and issuance of leases. To ensure that the Government receives a fair return for the conveyance of leases from this sale, high bids will be evaluated in accordance with BOEM's bid adequacy procedures. A copy of current procedures, ''Modifications to the Bid Adequacy Procedures,'' published at 64 FR 37560 on July 12, 1999, can be obtained from the BOEM Gulf of Mexico Region Public Information Office, or via the BOEM Gulf of Mexico Region Web site at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.*

Lease Award

BOEM requires each bidder awarded a lease to: (1) Execute all copies of the lease (Form BOEM–2005 (October 2011), as amended); (2) pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155 and 556.47(f); and (3) satisfy the bonding requirements of 30 CFR part 556,

subpart I, as amended. ONRR requests that only one transaction be used for payment of the four-fifths bonus bid amount and the first year's rental.

XI. Delay of Sale

The BOEM Gulf of Mexico RD has the discretion to change any date, time, and/or location specified in the Final NOS Package in case of an event that the BOEM Gulf of Mexico RD deems may interfere with the carrying out of a fair and proper lease sale process. Such events could include, but are not limited to, natural disasters (e.g., earthquakes, hurricanes, and floods), wars, riots, acts of terrorism, fires, strikes, civil disorder, or other events of a similar nature. In case of such events, bidders should call (504) 736–0557, or access the BOEM Web site at *http://www.boem.gov* for information regarding any changes.

Dated: February 6, 2014.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–03316 Filed 2–13–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–986–987 (Second Review)]

Ferrovanadium From China and South Africa: Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on ferrovanadium from China and South Africa would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* February 4, 2014.

FOR FURTHER INFORMATION CONTACT: Joanna Lo (202–205–1888), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On February 4, 2014, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act.[1] The Commission found that the domestic interested party group response and the respondent interested party group response to its notice of institution (78 FR 65706, November 1, 2013) with respect to the review on ferrovanadium from South Africa were adequate, and decided to conduct a full review of that antidumping duty order. The Commission found that the respondent interested party group response with respect to the review on ferrovanadium from China was inadequate. However, the Commission determined to conduct a full review concerning the order on ferrovanadium from China to promote administrative efficiency in light of its decision to a conduct full review with respect to the order on subject imports from South Africa. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner=s statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 11, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–03262 Filed 2–13–14; 8:45 am]

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[1] Commissioner Shara L. Aranoff did not participate.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–890]

Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof; Commission Determination Not To Review an Initial Determination Granting the Complainants' Motion to Amend the Complaint and Notice of Investigation to Substitute U.S. Patent No. Re44,453 For U.S. Patent No. 7,614,398 and Granting Respondents' Motion to Terminate the Investigation With Respect to U.S. Patent No. 7,614,398

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 7) of the presiding administrative law judge granting the Complainants' motion to amend the complaint and notice of investigation to substitute claims 1–7 of U.S. Patent No. RE44,453 for claims 1–7 of U.S. Patent No. 7,614,398 (''the '398 patent'') and granting the Respondents' motion to terminate the investigation with respect to the '398 patent.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on Friday, August 23, 2013, based on a complaint filed on July 19, 2013, on behalf of ResMed Corp. of San Diego, California; ResMed Inc. of San Diego, California; and ResMed Ltd. of Bella Vista, Australia (collectively, ''the

Complainants''). 78 FR 52563–64 (August 23, 2013). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the sale for importation, importation, or sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof by reason of infringement of one or more of claims 32–37, 53, 79, 80, and 88 of U.S. Patent No. 7,997,267; claims 1–7 of U.S. Patent No. 7,614,398; claim 1 of U.S. Patent No. 7,938,116; claims 30, 37, and 38 of U.S. Patent No. 7,341,060; claims 1, 3, 5, 11, 28, 30, 31, and 56 of U.S. Patent No. 8,312,883; claims 13, 15, 16, 26–28, 51, 52, and 55 of U.S. Patent No. 7,926,487; claims 1, 3, 6, 7, 9, 29, 32, 35, 40, 42, 45, 50, 51, 56, 59, 89, 92, 94, and 96 of U.S. Patent No. 7,178,527; and claims 19–24, 26, 29–36, and 39–41 of U.S. Patent No. 7,950,392. The Commission's notice of investigation named as respondents BMC Medical Co., Ltd. of Beijing, China; 3B Medical, Inc. of Lake Wales, Florida; and 3B Products, L.L.C. of Lake Wales, Florida (collective, ''the Respondents''). A Commission investigative attorney (''IA'') is also participating in this investigation.

On December 13, 2013, the Commission issued notice of its determination not to review an ID (Order No. 4) granting the Complainants' unopposed motion to amend the complaint to correct an error in its allegations regarding the domestic industry. 78 FR 76858–59 (December 19, 2013).

On December 5, 2013, the Complainants filed a motion to amend the complaint and notice of investigation by substituting claim 1–7 of U.S. Patent No. RE44,453 for claims 1–7 of the '398 patent. On December 9, 2013, the Respondents filed a response in opposition to Complainants' motion to amend and separately filed a motion to terminate the investigation, or in the alternative, for summary determination, with respect to the '398 patent. On December 26, 2013, the Commission investigative attorney filed a response in support of the Respondents' motion to terminate and in opposition to the Complainants' motion to amend the complaint and notice of investigation. On December 26, 2013, the Complainants filed a response to the Respondents' motion. On January 9, 2014, the ALJ issued an ID (Order No. 7), granting the motion to amend the complaint and notice of investigation and granting the Respondents' motion to terminate the investigation with respect to the '398 patent. No petitions for review were filed.

Having considered the ID, the Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and § 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: February 10, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–03246 Filed 2–13–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0105]

Agency Information Collection Activities: Revision to a Currently Approved Collection; Comments Requested; Community Policing Self-Assessment (CP–SAT)

ACTION: 60-day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until April 15, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Kimberly Brummett, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection; comments requested.

(2) *Title of the Form/Collection:* Community Policing Self-Assessment (CP–SAT).

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Law Enforcement Agencies and community partners. The purpose of this project is to improve the practice of community policing throughout the United States by supporting the development of a series of tools that will allow law enforcement agencies to gain better insight into the depth and breadth of their community policing activities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that approximately 95,035 respondents will respond with an average of 15 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated burden is 23,759 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: February 11, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03261 Filed 2–13–14; 8:45 am]

BILLING CODE 4410–AT–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–018)]

NASA Advisory Council; Science Committee; Planetary Science Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held via Teleconference and WebEx for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday, March 12, 2014, 8:30 a.m. to 4:30 p.m., Local Time.

ADDRESSES: NASA Headquarters, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or *ann.b.delo@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public telephonically and by WebEx. Any interested person may call the USA toll free conference call number 888–957–9861, passcode 64849, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/,* meeting number 996 838 402, password is PSS@Mar12.

The agenda for the meeting includes the following topics:

—Planetary Science Division Update and FY 2015 Budget Roll out

—Planetary Science Division Research and Analysis Program Restructuring.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014–03288 Filed 2–13–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATES: The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Monday, March 3, 2014, 11:00 a.m.—1:00 p.m. (Eastern).

PLACE: The meeting will occur by phone. NCD staff will participate in the call from the NCD office at 1331 F Street NW., Suite 850, Washington, DC 20004. Interested parties may join the meeting in person at the NCD office or may join the phone line in a listening-only capacity (other than the period allotted for by-phone public comment) using the following call-in number: 888–438–5524; Conference ID: 9718068; Conference Title: NCD Meeting; Host Name: Jeff Rosen.

MATTERS TO BE CONSIDERED: The Council will receive reports from its standing committees; receive panel presentations from policy experts on the Affordable Care Act; and receive its annual ethics training.

AGENDA: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern):

11:00–11:30 a.m.—Call to Order and Council Committee Reports

11:30 a.m.–12:15 p.m.—Presentation on the Affordable Care Act (ACA), with presentations by Judy Solomon, Vice President for Health Policy, Center on Budget and Policy Priorities; Vicki Gottlich, Director, Consumer Support Group, HHS/CMS/CCIIO; Sharon Lewis, Principal Deputy Administrator, Administration for Community Living (ACL), U.S. Department of Health and Human Services

12:15–12:30 p.m.—Public Comment on the Affordable Care Act

12:30–1:00 p.m.—Annual Ethics Training for NCD Council Members and Staff

1:00 p.m.—Meeting Adjourned

PUBLIC COMMENT: Due to NCD's focus on the Affordable Care Act (ACA) on this Council call, the brief public comment period available by phone will be used to receive only comments related to ACA. All those who are interested in making public comment regarding ACA by phone must register in advance by emailing *PublicComment@ncd.gov* and noting ''Registration'' in the subject line. Phone comment space is limited and will be accommodated on a first-registered, first-acknowledged basis until the time is filled. Commenters will be asked to limit their remarks to three minutes and are welcome to submit more detailed comments to the Council via email. The Council always welcomes all comments, regardless of topic, via email. NCD encourages those interested in raising an issue or concern to the Council's attention to email their thoughts to *PublicComment@ncd.gov.*

CONTACT PERSON FOR MORE INFORMATION: Anne Sommers, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202–272–2004 (V), 202–272–2074 (TTY).

ACCOMMODATIONS: A CART streamtext link has been arranged for this meeting. The web link to access CART is: *http://www.streamtext.net/text.aspx?event=030314NCD1100am.* Those who plan to attend the meeting in-person and require accommodations should notify NCD as soon as possible to allow time to make arrangements.

Please note: To help reduce exposure to fragrances for those with multiple chemical sensitivities, NCD requests that all those attending the meeting in person please refrain from wearing scented personal care products such as perfumes, hairsprays, colognes, and deodorants.

Dated: February 11, 2014.

Rebecca Cokley,

Executive Director.

[FR Doc. 2014–03367 Filed 2–12–14; 11:15 am]

BILLING CODE 6820–MA–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, February 20, 2014.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. NCUA's Rules and Regulations, Voluntary Liquidations of Federal Credit Unions.

2. Share Insurance Fund Quarterly Report.

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2014–03423 Filed 2–12–14; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Notice of Proposed Information Collection Requests: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Service (''IMLS'') as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.). This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning the continuance of the Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 15, 2014.

IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the 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 submissions of responses.

ADDRESSES: For a copy of the documents contact: Matthew Birnbaum, Ph.D., Evaluation and Research Officer, Planning, Research and Evaluation, Institute of Museum and Library Services, 1800 M St. NW., 9th Floor, Washington, DC 20036. Dr. Birnbaum can be reached by Telephone: 202–653–4760, Fax: 202–653–4601, or by email at *mbirnbaum@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services (IMLS) is an independent Federal grant-making agency and is the primary source of federal support for the Nation's 123,000 libraries and 17,500 museums. IMLS provides a variety of grant programs to assist the Nation's museums and libraries in improving their operations and enhancing their services to the public. IMLS is responsible for identifying national needs for and trends in museum, library, and information services; measuring and reporting on the impact and effectiveness of museum, library and information services throughout the United States, including programs conducted with funds made available by IMLS; identifying, and disseminating information on, the best practices of such programs; and developing plans to improve museum, library and information services of the United States and strengthen national, State, local, regional, and international communications and cooperative networks (20 U.S.C. Chapter 72, 20 U.S.C. 9108).

II. Current Actions

This proposed request is to renew IMLS's generic clearance for collection of qualitative feedback on the Agency's service delivery. This data collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback, IMLS means information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. The Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery has been conducted by the Institute of Museum and Library Services under the clearance number 3137–0081, which expires June 30, 2014.

Agency: Institute of Museum and Library Services.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3137–0081.

Agency Number: 3137.

Affected Public: State and local governments, State library agencies, and public libraries.

Number of Respondents: 4,900.

Frequency of Response: Once per request.

Average minutes per response: 55 minutes.

Total burden hours: 1,418.

Cost Burden (dollars): $38,102.

Contact: Kim A. Miller, Management Analyst, Office of Planning, Research, and Evaluation, Institute of Museum and Library Services, 1800 M Street NW., 9th Floor, Washington, DC 20036. Ms. Miller can be reached by *Telephone:* 202–653–4762, *Fax:* 202–653–4601, or by email at *kmiller@imls.gov.*

Dated: February 11, 2014.

Kim A. Miller,

Management Analyst, Office of Planning, Research, and Evaluation.

[FR Doc. 2014–03308 Filed 2–13–14; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Comment Request: National Science Foundation Proposal/Award Information—Grant Proposal Guide

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or

other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by April 15, 2014 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by email to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''National Sciences Foundation Proposal/Award Information-Grant Proposal Guide.''

OMB Approval Number: 3145–0058.

Expiration Date of Approval: July 31, 2015.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The National Science Foundation Act of 1950 (Pub. L. 81–507) set forth NSF's mission and purpose:

''To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense. * * *''

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

Over the years, NSF's statutory authority has been modified in a number of significant ways. In 1968, authority to support applied research was added to the Organic Act. In 1980, The Science and Engineering Equal Opportunities Act gave NSF standing authority to support activities to improve the participation of women and minorities in science and engineering.

Another major change occurred in 1986, when engineering was accorded equal status with science in the Organic Act. NSF has always dedicated itself to providing the leadership and vision needed to keep the words and ideas embedded in its mission statement fresh and up-to-date. Even in today's rapidly changing environment, NSF's core purpose resonates clearly in everything it does: Promoting achievement and progress in science and engineering and enhancing the potential for research and education to contribute to the Nation. While NSF's vision of the future and the mechanisms it uses to carry out its charges have evolved significantly over the last four decades, its ultimate mission remains the same.

Use of the Information: The regular submission of proposals to the Foundation is part of the collection of information and is used to help NSF fulfill this responsibility by initiating and supporting merit-selected research and education projects in all the scientific and engineering disciplines. NSF receives more than 40,000 proposals annually for new projects, and makes approximately 10,500 new awards. Support is made primarily through grants, contracts, and other agreements awarded to more than 2,000 colleges, universities, academic consortia, nonprofit institutions, and small businesses. The awards are based mainly on evaluations of proposal merit submitted to the Foundation (proposal review is cleared under OMB Control No. 3145–0060).

The Foundation has a continuing commitment to monitor the operations of its information collection to identify and address excessive reporting burdens as well as to identify any real or apparent inequities based on gender, race, ethnicity, or disability of the proposed principal investigator(s)/project director(s) or the co-principal investigator(s)/co-project director(s).

Burden on the Public: The Foundation estimates that an average of 120 hours is expended for each proposal submitted. An estimated 40,000 proposals are expected during the course of one year for a total of 4,800,000 public burden hours annually.

Dated: February 11, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–03294 Filed 2–13–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewals

The NSF management officials having responsibility for three advisory committees listed below have determined that renewing these groups for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 et seq. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committees:

Advisory Committee for Environmental Research and Education, #9487

Proposal Review Panel for Industrial Innovations and Partnerships, #28164

Proposal Review Panel for Emerging Frontiers in Research and Innovation, #34558

Effective date for renewal is March 3, 2014. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

Dated: February 11, 2014.

Suzanne Plimpton,

Acting Committee Management Officer.

[FR Doc. 2014–03271 Filed 2–13–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 4201 Wilson, Blvd., Arlington, Virginia 22230.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and

merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register.** NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF Web site: *http://www.nsf.gov/events/.* This information may also be requested by telephoning, 703/292–8687.

Dated: February 11, 2014.

Suzanne Plimpton,

Acting Committee Management Officer.

[FR Doc. 2014–03272 Filed 2–13–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Research and Education Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Environmental Research and Education (9487).

Dates: March 5, 2014–March 6, 2014, 8:30 a.m.–5:00 p.m.

Place: Stafford I, Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Linda A. Deegan, National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230, Phone 703–292–7870.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for environmental research and education.

Agenda

March 5

- Update on recent NSF environmental activities
- Update on NSF's efforts on Broader Impacts (Dr. Ward)
- Report out to AC from Food Systems working group
- Discussion of NSF Research Portfolio for Science, Engineering and Education for Sustainability (SEES)

March 6

- Discussion of NSF Research Portfolio for Science, Engineering and Education for Sustainability (SEES) (continued if needed)
- Meeting with the Director

Dated: February 3, 2014.

Suzanne Plimpton,

Acting Committee Management Officer.

[FR Doc. 2014–03268 Filed 2–13–14; 8:45 am]

BILLING CODE 7555–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from December 1, 2013, to December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/.* OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

10. *Department of Justice (Sch. A, 213.3110)*

(b) Reserved

06. Department of Defense (Sch. A, 213.3106)

(b) Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force)—

(11) Not to exceed 3,000 positions that require unique cyber security skills and knowledge to perform cyber risk and strategic analysis, incident handling and malware/vulnerability analysis, program management, distributed control systems security, cyber incident response, cyber exercise facilitation and management, cyber vulnerability detection and assessment, network and systems engineering, enterprise architecture, investigation, investigative analysis and cyber-related infrastructure inter-dependency analysis. This authority may be used to make permanent, time-limited and temporary appointments in the following occupational series: Security (GS–0080), computer engineers (GS–0854), electronic engineers (GS–0855), computer scientists (GS–1550), operations research (GS–1515), criminal investigators (GS–1811), telecommunications (GS–0391), and IT specialists (GS–2210). Within the scope of this authority, the U.S. Cyber Command is also authorized to hire miscellaneous administrative and program (GS–0301) series when those positions require unique cyber security skills and knowledge. All positions will be at the General Schedule (GS) grade levels 09–15 or equivalent. No new appointments may be made under this authority after December 31, 2014.

11. Department of Homeland Security (Sch. A 213.3111)

(f) U.S. Citizenship and Immigration Services—

(1) Reserved. (Formerly 213.3110(b)(1))

(2) Not to exceed 500 positions of interpreters and language specialists, GS–1040–5/9. (Formerly 213.3110(b)(2))

(3) Reserved. (Formerly 213.3110(b)(3))

(g) U.S. Immigration and Customs Enforcement—

(1) Not to exceed 200 staff positions, GS–15 and below for an emergency staff to provide health related services to foreign entrants. (Formerly 213.3116(b)(16))

(h) Federal Emergency Management Agency—

(1) Field positions at grades GS–15 and below, or equivalent, which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort. (Formerly 213.3195(a))

(2) Not to exceed 30 positions at grades GS–15 and below in the Offices of Executive Administration, General Counsel, Inspector General, Comptroller, Public Affairs, Personnel, Acquisition Management, and the State and Local Program and Support

Directorate which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency, or for long-term duties or work not directly necessitated by the emergency response effort. No one may be reappointed under this authority for service in connection with a different emergency unless at least 6 months have elapsed since the individual's latest appointment under this authority. (Formerly 213.3195(b))

(3) Not to exceed 350 professional and technical positions at grades GS–5 through GS–15, or equivalent, in Mobile Emergency Response Support Detachments (MERS). (Formerly 213.3195(c))

(i) U.S. Coast Guard—

(1) Reserved. (Formerly 213.3194(a)(1))

(2) Lamplighters. (Formerly 213.3194(a)(2))

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Connecticut. (Formerly 213.3194(a)(3))

16. *Department of Health and Human Services (Sch. A, 213.3116)*

(b) Public Health Service—

(15) Reserved (Moved to 213.3111(g))

94. *Department of Transportation (Sch. A, 213.3194)*

(a)–(c) Reserved

95. Reserved (Moved to 213.3111(h))

Schedule B

No schedule B authorities to report during December 2013.

Schedule C

The following Schedule C appointing authorities were approved during December 2013.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE	Office of Communications	Press Assistant	DA140013	12/6/2013
	Office of the Under Secretary for Food, Nutrition and Consumer Services.	Chief Communications Officer	DA140015	12/13/2013
	Farm Service Agency	Senior Advisor	DA140020	12/23/2013
		State Executive Director, North Carolina.	DA140021	12/23/2013
DEPARTMENT OF COMMERCE	Office of Business Liaison	Special Assistant	DC140014	12/12/2013
	Office of Executive Secretariat	Deputy Director, Executive Secretariat.	DC140016	12/12/2013
	Office of the Under Secretary	Deputy Chief of Staff for USPTO	DC140013	12/13/2013
	Office of the Chief of Staff	Director of Advance and Protocol	DC140018	12/23/2013
COMMISSION ON CIVIL RIGHTS	Commissioners	Special Assistant	CC140001	12/19/2013
COMMODITY FUTURES TRADING COMMISSION.	Office of the Chief Economist	Chief Economist	CT140001	12/5/2013
CONSUMER PRODUCT SAFETY COMMISSION.	Office of Commissioners	Special Assistant (Legal)	PS120001	12/5/2013
	Office of Executive Director	Supervisory Public Affairs Specialist.	PS140003	12/5/2013
COUNCIL ON ENVIRONMENTAL QUALITY.	Office of the Chairman	Special Assistant for Land and Water.	EQ140002	12/19/2013
		Special Assistant for Communications.	EQ140004	12/20/2013
DEPARTMENT OF DEFENSE	Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics).	Special Assistant (Acquisition, Technology and Logistics).	DD140008	12/3/2013
	Office of the Secretary	Confidential Assistant	DD140010	12/11/2013
DEPARTMENT OF EDUCATION	Office of Innovation and Improvement.	Confidential Assistant	DB140021	12/4/2013
	Office of Elementary and Secondary Education.	Confidential Assistant	DB140008	12/5/2013
	Office of the General Counsel	Special Assistant	DB140022	12/6/2013
	Office for Civil Rights	Chief of Staff	DB140024	12/11/2013
	Office of Elementary and Secondary Education.	Special Assistant	DB140025	12/11/2013
DEPARTMENT OF ENERGY	Office of the Secretary	Senior Advisor	DE140016	12/3/2013
	Assistant Secretary for Congressional and Intergovernmental Affairs.	Deputy Assistant Secretary for House Affairs.	DE140019	12/9/2013
	Office of Nuclear Energy	Special Advisor	DE140020	12/9/2013
	Office of the Under Secretary	Special Assistant	DE140015	12/16/2013
	Office of Management	Scheduler	DE140025	12/23/2013
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Associate Administrator for External Affairs and Environmental Education.	Director, Office of Public Engagement.	EP140006	12/4/2013
		Deputy Associate Administrator for the Office of External Affairs and Environmental Education.	EP140007	12/11/2013
GENERAL SERVICES ADMINISTRATION.	The Heartland Region	Special Assistant	GS140004	12/20/2013
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Intergovernmental and External Affairs.	Regional Director, Denver, Colorado, Region VIII.	DH140011	12/6/2013

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF HOMELAND SECURITY.	Office of the Assistant Secretary for Policy.	Confidential Assistant	DM140015	12/3/2013
	Office of the Secretary	Special Assistant	DM140019	12/19/2013
DEPARTMENT OF THE INTERIOR	Office of Congressional and Legislative Affairs.	Deputy Director, Office of Congressional and Legislative Affairs.	DI140008	12/16/2013
DEPARTMENT OF JUSTICE	Office of Justice Programs	Senior Advisor	DJ140015	12/30/2013
	Office of Public Affairs	Press Secretary	DJ140016	12/30/2013
DEPARTMENT OF LABOR	Employee Benefits Security Administration.	Special Assistant	DL140005	12/6/2013
	Office of the Assistant Secretary for Policy.	Policy Advisor	DL140007	12/13/2013
	Office of Public Affairs	Special Assistant	DL140008	12/13/2013
OFFICE OF MANAGEMENT AND BUDGET.	Office of the Director	Assistant for Management	BO140006	12/6/2013
		Senior Advisor	BO140008	12/20/2013
SMALL BUSINESS ADMINISTRATION.	Office of Faith-Based and Neighborhood Partnerships.	Director of Faith-Based and Neighborhood Partnerships.	SB140002	12/13/2013
	Office of Field Operations	Regional Administrator, Region IX	SB140004	12/19/2013
DEPARTMENT OF STATE	Office of the Under Secretary for Arms Control and International Security Affairs.	Staff Assistant	DS140018	12/23/2013
DEPARTMENT OF THE TREASURY.	Secretary of the Treasury	Special Assistant	DY140022	12/20/2013
	Assistant Secretary (Public Affairs)	Spokesperson (2)	DY140023	12/20/2013
			DY140027	12/23/2013

The following Schedule C appointing authorities were revoked during December 2013.

Agency	Organization	Position title	Authorization No.	Vacate date
COMMISSION ON CIVIL RIGHTS	Commissioners	Special Assistant to the Commissioner.	CC080001	12/5/2013
COMMISSION ON CIVIL RIGHTS	Commissioners	Special Assistant	CC090003	12/12/2013
COMMODITY FUTURES TRADING COMMISSION.	Office of the Chairperson	Special Assistant to the Commissioner.	CT100002	12/9/2013
DEPARTMENT OF COMMERCE	Office of the Under Secretary	Senior Advisor	DC120084	12/14/2013
DEPARTMENT OF COMMERCE	Office of the Executive Secretariat	Deputy Director, Executive Secretariat.	DC120119	12/22/2013
	Office of the Chief of Staff	Director of Advance	DC120134	12/22/2013
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Public Affairs.	Senior Advisor for Digital Communications.	DH130096	12/6/2013
DEPARTMENT OF HOMELAND SECURITY.	Office of the Under Secretary for Intelligence and Analysis.	Liaison	DM110115	12/14/2013
	Office of the Chief of Staff	Deputy Director of Scheduling	DM110246	12/14/2013
	Office of the Assistant Secretary for Policy.	Confidential Assistant	DM120169	12/14/2013
DEPARTMENT OF JUSTICE	Office of Public Affairs	Press Secretary	DJ110112	12/12/2013
EXPORT-IMPORT BANK	Office of Communications	Speechwriter	EB120004	12/20/2013

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–03285 Filed 2–13–14; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Personnel Demonstration Project; Pay Banding and Performance-Based Pay Adjustments in the National Nuclear Security Administration

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of approval of a modification to a demonstration project final plan.

SUMMARY: Title VI of the Civil Service Reform Act, codified in 5 U.S.C. Chapter 47, authorizes the Office of Personnel Management (OPM) to conduct demonstration projects that experiment with new and different human resources management concepts to determine whether changes in policies or procedures would result in improved Federal human resources management. On December 21, 2007, OPM published a document in the **Federal Register** announcing final approval of a demonstration project plan for the National Nuclear Security Administration (NNSA), a separately organized agency within the U.S. Department of Energy (DOE). In accordance with 5 CFR 470.315, this

notice constitutes OPM's approval of a modification of NNSA's final project plan, to make a participating organization change and to make two employee coverage changes.

DATES: These modifications to NNSA's demonstration project final plan are effective immediately upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: National Nuclear Security Administration: Rosa Benavidez, Demonstration Project Leader, (505) 845–6683; Office of Personnel Management: Zelma Moore, (202) 606–1157.

SUPPLEMENTARY INFORMATION:

1. Background

OPM approved NNSA's demonstration project final plan, and it was published in the **Federal Register** on December 21, 2007 (72 FR 72776). The demonstration project was implemented on March 16, 2008, and modified to include three technical corrections to the final project plan on July 31, 2008, as published in the **Federal Register** (73 FR 44786). On March 11, 2013, OPM authorized an extension of the demonstration project to March 15, 2015, to provide time to validate the results of the interventions tested under this project.

2. Statement of Purpose

The principal purposes of the NNSA demonstration project are to—

(1) Modify and simplify the General Schedule (GS) classification system by establishing pay bands which may cover more than one grade; and

(2) Modify the GS pay system to base pay increases on performance distinctions made under a credible, strategically-aligned performance appraisal program and thereby improve the results-oriented performance culture within the organization.

The primary goals of the project are to:

(1) Improve hiring by allowing NNSA to compete more effectively for high quality employees through the judicious use of higher entry salaries;

(2) Motivate and retain staff by providing faster pay progression for high-performing employees;

(3) Improve the usefulness and responsiveness of the position classification system to managers;

(4) Increase the efficiency of administering the position classification system through a simplified pay-banded application of the current General Schedule grade structure, and reduce the procedural steps and documentation requirements traditionally associated with classifying positions;

(5) Eliminate automatic pay increases (i.e., annual adjustments that normally take effect the first day of the first pay period beginning on or after January 1) by making pay increases performance-sensitive, so that only Fully Successful (known as ''Fully Meets Expectations'' in NNSA) and higher performers will receive pay adjustments, and the best performers will receive the largest pay adjustments;

(6) Integrate with, build upon, and advance the work of several key human capital management improvement initiatives and projects currently underway in NNSA, including—

a. Advancing the ongoing refinement of NNSA's enterprise-wide performance management program, including automated refinements,

b. Achieving greater parity, though not complete harmony, with NNSA's mature excepted service pay-banded and pay-for-performance system (e.g., will have a lower high-end pay band; no automatic pay increases, etc.),

c. Building on the simplified position description (PD) format and automated PD library that are already in place,

d. Continuing to develop improved performance management skills among first-line supervisors through increased program rigor, additional training, and better guidance materials, to better develop standards that reflect differences in performance,

e. Establishing a system of career-enhancing career paths for the purpose of developing, advancing, and retaining employees,

f. Building on the workforce analysis and planning system, already in place, to identify FTE needs and competency needs and skills gaps, to conduct a valid occupational analysis to construct meaningful pay bands.

To accomplish these goals, NNSA modified and waived parts of the GS classification and pay systems by identifying broad career paths, establishing pay bands which often combined grade intervals, eliminated longevity-based step progression, and provided for annual pay increases based on performance.

3. Description of Changes to the Project Plan

NNSA amends the demonstration project final plan to make several minor administrative changes, one participating organization change, and two employee coverage changes.

(1) Participating Organization Change

Section II.D., ''Participating Organizations,'' of the final plan identifies the scope of participating NNSA headquarters components and field offices. One of the organizations cited in the final plan is the ''Service Center in Albuquerque, NM.'' As this organization was disestablished by reorganization in June 2011, this organizational reference is deleted (page 72787).

(2) Employee Coverage Changes

Section II.E., ''Participating Employees,'' of the final plan identifies the universe of participating NNSA competitive service employees.

(a) Bargaining Unit Employees

When the demonstration project final plan was approved, there were 16 bargaining unit employees at NNSA headquarters, the only bargaining unit employees among a GS workforce of about 1,950 employees. These employees were not covered by the demonstration project plan, and they were not converted to pay banding when the project was implemented.

Subsequently on November 26, 2008, the President signed Executive Order 13480 (73 FR 73991) amending Executive Order 12171, as previously amended, exempting NNSA in its entirety from the Federal Labor-Management Relations Program in the interest of national security. With the issuance of the new executive order, NNSA's remaining bargaining unit employees were excluded from the bargaining unit and were converted to pay banding.

This change deletes the parenthetical explanation, ''The only bargaining unit in NNSA is at headquarters, and currently includes 16 positions,'' in the ''Participating Organizations'' section of the project plan (page 72787).

(b) Schedule D Employees

Through the issuance of a final rule (77 FR 28194) on May 11, 2012, OPM implemented the Government's new Pathways Programs to streamline hiring for student interns, recent college graduates, and Presidential Management Fellows. Pathways hiring is conducted under the Schedule D excepted appointing authority established under E.O. 13562.

This change adds a reference to Schedule D to the ''Participating Employees'' section of the project plan (page 72787), which will allow employees appointed under Schedule D to be demonstration project participants. NNSA shall issue forthcoming policy through which to implement the Pathways Program under the demonstration project. This policy will be consistent with the Pathways Program Memorandum of Understanding between OPM and DOE

(signed 8–31–12), and will adhere to the requirements of 5 CFR 470.313.

4. Notification Responsibilities

As required by 5 CFR 470.315, NNSA has the following notification responsibilities for this project modification: Notify and make copies of this **Federal Register** notice available to all employees affected by the activities of the demonstration project.

Katherine Archuleta,

Director.

Approval

Pursuant to 5 CFR 470.315, OPM approves the following modification to NNSA's final project plan.

Specific Textual Changes to the Project Plan

In FR Doc. 07–6144, published on December 21, 2007 (72 FR 72776), make the following textual changes:

(1) On Page 72787: ''Participating Organizations''

Participating organizations is amended, as excerpted:

''Each headquarters and field organization in NNSA will participate. This includes HQ program and mission-support components, including NNSA's cadre of nuclear materials couriers, who are deployed at various locations in the United States, eight geographically dispersed Field Offices, and the Naval Reactors Laboratory Field Office . . .''

(2) On Page 72787: ''Participating Employees''

Employee coverage is amended:

''The demonstration project will cover all non-bargaining unit competitive service (GS equivalent) employees in the participating organizations identified in the preceding paragraph. Included in the coverage are Schedule A, B, and D Excepted Service employees. Not included are Schedule C Excepted Service employees and Excepted Service employees authorized under the NNSA Act, National Defense Authorization Acts, and the DOE Organization Act. Table 1 (pages 72788–9) is amended to show the number of employees by occupational series and pay band who are participating in the demonstration project as of February 2013.''

(3) On Pages 72788–9: Updated Table 1

Table 1 is revised to show the number of employees who are participating in the demonstration project as of February 2013; entries are by occupational series and pay band.

BILLING CODE 6325–39–P

Table 1.--Covered Employees By Occupational Series and Career Path/Pay Band

Occupational Series	NN				NQ				NU			NV				NF			DEMO Total
	1	2	3	4	1	2	3	4	1	2	3	1	2	3	4	1	2	3	
00018	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12
00028	.....	.....	.....	.....	.....	2	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
00080	.....	.....	.....	.....	3	29	74	22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	128
00089	.....	.....	.....	.....	.....	5	13	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25
00084	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	147	86	73	19	.....	.....	.....	325
00086	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....	.....	5
00130	.....	.....	.....	.....	.....	16	48	56	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	120
00132	.....	.....	.....	.....	.....	.....	13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	13
00201	.....	.....	.....	.....	.....	18	39	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	66
00203	.....	.....	.....	.....	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	6
00260	.....	.....	.....	.....	.....	2	2	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
00299	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
00301	.....	.....	.....	.....	.....	100	55	17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	172
00303	.....	.....	.....	.....	.....	.....	.....	.....	1	32	3	.....	.....	.....	.....	.....	.....	.....	36
00318	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	.....	.....	.....	.....	.....	.....	.....	.....	7
00326	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
00340	.....	.....	.....	.....	.....	.....	4	32	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	36
00342	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
00343	.....	.....	.....	.....	.....	36	92	42	.....	.....	.....	.....	.....	.....	.....	.....	1	3	174
00344	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
00346	.....	.....	.....	.....	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9
00361	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1

00391	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
00399	.....	.....	.....	.....	4	.....	.....	.....	8	1	.....	.....	.....	.....	.....	.....	.....	.....	13
00501	.....	.....	.....	.....	.....	7	6	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	14
00505	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
00510	.....	.....	.....	.....	.....	7	40	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	51
00511	.....	.....	.....	.....	.....	4	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
00525	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2
00560	.....	.....	.....	.....	.....	4	49	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	59
00561	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
00599	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
00610	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
00690	.....	.....	.....	.....	.....	.....	3	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4
00801	.....	.....	78	197	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6	281
00804	.....	.....	2	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
00810	.....	.....	4	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
00819	.....	.....	3	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
00830	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
00840	.....	.....	17	58	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	75
00850	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	2
00854	.....	.....	6	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8
00899	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
00901	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
00905	.....	.....	.....	.....	.....	.....	12	19	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	31
00950	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
01035	.....	.....	.....	.....	.....	1	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6

01082	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
01101	.....	.....	.....	.....	.....	8	8	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18
01102	.....	.....	.....	.....	.....	7	77	21	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	108
01103	.....	.....	.....	.....	.....	5	4	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10
01106	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	2	.....	.....	.....	.....	.....	.....	.....	3
01109	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4
01150	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
01170	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
01222	.....	.....	.....	.....	.....	.....	1	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
01301	.....	1	6	59	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	68
01306	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
01310	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
01412	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
01515	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
01530	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
01550	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
01640	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
01712	.....	.....	.....	.....	.....	1	36	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	37
01750	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
01801	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
01910	.....	.....	.....	.....	.....	4	4	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9

02010	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
02101	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	34
02130	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
02181	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4
02210	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	56
Grand Total	0	1	117	333	9	277	702	264	11	58	5	147	86	73	19	0	1	15	2118				

[FR Doc. 2014–03284 Filed 2–13–14; 8:45 am]

BILLING CODE 6325–39–C

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting: Board Votes To Close February 4, 2014, Meeting

By telephone vote on February 4, 2014, members of the Board of Governors of the United States Postal Service met and voted unanimously to close to public observation its meeting held in Washington, DC, via teleconference. The Board determined that no earlier public notice was possible.

MATTERS CONSIDERED:

1. Strategic Issues.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Requests for information about the meeting should be addressed to the Secretary of the Board, Julie S. Moore, at (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. 2014–03509 Filed 2–12–14; 4:15 pm]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30905; File No. 812–14124]

KKR Series Trust and Prisma Capital Partners LP; Notice of Application

February 4, 2014.

Correction

In notice document 2014–02766, appearing on pages 7719–7722 in the issue of Monday, February 10, 2014, make the following correction:

On page 7719, in the first column, the date, which was inadvertently omitted from the document heading, is added to read as set forth above.

[FR Doc. C1–2014–02766 Filed 2–13–14; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30910; 812–14205]

Emerging Global Advisors, LLC, *et al.*; Notice of Application

February 10, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

Summary of Application: Applicants request an order that would permit (a) series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares. The order would supersede a prior order.[1]

Applicants: Emerging Global Advisors, LLC (''Current Adviser''), EGA Emerging Global Shares Trust (''Trust'') and ALPS Distributors, Inc. (''Distributor'').

DATES: *Filing Dates:* **THE APPLICATION WAS FILED ON AUGUST 29, 2013, AND AMENDED ON NOVEMBER 21, 2013 AND ON FEBRUARY 7, 2014.** *Hearing or Notification of Hearing:* An order granting the requested relief 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 March 6, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a

[1] Applicants previously received an order of exemption from the Commission with respect to the offering of indexed based funds. *See,* Emerging Global Advisors, LLC, et al., Investment Company Act Release Nos. 30184 (Aug. 28, 2012) (notice) and 30212 (Sep. 25, 2012) (order) (the ''Prior EGA Order'').

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: Emerging Global Advisors, LLC and EGA Emerging Global Shares Trust, 155 W. 19th Street, 3rd Floor, New York, New York 10011; ALPS Distributors, Inc., 1290 Broadway, Suite 1100, Denver, CO 80203.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Senior Counsel, at (202) 551–6868, or Daniele Marchesani, Branch Chief, at (202) 551–6868 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series. The Trust currently offers a number of series, each tracking a particular index and utilizing either a replication or representative sampling strategy (the ''Current Funds''). Each Fund (as defined below) operates or will operate as an exchange traded fund (''ETF'').

2. The Current Adviser is the investment adviser to the Current Funds and an Adviser (as defined below) will be the investment adviser to the Funds. The Current Adviser is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser may enter into sub-advisory agreements with one or more investment advisers to act as sub-advisers to particular Funds (each, a ''Sub-Adviser''). Any Sub-Adviser will either be registered under the Advisers Act or will not be required to register thereunder.

3. The Distributor serves as the principal underwriter and distributor for each of the Funds. Applicants request that the order also apply to any future principal underwriter and distributor to Future Funds (defined below) (''Future Distributor''), provided that any such Future Distributor complies with the terms and conditions of the application. The Distributor is not, and no Future Distributor will be, affiliated with any Exchange (defined below).

4. Applicants request that the order apply to the Current Funds and any additional series of the Trust, and any other open-end management investment company or series thereof, that may be created in the future (''Future Funds'' and together with the Current Funds, ''Funds''), each of which will operate as an ETF and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an ''Underlying Index''). Any Fund will (a) be advised by the Current Adviser or an entity controlling, controlled by, or under common control with the Current Adviser (each, an ''Adviser'') and (b) comply with the terms and conditions of the application.[2]

5. Each Fund holds or will hold certain securities, assets or other positions (''Portfolio Holdings'') selected to correspond generally to the performance of its Underlying Index. Certain Funds will be based on Underlying Indexes comprised solely of equity and/or fixed income securities issued by one or more of the following categories of issuers: (i) Domestic issuers and (ii) non-domestic issuers meeting the requirements for trading in U.S. markets. Other Funds will be based on Underlying Indexes that will be comprised solely of foreign and domestic, or solely foreign, equity and/or fixed income securities (''Foreign Funds'').

6. Applicants represent that each Fund will invest at least 80% of its assets (excluding securities lending collateral) in the component securities of its respective Underlying Index (''Component Securities''), or, in the case of Fixed Income Funds,[3] in the Component Securities of its respective Underlying Index and TBA Transactions[4] representing Component Securities and, in the case of Foreign Funds, Component Securities and Depositary Receipts[5] representing Component Securities. Each Fund may also invest up to 20% of its assets in certain index futures, options, options on index futures, swap contracts or other derivatives, as related to its respective Underlying Index and its Component Securities, cash and cash equivalents, other investment companies, as well as in securities and other instruments not included in its Underlying Index but which the Adviser believes will help the Fund track its Underlying Index. A Fund may also engage in short sales in accordance with its investment objective.

7. Each Trust may issue Funds that seek to track Underlying Indexes constructed using 130/30 investment strategies (''130/30 Funds'') or other long/short investment strategies (''Long/Short Funds''). Each Long/Short Fund will establish (i) exposures equal to approximately 100% of the long positions specified by the Long/Short Index[6] and (ii) exposures equal to approximately 100% of the short positions specified by the Long/Short Index. Each 130/30 Fund will include strategies that: (i) Establish long positions in securities so that total long exposure represents approximately 130% of a Fund's net assets; and (ii) simultaneously establish short positions in other securities so that total short exposure represents approximately 30% of such Fund's net assets. Each Business Day (as defined below), for each Long/Short Fund and 130/30 Fund, the Adviser will provide full portfolio transparency on the Fund's publicly available Web site (''Web site'') by making available the Fund's Portfolio Holdings before the commencement of trading of Shares on the Listing Exchange (defined below).[7] The

[2] All existing entities that intend to rely on the requested order have been named as applicants. Any other existing or future entity that subsequently relies on the order will comply with the terms and conditions of the order. In addition, all of the applicants to the Prior EGA Order have been named as applicants, and applicants will not continue to rely on the Prior EGA Order if the requested order is issued. A Fund of Funds (as defined below) may rely on the order only to invest in Funds and not in any other registered investment company.

[3] ''Fixed-Income Funds'' track an Underlying Index comprised of domestic and/or foreign fixed income securities.

[4] A ''to-be-announced transaction'' or ''TBA Transaction'' is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree upon general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to settlement date.

[5] Depositary receipts representing foreign securities (''Depositary Receipts'') include American Depositary Receipts and Global Depositary Receipts. The Funds may invest in Depositary Receipts representing foreign securities in which they seek to invest. Depositary Receipts are typically issued by a financial institution (a ''depositary bank'') and evidence ownership interests in a security or a pool of securities that have been deposited with the depositary bank. A Fund will not invest in any Depositary Receipts that the Adviser or any Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated person of a Fund, the Adviser or any Sub-Adviser will serve as the depositary bank for any Depositary Receipts held by a Fund.

[6] Underlying Indexes that include both long and short positions in securities are referred to as ''Long/Short Indexes.''

[7] Under accounting procedures followed by each Fund, 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.

information provided on the Web site will be formatted to be reader-friendly.

8. A Fund will utilize either a replication or representative sampling strategy to track its Underlying Index. A Fund using a replication strategy will invest in the Component Securities of its Underlying Index in the same approximate proportions as in such Underlying Index. A Fund using a representative sampling strategy will hold some, but not necessarily all of the Component Securities of its Underlying Index. Applicants state that a Fund using a representative sampling strategy will not be expected to track the performance of its Underlying Index with the same degree of accuracy as would an investment vehicle that invested in every Component Security of the Underlying Index with the same weighting as the Underlying Index. Applicants expect that each Fund will have an annual tracking error relative to the performance of its Underlying Index of less than 5%.

9. Each Fund will be entitled to use its Underlying Index pursuant to either a licensing agreement with the entity that compiles, creates, sponsors or maintains the Underlying Index (each, an ''Index Provider'') or a sub-licensing arrangement with the Adviser, which will have a licensing agreement with such Index Provider.[8] A ''Self-Indexing Fund'' is a Fund for which an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of such person, of the Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor (each, an ''Affiliated Index Provider'') will serve as the Index Provider. In the case of Self-Indexing Funds, an Affiliated Index Provider will create a proprietary, rules-based methodology to create Underlying Indexes (each an ''Affiliated Index'').[9] Except with respect to the Self-Indexing Funds, no Index Provider is or will be an affiliated person, or an affiliated person of an affiliated person, of the Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor.

10. Applicants recognize that Self-Indexing Funds could raise concerns regarding the ability of the Affiliated Index Provider to manipulate the Underlying Index to the benefit or detriment of the Self-Indexing Fund. Applicants further recognize the potential for conflicts that may arise with respect to the personal trading activity of personnel of the Affiliated Index Provider who have knowledge of changes to an Underlying Index prior to the time that information is publicly disseminated.

11. Applicants propose that each day that the Trust, the NYSE and the national securities exchange (as defined in section 2(a)(26) of the Act) (an ''Exchange'') on which the Fund's Shares are primarily listed (''Listing Exchange'') are open for business, including any day that a Fund is required to be open under section 22(e) of the Act (a ''Business Day''), each Self-Indexing Fund will post on its Web site, before commencement of trading of Shares on the Listing Exchange, the identities and quantities of the Portfolio Holdings held by the Fund that will form the basis for the Fund's calculation of its NAV at the end of the Business Day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will also provide an additional mechanism for addressing any such potential conflicts of interest.

12. In addition, applicants do not believe the potential for conflicts of interest raised by the Adviser's use of the Underlying Indexes in connection with the management of the Self-Indexing Funds and the Affiliated Accounts will be substantially different from the potential conflicts presented by an adviser managing two or more registered funds. Both the Act and the Advisers Act contain various protections to address conflicts of interest where an adviser is managing two or more registered funds and these protections will also help address these conflicts with respect to the Self-Indexing Funds.[10]

13. Each Adviser and any Sub-Adviser has adopted or will adopt, pursuant to Rule 206(4)–7 under the Advisers Act, written policies and procedures designed to prevent violations of the Advisers Act and the rules thereunder. These include policies and procedures designed to minimize potential conflicts of interest among the Self-Indexing Funds and the Affiliated Accounts, such as cross trading policies, as well as those designed to ensure the equitable allocation of portfolio transactions and brokerage commissions. In addition, the Current Adviser has adopted policies and procedures as required under section 204A of the Advisers Act, which are reasonably designed in light of the nature of its business to prevent the misuse, in violation of the Advisers Act or the Exchange Act or the rules thereunder, of material non-public information by the Current Adviser or an associated person (''Inside Information Policy''). Any other Adviser or Sub-Adviser will be required to adopt and maintain a similar Inside Information Policy. In accordance with the Code of Ethics [11] and Inside Information Policy of each Adviser and Sub-Advisers, personnel of those entities with knowledge about the composition of the Portfolio Deposit [12] will be prohibited from disclosing such information to any other person, except as authorized in the course of their employment, until such information is made public. In addition, an Index Provider will not provide any information relating to changes to an Underlying Index's methodology for the inclusion of component securities, the inclusion or exclusion of specific component securities, or methodology for the calculation or the return of component securities, in advance of a public announcement of such changes by the Index Provider. The Adviser will also include under Item 10.C of Part 2 of its Form ADV a discussion of its relationship to any Affiliated Index Provider and any material conflicts of interest resulting therefrom, regardless of whether the Affiliated Index Provider is a type of affiliate specified in Item 10.

14. To the extent the Self-Indexing Funds transact with an affiliated person of the Adviser or Sub-Adviser, such transactions will comply with the Act, the rules thereunder and the terms and

[8] The licenses for the Self-Indexing Funds will specifically state that the Affiliated Index Provider (as defined below), or in case of a sub-licensing agreement, the Adviser, must provide the use of the Affiliated Indexes (as defined below) and related intellectual property at no cost to the Trust and the Self-Indexing Funds.

[9] The Affiliated Indexes may be made available to registered investment companies, as well as separately managed accounts of institutional investors and privately offered funds that are not deemed to be ''investment companies'' in reliance on section 3(c)(1) or 3(c)(7) of the Act for which the Adviser acts as adviser or subadviser (''Affiliated Accounts'') as well as other such registered investment companies, separately managed accounts and privately offered funds for which it does not act either as adviser or subadviser (''Unaffiliated Accounts''). The Affiliated Accounts and the Unaffiliated Accounts, like the Funds, would seek to track the performance of one or more Underlying Index(es) by investing in the constituents of such Underlying Indexes or a representative sample of such constituents of the Underlying Index. Consistent with the relief requested from section 17(a), the Affiliated Accounts will not engage in Creation Unit transactions with a Fund.

[10] *See, e.g.,* Rule 17j–1 under the Act and Section 204A under the Advisers Act and Rules 204A–1 and 206(4)–7 under the Advisers Act.

[11] The Adviser has also adopted or will adopt a code of ethics pursuant to Rule 17j–1 under the Act and Rule 204A–1 under the Advisers Act, which contains provisions reasonably necessary to prevent Access Persons (as defined in Rule 17j–1) from engaging in any conduct prohibited in Rule 17j–1 (''Code of Ethics'').

[12] The instruments and cash that the purchaser is required to deliver in exchange for the Creation Units it is purchasing is referred to as the ''Portfolio Deposit.''

conditions of the requested order. In this regard, each Self-Indexing Fund's board of directors or trustees (''Board'') will periodically review the Self-Indexing Fund's use of an Affiliated Index Provider. Subject to the approval of the Self-Indexing Fund's Board, an Adviser, affiliated persons of the Adviser (''Adviser Affiliates'') and affiliated persons of any Sub-Adviser (''Sub-Adviser Affiliates'') may be authorized to provide custody, fund accounting and administration and transfer agency services to the Self-Indexing Funds. Any services provided by the Adviser, Adviser Affiliates, Sub-Adviser and Sub-Adviser Affiliates will be performed in accordance with the provisions of the Act, the rules under the Act and any relevant guidelines from the staff of the Commission. Applications for prior orders granted to Self-Indexing Funds have received relief to operate such funds on the basis discussed above.[13]

15. The Shares of each Fund will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[14] On any given Business Day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, unless the Fund is Rebalancing (as defined below). In addition, the Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions)[15] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;[16] (c) TBA Transactions, short positions, derivatives and other positions that cannot be transferred in kind[17] will be excluded from the Deposit Instruments and the Redemption Instruments;[18] (d) to the extent the Fund determines, on a given Business Day, to use a representative sampling of the Fund's portfolio;[19] or (e) for temporary periods, to effect changes in the Fund's portfolio as a result of the rebalancing of its Underlying Index (any such change, a ''Rebalancing''). If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Deposit Instruments or Redemption Instruments exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

16. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount; (b) if, on a given Business Day, the Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant (as defined below), the Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash;[20] (d) if, on a given Business Day, the Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC (defined below); or (ii) in the case of Foreign Funds holding non-U.S. investments, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if the Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Foreign Fund holding non-U.S. investments would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[21]

17. Creation Units will consist of specified large aggregations of Shares (*e.g.,* 10,000 Shares), and it is expected that the initial trading price per individual Share will range from $15 to $100. All orders to purchase Creation Units must be placed with the Distributor by or through an ''Authorized Participant'' which is either (1) a ''Participating Party,'' i.e., a broker-dealer (''Broker'') or other participant in the Continuous Net Settlement System of the NSCC, a clearing agency registered with the Commission, or (2) a participant in The Depository Trust Company (''DTC'') (''DTC Participant''), which, in either case, has signed a participant agreement with the Distributor. The Distributor will be responsible for transmitting the

[13] *See, e.g.,* Guggenheim Funds Investment Advisors, LLC, Investment Company Act Release Nos. 30560 (June 14, 2013) (notice) and 30598 (July 10, 2013) (order); and Sigma Investment Advisors, LLC, Investment Company Act Release Nos. 30559 (June 14, 2013) (notice) and 30597 (July 10, 2013) (order).

[14] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to rule 144A under the Securities Act, the Funds will comply with the conditions of rule 144A.

[15] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for the Business Day.

[16] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[17] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[18] Because these instruments will be excluded from the Deposit Instruments and the Redemption Instruments, their value will be reflected in the determination of the Cash Amount (as defined below).

[19] A Fund may only use sampling for this purpose if the sample: (i) Is designed to generate performance that is highly correlated to the performance of the Fund's portfolio; (ii) consists entirely of instruments that are already included in the Fund's portfolio; and (iii) is the same for all Authorized Participants on a given Business Day.

[20] In determining whether a particular Fund will sell or redeem Creation Units entirely on a cash or in-kind basis (whether for a given day or a given order), the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution than Share purchasers because of the Adviser's size, experience and potentially stronger relationships in the fixed income markets. Purchases of Creation Units either on an all cash basis or in-kind are expected to be neutral to the Funds from a tax perspective. In contrast, cash redemptions typically require selling portfolio holdings, which may result in adverse tax consequences for the remaining Fund shareholders that would not occur with an in-kind redemption. As a result, tax consideration may warrant in-kind redemptions.

[21] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

orders to the Funds and will furnish to those placing such orders confirmation that the orders have been accepted, but applicants state that the Distributor may reject any order which is not submitted in proper form.

18. Each Business Day, before the open of trading on the Listing Exchange, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Deposit Instruments and the Redemption Instruments, as well as the estimated Cash Amount (if any), for that day. The list of Deposit Instruments and Redemption Instruments will apply until a new list is announced on the following Business Day, and there will be no intra-day changes to the list except to correct errors in the published list. Each Listing Exchange, or other major market data provider, will disseminate, every 15 seconds during regular Exchange trading hours, through the facilities of the Consolidated Tape Association, or other widely disseminated means, an amount for each Fund stated on a per individual Share basis representing the sum of (i) the estimated Cash Amount and (ii) the current value of the Deposit Instruments.

19. Transaction expenses, including operational processing and brokerage costs, will be incurred by a Fund when investors purchase or redeem Creation Units in-kind and such costs have the potential to dilute the interests of the Fund's existing shareholders. Each Fund will impose purchase or redemption transaction fees (''Transaction Fees'') in connection with effecting such purchases or redemptions of Creation Units. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to management investment companies offering redeemable securities. Since the Transaction Fees are intended to defray the transaction expenses as well as to prevent possible shareholder dilution resulting from the purchase or redemption of Creation Units, the Transaction Fees will be borne only by such purchasers or redeemers.[22] The Distributor will be responsible for delivering the Fund's prospectus to those persons acquiring Shares in Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it. In addition, the Distributor will maintain a record of the instructions given to the applicable Fund to implement the delivery of its Shares.

20. Shares of each Fund will be listed and traded individually on an Exchange. It is expected that one or more member firms of an Exchange will be designated to act as a market maker (each, a ''Market Maker'') and maintain a market for Shares trading on the Exchange. Prices of Shares trading on an Exchange will be based on the current bid/offer market. Transactions involving the sale of Shares on an Exchange will be subject to customary brokerage commissions and charges.

21. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Market Makers, acting in their roles to provide a fair and orderly secondary market for the Shares, may from time to time find it appropriate to purchase or redeem Creation Units. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[23] The price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

22. Shares will not be individually redeemable, and owners of Shares may acquire those Shares from the Fund, or tender such Shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed through an Authorized Participant. A redeeming investor may pay a Transaction Fee, calculated in the same manner as a Transaction Fee payable in connection with purchases of Creation Units.

23. Neither the Trust nor any Fund will be advertised or marketed or otherwise held out as a traditional open-end investment company or a ''mutual fund.'' Instead, each such Fund will be marketed as an ''ETF.'' All marketing materials that describe the features or method of obtaining, buying or selling Creation Units, or Shares traded on an Exchange, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and will disclose that the owners of Shares may acquire those Shares from the Fund or tender such Shares for redemption to the Fund in Creation Units only. The Funds will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to beneficial owners of Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, 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. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the owner, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Funds to register as open-end management investment companies and issue Shares that are redeemable in

[22] Where a Fund permits an in-kind purchaser to substitute cash-in-lieu of depositing one or more of the requisite Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to cover the cost of purchasing such Deposit Instruments.

[23] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or the DTC Participants.

Creation Units only. Applicants state that investors may purchase Shares in Creation Units and redeem Creation Units from each Fund. Applicants further state that because Creation Units may always be purchased and redeemed at NAV, the price of Shares on the secondary market should not vary materially from NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through an underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers, and (c) ensure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve a Fund as a party and will not result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants state that settlement of redemptions for Foreign Funds will be contingent not only on the settlement cycle of the United States market, but also on current delivery cycles in local markets for underlying foreign Portfolio Holdings held by a Foreign Fund. Applicants state that the delivery cycles currently practicable for transferring Redemption Instruments to redeeming investors, coupled with local market holiday schedules, may require a delivery process of up to fourteen (14) calendar days. Accordingly, with respect to Foreign Funds only, applicants hereby request relief under section 6(c) from the requirement imposed by section 22(e) to allow Foreign Funds to pay redemption proceeds within fourteen calendar days following the tender of Creation Units for redemption.[24]

8. Applicants believe that Congress adopted section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants propose that allowing redemption payments for Creation Units of a Foreign Fund to be made within fourteen calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants suggest that a redemption payment occurring within fourteen calendar days following a redemption request would adequately afford investor protection.

9. Applicants are not seeking relief from section 22(e) with respect to Foreign Funds that do not effect creations and redemptions of Creation Units in-kind.

[24] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations applicants may otherwise have under rule 15c6–1 under the Exchange Act requiring that most securities transactions be settled within three business days of the trade date.

Section 12(d)(1)

10. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring securities of an investment company if such securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter and any other broker-dealer from knowingly selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

11. Applicants request an exemption to permit registered management investment companies and unit investment trusts (''UITs'') that are not advised or sponsored by the Adviser, and not part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act as the Funds (such management investment companies are referred to as ''Investing Management Companies,'' such UITs are referred to as ''Investing Trusts,'' and Investing Management Companies and Investing Trusts are collectively referred to as ''Funds of Funds''), to acquire Shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any Broker registered under the Exchange Act, to sell Shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act.

12. Each Investing Management Company will be advised by an investment adviser within the meaning of section 2(a)(20)(A) of the Act (the ''Fund of Funds Adviser'') and may be sub-advised by investment advisers within the meaning of section 2(a)(20)(B) of the Act (each, a ''Fund of Funds Sub-Adviser''). Any investment adviser to an Investing Management Company will be registered under the Advisers Act. Each Investing Trust will be sponsored by a sponsor (''Sponsor'').

13. Applicants submit that the proposed conditions to the requested relief adequately address the concerns underlying the limits in sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds,

excessive layering of fees and overly complex fund structures. Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

14. Applicants believe that neither a Fund of Funds nor a Fund of Funds Affiliate would be able to exert undue influence over a Fund.[25] To limit the control that a Fund of Funds may have over a Fund, applicants propose a condition prohibiting a Fund of Funds Adviser or Sponsor, any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor, and any investment company and any issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by a Fund of Funds Adviser or Sponsor, or any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor (''Fund of Funds Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any Fund of Funds Sub-Adviser, any person controlling, controlled by or under common control with the Fund of Funds Sub-Adviser, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Fund of Funds Sub-Adviser or any person controlling, controlled by or under common control with the Fund of Funds Sub-Adviser (''Fund of Funds Sub-Advisory Group'').

15. Applicants propose other conditions to limit the potential for undue influence over the Funds, including that no Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Fund of Funds Adviser, Fund of Funds Sub-Adviser, employee or Sponsor of the Fund of Funds, or a person of which any such officer, director, member of an advisory board, Fund of Funds Adviser or Fund of Funds Sub-Adviser, employee or Sponsor is an affiliated person (except that any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

16. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. The board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''disinterested directors or trustees''), will find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. In addition, under condition B.5., a Fund of Funds Adviser, or a Fund of Funds' trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Fund of Funds Adviser, trustee or Sponsor or an affiliated person of the Fund of Funds Adviser, trustee or Sponsor, other than any advisory fees paid to the Fund of Funds Adviser, trustee or Sponsor or its affiliated person by a Fund, in connection with the investment by the Fund of Funds in the Fund. Applicants state that any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[26]

17. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes. To ensure a Fund of Funds is aware of the terms and conditions of the requested order, the Fund of Funds will enter into an agreement with the Fund (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Fund of Funds that it may rely on the order only to invest in the Funds and not in any other investment company.

18. Applicants also note that a Fund may choose to reject a direct purchase of Shares in Creation Units by a Fund of Funds. To the extent that a Fund of Funds purchases Shares in the secondary market, a Fund would still retain its ability to reject any initial investment by a Fund of Funds in excess of the limits of section 12(d)(1)(A) by declining to enter into a FOF Participation Agreement with the Fund of Funds.

Sections 17(a)(1) and (2) of the Act

19. Sections 17(a)(1) and (2) of the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with the power to vote by the other person, and (c) any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company, and provides that a control relationship will be presumed where one person owns more than 25% of a company's voting securities. The Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Adviser or an entity controlling, controlled by or under common control with an Adviser (an ''Affiliated Fund''). Any investor, including Market Makers, owning 5% or holding in excess of 25% of the Trust or such Funds, may be deemed affiliated persons of the Trust or such Funds. In addition, an investor could own 5% or more, or in excess of 25% of the outstanding shares of one or more

[25] A ''Fund of Funds Affiliate'' is a Fund of Funds Adviser, Fund of Funds Sub-Adviser, Sponsor, promoter, and principal underwriter of a Fund of Funds, and any person controlling, controlled by, or under common control with any of those entities. A ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund and any person controlling, controlled by or under common control with any of these entities.

[26] Any references to NASD Conduct Rule 2830 include any successor or replacement FINRA rule to NASD Conduct Rule 2830.

Affiliated Funds making that investor an affiliated person of an affiliated person of the Funds.

20. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act pursuant to sections 6(c) and 17(b) of the Act to permit persons that are affiliated persons of the Funds, or an affiliated person of such affiliated person of the Funds, solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25%, of the outstanding Shares of one or more Funds; (b) an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds, to effectuate purchases and redemptions ''in-kind.''

21. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making ''in-kind'' purchases or ''in-kind'' redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for ''in-kind'' purchases of Creation Units and the redemption procedures for ''in-kind'' redemptions of Creation Units will be effected in exactly the same manner for all purchases and redemptions, regardless of size or number. There will be no discrimination between purchasers or redeemers. Deposit Instruments and Redemption Instruments for each Fund will be valued in the identical manner as those Portfolio Holdings currently held by such Fund and the valuation of the Deposit Instruments and Redemption Instruments will be made in an identical manner regardless of the identity of the purchaser or redeemer. Applicants do not believe that ''in-kind'' purchases and redemptions will result in abusive self-dealing or overreaching, but rather assert that such procedures will be implemented consistently with each Fund's objectives and with the general purposes of the Act. Applicants believe that ''in-kind'' purchases and redemptions will be made on terms reasonable to Applicants and any affiliated persons because they will be valued pursuant to verifiable objective standards. The method of valuing Portfolio Holdings held by a Fund is identical to that used for calculating ''in-kind'' purchase or redemption values and therefore creates no opportunity for affiliated persons or affiliated persons of affiliated persons of applicants to effect a transaction detrimental to the other holders of Shares of that Fund. Similarly, applicants submit that, by using the same standards for valuing Portfolio Holdings held by a Fund as are used for calculating ''in-kind'' redemptions or purchases, the Fund will ensure that its NAV will not be adversely affected by such securities transactions. Applicants also note that the ability to take deposits and make redemptions ''in-kind'' will help each Fund to track closely its Underlying Index and therefore aid in achieving the Fund's objectives.

22. Applicants also seek relief under sections 6(c) and 17(b) from section 17(a) to permit a Fund that is an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds to sell its Shares to and redeem its Shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[27] Applicants state that the terms of the transactions are fair and reasonable and do not involve overreaching. Applicants note that any consideration paid by a Fund of Funds for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund.[28] Applicants believe that any proposed transactions directly between the Funds and Funds of Funds will be consistent with the policies of each Fund of Funds. The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the investment restrictions of any such Fund of Funds and will be consistent with the investment policies set forth in the Fund of Funds' registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and are appropriate in the public interest.

[27] Although applicants believe that most Funds of Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund, a Fund of Funds might seek to transact in Creation Units directly with a Fund that is an affiliated person of a Fund of Funds. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between a Fund of Funds and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to a Fund of Funds and redemptions of those Shares. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

[28] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of a Fund of Funds, or an affiliated person of such person, for the purchase by the Fund of Funds of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to a Fund of Funds, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of index-based ETFs.

2. As long as a Fund operates in reliance on the requested order, the Shares of such Fund will be listed on an Exchange.

3. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire those Shares from the Fund and tender those Shares for redemption to a Fund in Creation Units only.

4. The Web site, which is and will be publicly accessible at no charge, will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the midpoint of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

5. Each Self-Indexing Fund, Long/Short Fund and 130/30 Fund will post on the Web site on each Business Day, before commencement of trading of Shares on the Exchange, the Fund's Portfolio Holdings.

6. No Adviser or any Sub-Adviser to a Self-Indexing Fund, directly or indirectly, will cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Self-Indexing Fund) to acquire any Deposit Instrument for the Self-Indexing Fund through a transaction in which the Self-Indexing Fund could not engage directly.

B. Fund of Funds Relief

1. The members of a Fund of Funds' Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of a Fund of Funds' Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Fund of Funds'

Advisory Group or the Fund of Funds' Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Fund of Funds' Sub-Advisory Group with respect to a Fund for which the Fund of Funds' Sub-Adviser or a person controlling, controlled by or under common control with the Fund of Funds' Sub-Adviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Fund of Funds or Fund of Funds Affiliate will cause any existing or potential investment by the Fund of Funds in a Fund to influence the terms of any services or transactions between the Fund of Funds or Fund of Funds Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to ensure that the Fund of Funds Adviser and Fund of Funds Sub-Adviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or a Fund of Funds Affiliate from a Fund or Fund Affiliate in connection with any services or transactions.

4. Once an investment by a Fund of Funds in the securities of a Fund exceeds the limits in section 12(d)(1)(A)(i) of the Act, the Board of the Fund, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''non-interested Board members''), will determine that any consideration paid by the Fund to the Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Fund of Funds Adviser, or trustee or Sponsor of an Investing Trust, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–l under the Act) received from a Fund by the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, or an affiliated person of the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, other than any advisory fees paid to the Fund of Funds Adviser, or trustee or Sponsor of an Investing Trust, or its affiliated person by the Fund, in connection with the investment by the Fund of Funds in the Fund. Any Fund of Funds Sub-Adviser will waive fees otherwise payable to the Fund of Funds Sub-Adviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Fund of Funds Sub-Adviser, or an affiliated person of the Fund of Funds Sub-Adviser, other than any advisory fees paid to the Fund of Funds Sub-Adviser or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Fund of Funds Sub-Adviser. In the event that the Fund of Funds Sub-Adviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in any Affiliated Underwriting.

7. The Board of a Fund, including a majority of the non-interested Board members, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limit in section 12(d)(1)(A), a Fund of Funds and the Trust will execute a FOF Participation Agreement stating, without limitation, that their respective boards of directors or trustees and their investment advisers, or trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), a Fund of Funds will notify the Fund of the investment. At such time, the Fund of Funds will also transmit to the Fund a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate. The Fund of Funds will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Fund of Funds will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be fully recorded in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund will acquire securities of an investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent the Fund acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to acquire securities of one or more investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03251 Filed 2–13–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, February 20, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;
institution and settlement of administrative proceedings;
adjudicatory matters; and
other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: February 12, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03457 Filed 2–12–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71508; File No. SR–C2–2014–003]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to a Fee for Qualification Examination Waiver Requests

February 7, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 3, 2014, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') proposes to establish a fee for qualification examination waiver requests. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

C2 Rule 3.4, Interpretation and Policy .04, authorizes the Exchange, in exceptional cases and where good cause is shown, to waive qualification examinations and accept other standards as evidence of an applicant's qualification for registration. This authority is to be exercised in exceptional cases and where good cause is shown by the applicant. The rule further states that advanced age or physical infirmity, will not individually of themselves constitute sufficient grounds to waive a qualification examination. Experience in fields ancillary to the securities business may constitute sufficient grounds to waive a qualification examination.

The Exchange has entered into a regulatory services agreement (''RSA'') with the Financial Industry Regulatory Authority, Inc. (''FINRA'') pursuant to which FINRA will process qualification examination waiver requests on behalf of the Exchange (''Waiver Requests'').[3] Under the RSA, C2 Permit Holders and persons associated with C2 Permit Holders seeking a waiver of a qualification examination will submit a Waiver Request to FINRA.[4] FINRA will process all Waiver Requests submitted

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] CBOE Rule 15.9(b) (which applies to C2 and is incorporated by reference into C2's rules) authorizes the Exchange to enter into agreements with another self-regulatory organization to provide regulatory services to the Exchange to assist the Exchange in discharging its obligations under Section 6 and Section 19(g) of the Securities Exchange Act of 1934.

[4] Currently, Waiver Requests must be submitted to FINRA through the FINRA Firm Gateway.

by C2 Permit Holders and their associated persons, whether the Waiver Request is for a FINRA examination or a non-FINRA examination (e.g., the Series 56 examination).

FINRA will review each Waiver Request based on guidelines approved by the Exchange and provide the Exchange with a recommendation regarding the disposition of the Waiver Request. The Exchange will make the final decision regarding whether or not to grant or deny a Waiver Request.[5] FINRA will maintain files and records made, collected or otherwise created by FINRA in the course of performing services under the RSA. Such files and records shall include, but not be limited to, FINRA Waiver Request disposition recommendations and the basis for its recommendations,[6] C2 decisions and the basis for its decisions,[7] and letters sent to requesting C2 Permit Holders communicating C2's decisions.

The Exchange will pay a fee to FINRA under the RSA for each Waiver Request of a non-FINRA examination (e.g., the Series 56 examination) processed by FINRA. The Exchange proposes to charge C2 Permit Holders a fee of $200 for each Waiver Request of a non-FINRA examination processed by FINRA. The proposed fee would help the Exchange recoup its costs under the RSA.

The proposed fee would be effective on February 3, 2014.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes the proposed fee is reasonable because it would help the Exchange recoup its costs in engaging FINRA to process Waiver Requests of non-FINRA examinations by C2 Permit Holders and their associated persons. The Exchange believes the proposed fee is equitable and not unfairly discriminatory because it would apply equally to all C2 Permit Holders who submit Waiver Requests of non-FINRA examinations.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed fee will impose an unnecessary burden on intramarket competition because it would apply equally to all C2 Permit Holders who submit Waiver Requests of non-FINRA examinations. The Exchange does not believe that the proposed fee will impose an unnecessary burden on intermarket competition because the fee would only apply to C2 Permit Holders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and paragraph (f) of Rule 19b–4[12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2014–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2014–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2014–003 and should be submitted on or before March 7, 2014.

[5] Notwithstanding the RSA, the Exchange shall retain ultimate legal responsibility for, and control of, its self-regulatory responsibilities.

[6] The recommendation provided to C2 will include a detailed explanation and justification as to whether to grant or deny the Waiver Request, and in those cases where the recommendation is to grant a waiver, the reasoning shall support why FINRA believes it is an exceptional case and that good cause has been shown to warrant the granting of the Waiver Request.

[7] C2 will notify FINRA in writing of its final decision regarding whether to grant or deny a Waiver Request, including any additional information regarding such decision.

The Commission expects CBOE to document in writing its rationale for any decision when CBOE determines not to follow FINRA's recommendation.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] *Id.* [sic].

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03186 Filed 2–13–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71516; File No. SR–NASDAQ–2014–013]

Self-Regulatory Organizations; the NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NASDAQ Options Market Fees and Rebates

February 10, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASDAQ. 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

NASDAQ proposes to modify Chapter XV, entitled ''Options Pricing,'' at Section 2 governing pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options. Specifically, NOM proposes to: (i) Amend the Customer Non-Penny Pilot Options[3] Rebate to Add Liquidity; (ii) amend the Customer and Professional Rebates to Add Liquidity in Penny Pilot Options;[4] and (iii) amend the Penny Pilot Options Customer Fee for Removing Liquidity.

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on February 3, 2014.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ proposes to amend certain fees in Chapter XV, Section 2. The Exchange proposes to amend the Non-Penny Pilot Options Customer Rebate to Add Liquidity to encourage Participants to add liquidity by earning a higher Non-Penny Pilot Customer Rebate to Add Liquidity. The Exchange also proposes to amend the Tier 8 Rebate to Add Liquidity to lower the Professional rebate paid for that tier. While the Exchange is lowering the Professional Rebate to Add Liquidity in Penny Pilot Options, the Exchange believes that the rebate will continue to encourage Participants to add volume to earn the rebate. The Exchange proposes to increase the Customer Penny Pilot Options Fee for Removing Liquidity from $0.45 to $0.47 per contract. Despite the increase, the Exchange believes this fee remains competitive.

Non-Penny Pilot Customer Rebate To Add Liquidity

The Exchange currently pays a Customer Non-Penny Pilot Rebate to Add Liquidity of $0.84 per contract. Non-Customer Participants do not receive a Non-Penny Pilot Rebate to Add Liquidity. The Exchange proposes to pay an additional $0.01 per contract Non-Penny Pilot Options Customer Rebate to Add Liquidity (for a total rebate of $0.85 per contract) to a Participant that qualifies for a Tier 7 or 8 Customer or Professional Penny Pilot Options Rebate to Add Liquidity in a given month. Participants would receive the additional $0.01 per contract rebate for each transaction which adds liquidity in Non-Penny Pilot Options in that month.

Penny Pilot Options Customer and Professional Rebate To Add Liquidity

The Exchange currently pays Customer and Professional Rebates to Add Liquidity based on an eight tier rebate structure as follows:

Monthly volume	Rebate to add liquidity
Tier 1 Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of up to 0.20% of total industry customer equity and ETF option average daily volume (''ADV'') contracts per day in a month	$0.25
Tier 2 Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.20% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month	0.42
Tier 3 Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.30% to 0.40% of total industry customer equity and ETF option ADV contracts per day in a month	0.43

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Non-Penny Pilot Options pricing includes options overlying the Nasdaq 100 Index traded under the symbol NDX.

[4] The Penny Pilot was established in March 2008 and in October 2009 was expanded and extended through June 30, 2014. *See* Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR–NASDAQ–2008–026) (notice of filing and immediate effectiveness establishing Penny Pilot); 60874 (October 23, 2009), 74 FR 56682 (November 2, 2009) (SR–NASDAQ–2009–091) (notice of filing and immediate effectiveness expanding and extending Penny Pilot); 60965 (November 9, 2009), 74 FR 59292 (November 17, 2009) (SR–NASDAQ–2009–097) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 61455 (February 1, 2010), 75 FR 6239 (February 8, 2010) (SR–NASDAQ–2010–013) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 62029 (May 4, 2010), 75 FR 25895 (May 10, 2010) (SR–NASDAQ–2010–053) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 65969 (December 15, 2011), 76 FR 79268 (December 21, 2011) (SR–NASDAQ–2011–169) (notice of filing and immediate effectiveness extension and replacement of Penny Pilot); 67325 (June 29, 2012), 77 FR 40127 (July 6, 2012) (SR–NASDAQ–2012–075) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2012); 68519 (December 21, 2012), 78 FR 136 (January 2, 2013) (SR–NASDAQ–2012–143) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through June 30, 2013); 69787 (June 18, 2013), 78 FR 37858 (June 24, 2013) (SR–NASDAQ–2013–082) and 71105 (December 17, 2013), 78 FR 77530 (December 23, 2013) (SR–NASDAQ–2013–154). *See also* NOM Rules, Chapter VI, Section 5.

Monthly volume	Rebate to add liquidity
Tier 4 Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.40% or more of total industry customer equity and ETF option ADV contracts per day in a month	0.45
Tier 5 Participant adds (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 25,000 or more contracts per day in a month, (2) the Participant has certified for the Investor Support Program set forth in Rule 7014, and (3) the Participant executed at least one order on NASDAQ's equity market	0.45
Tier 6 Participant has Total Volume of 100,000 or more contracts per day in a month, of which 25,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options	0.45
Tier 7 Participant has Total Volume of 150,000 or more contracts per day in a month, of which 50,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options	0.47
Tier 8 Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.75% or more of national customer volume in multiply-listed equity and ETF options classes in a month.	0.48

For purposes of qualifying for a Customer and Professional Rebate to Add Liquidity tier, the Exchange determines the applicable percentage of total industry customer equity and ETF option average daily volume by including the Participant's Penny Pilot and Non-Penny Pilot Customer and/or Professional volume that adds liquidity. The Exchange is proposing to make certain amendments to the tiers as noted below.

The Exchange proposes to amend the Tier 8 Professional Penny Pilot Options Rebate to Add Liquidity to reduce the rebate paid from $0.48 to $0.47 per contract. Today, the Exchange pays a $0.48 per contract Customer and Professional Penny Pilot Options Tier 8 Rebate to Add Liquidity to Participants that add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.75% or more of national customer volume in multiply-listed equity and ETF options classes in a month. The Exchange would continue to pay a Penny Pilot Options Rebate to Add Liquidity of $0.48 per contract to Participants that add Customer liquidity and qualify for Tier 8.

Customer Penny Pilot Options Fee for Removing Liquidity

The Exchange proposes to increase the Penny Pilot Options Customer Fee for Removing Liquidity from $0.45 to $0.47 per contract. The Exchange will continue to assess a NOM Market Maker a $0.48 per contract Penny Pilot Options Fee for Removing Liquidity. A Professional, Firm, Non-NOM Market Maker and Broker-Dealer will continue to be assessed $0.49 per contract.

2. Statutory Basis

NASDAQ believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act [6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Non-Penny Pilot Customer Rebate To Add Liquidity

The Exchange's proposal to pay an additional $0.01 per contract Non-Penny Pilot Options Customer Rebate to Add Liquidity to a Participant that qualifies for a Tier 7 or 8 Customer or Professional Penny Pilot Options Rebate to Add Liquidity in a given month is reasonable because the rebate encourages Participants to qualify for higher Customer or Professional Penny Pilot Options rebate tiers in order to also qualify for an additional Non-Penny Pilot Options Customer rebate. To qualify for a Tier 7 rebate, Participants require Total Volume of 150,000 or more contracts per day in a month, of which 50,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options. Total Volume is defined as Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Pilot Options and/or Non-Penny Pilot Options which either adds or removes liquidity on NOM. To qualify for a Tier 8 rebate, Participants must add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.75% or more of national customer volume in multiply-listed equity and ETF options classes in a month. The Exchange believes that by encouraging Participants to qualify for Tier 7 or 8 there will be an incentive to add a certain amount of Penny and/or Non-Penny Pilot Options volume and/or Customer and/or Professional liquidity, thereby attracting additional order flow to the benefit of all market participants. Today, the Exchange also incentivizes NOM Market Makers to post liquidity, by offering NOM Market Makers rebates, which also benefit market participants through increased order interaction. Firms, Non-NOM Market Makers and Broker-Dealers are also offered rebates under the current pricing structure.

The Exchange's proposal to pay an additional $0.01 per contract Non-Penny Pilot Options Customer Rebate to Add Liquidity to a Participant that qualifies for a Tier 7 or 8 Customer or Professional Penny Pilot Options Rebate to Add Liquidity in a given month is equitable and not unfairly discriminatory because the Exchange will pay the additional $0.01 per contract rebate in addition to the Non-Penny Pilot Options Rebate to Add Liquidity to all Participants that qualify for a Tier 7 or 8 Customer or Professional Penny Pilot Options Rebate to Add Liquidity in a uniform manner. Today, no other market participant is entitled to a Non-Penny Pilot Options Rebate to Add Liquidity other than a Customer. The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to only pay Customers a rebate in Non-Penny Pilot Options because Customer order flow is unique and benefits all market participants through the increased liquidity that such order flow brings to the market. The opportunity to increase the Non-Penny Pilot Options rebate will further encourage the addition of Penny Pilot and Non-Penny Pilot Options liquidity as well as Customer and Professional liquidity.

Customer and Professional Penny Pilot Option Rebate To Add Liquidity

The Exchange's proposal to lower the Tier 8 Professional Penny Pilot Options Rebate to Add Liquidity from $0.48 to $0.47 per contract is reasonable because the Exchange believes that the $0.47 per contract rebate should continue to incentivize Participants to qualify for a Tier 8 Penny Pilot Options Rebate to Add Liquidity to earn the rebate.

The Exchange's proposal to lower the Tier 8 Professional Penny Pilot Options

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4), (5).

Rebate to Add Liquidity from $0.48 to $0.47 per contract is equitable and not unfairly discriminatory for the reasons which follow. The Exchange believes that Customers are entitled to higher rebates because Customer order flow brings unique benefits to the market through increased liquidity which benefits all market participants. The Exchange believes that offering Professionals the opportunity to earn the same rebates as Customers, as is the case today, or slightly lower rebates, as proposed for Tier 8, and higher rebates as compared to Firms, Broker-Dealers and Non-NOM Market Makers, and in some cases NOM Market Makers, is equitable and not unfairly discriminatory because the Exchange does not believe that the amount of the rebate offered by the Exchange has a material impact on a Participant's ability to execute orders in Penny Pilot Options. By offering Professionals, as well as Customers, higher rebates as compared to other market participants, the Exchange hopes to simply remain competitive with other venues so that it remains a choice for market participants when posting orders and the result may be additional Professional order flow for the Exchange, in addition to increased Customer order flow. A Participant may not be able to gauge the exact rebate tier it would qualify for until the end of the month because Professional volume would be commingled with Customer volume in calculating tier volume.[7] A Professional could only otherwise presume the Tier 1 rebate would be achieved in a month when determining price.[8] Further, the Exchange initially established Professional pricing in order to ''. . . bring additional revenue to the Exchange.''[9] The Exchange noted in the Professional Filing that it believes ''. . . that the increased revenue from the proposal would assist the Exchange to recoup fixed costs.''[10] The Exchange also noted in that filing that it believes that establishing separate pricing for a Professional, which ranges between that of a customer and market maker, accomplishes this objective.[11] The Exchange does not believe that providing Professionals with the opportunity to obtain higher rebates, which may be equivalent to that of a Customer, creates a competitive environment where Professionals would be necessarily advantaged on NOM as compared to NOM Market Makers, Firms, Broker-Dealers or Non-NOM Market Makers. Also, a Professional is assessed the same fees as other market participants, except Customers.[12] For these reasons, the Exchange believes that continuing to offer Professionals the same rebates or slightly lower rebates as Customers is equitable and not unfairly discriminatory. NOM Market Makers also receive higher rebates as compared to Firms, Non-NOM Market Makers and Broker-Dealers because NOM Market Makers are valuable market participants that provide liquidity in the marketplace and incur costs unlike other market participants. The Exchange believes that NOM Market Makers should be offered the opportunity to earn higher rebates as compared to Non-NOM Market Makers, Firms and Broker Dealers because NOM Market Makers add value through continuous quoting[13] and the commitment of capital. The Exchange believes that encouraging NOM Market Makers to be more aggressive when posting liquidity, by offering such higher rebates, benefits all market participants through increased liquidity. NOM Market Makers will continue to earn the same or lower rebates as compared to Customers and Professionals.[14]

Customer Penny Pilot Options Fee for Removing Liquidity

The Exchange's proposal to increase the Penny Pilot Options Customer Fee for Removing Liquidity from $0.45 per contract to $0.47 per contract is reasonable because the Exchange will continue to assess Customers the lowest Fee for Removing Liquidity as compared to other market participants. In addition, Participants may qualify for certain rebates by transacting Customer orders. The rebates for Customers are the highest rebates offered by the Exchange.

The Exchange's proposal to increase the Penny Pilot Options Customer Fee for Removing Liquidity from $0.45 per contract to $0.47 per contract is equitable and not unfairly discriminatory. The Exchange will assess the lowest Penny Pilot Options Fee for Removing Liquidity to Customers as is the case today. NOM Market Makers will also continue to receive a lower fee as compared to a Professional, Firm, Non-NOM Market Maker and Broker-Dealer because of the obligations borne by NOM Market Makers.[15]

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that offering to pay an additional $0.01 per contract Customer Non-Penny Pilot Options Rebate to Add Liquidity to Participants that qualify for a Tier 7 or 8 Customer or Professional Rebate to Add Liquidity does not impose an undue burden on competition, rather it encourages Participants to add liquidity to NOM to obtain the Customer rebate and in turn

[7] Customer and Professional volume is aggregated for purposes of determining which rebate tier a Participant qualifies for with respect to the Professional Rebate to Add Liquidity in Penny Pilot Options.

[8] A Professional would be unable to determine the exact rebate that would be paid on a transaction by transaction basis with certainty until the end of a given month when all Customer and Professional volume is aggregated for purposes of determining which tier the Participant qualified for in a given month.

[9] *See* Securities Exchange Act Release No. 64494 (May 13, 2011), 76 FR 29014 (May 19, 2011) (SR–NASDAQ–2011–066) (''Professional Filing''). In this filing, the Exchange addressed the perceived favorable pricing of Professionals who were assessed fees and paid rebates like a Customer prior to the filing. The Exchange noted in that filing that a Professional, unlike a retail Customer, has access to sophisticated trading systems that contain functionality not available to retail Customers.

[10] *See* Securities Exchange Act Release No. 64494 (May 13, 2011), 76 FR 29014 (May 19, 2011) (SR–NASDAQ–2011–066).

[11] *See* Securities Exchange Act Release No. 64494 (May 13, 2011), 76 FR 29014 (May 19, 2011) (SR–NASDAQ–2011–066). The Exchange noted in this filing that it believes the role of the retail customer in the marketplace is distinct from that of the professional and the Exchange's fee proposal at that time accounted for this distinction by pricing each market participant according to their roles and obligations.

[12] The Fee for Removing Liquidity in Penny Pilot Options is $0.49 per contract for all market participants, except Customers who are assessed $0.45 per contract and NOM Market Makers who are assessed $0.48 per contract.

[13] Pursuant to Chapter VII (Market Participants), Section 5 (Obligations of Market Makers), in registering as a market maker, an Options Participant commits himself to various obligations. Transactions of a Market Maker in its market making capacity must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and Market Makers should not make bids or offers or enter into transactions that are inconsistent with such course of dealings. Further, all Market Makers are designated as specialists on NOM for all purposes under the Act or rules thereunder. *See* Chapter VII, Section 5.

[14] The Tier 1 NOM Market Maker Rebate to Add Liquidity in Penny Pilot Options is the same rebate as the Tier 1 Customer and Professional rebate in Penny Pilot Options. The Exchange pays the highest Tier 1 Rebates to Add Liquidity in Penny Pilot Options of $0.25 per contract to Customers, Professionals and NOM Market Makers for transacting one qualifying contract as compared to other market participants. Firms, Non-NOM Market Makers and Broker-Dealers receive a $0.10 per contract Penny Pilot Option Rebate to Add Liquidity. In addition, Participants that adds Firm, Non-NOM Market Maker or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 15,000 contracts per day or more in a given month will receive a Rebate to Add Liquidity in Penny Pilot Options of $0.20 per contract.

[15] *See* note 13.

promotes competition. The Exchange does not believe that offering Participants that qualify for Tier 7 or 8 of the Customer and Professional Penny Pilot Options Rebate to Add Liquidity an additional Non-Penny Pilot Options Customer rebate would result in any burden on competition as between market participants because the remaining market participants, NOM Market Makers, Firms, Non-NOM Market Makers and Broker-Dealers, would continue to have an opportunity to earn Penny Pilot Options rebates. Today, the Exchange only pays Customers Non-Penny Pilot Options Rebates to Add Liquidity.[16] Customer order flow brings unique benefits to the market through increased liquidity which benefits all market participants.

The Exchange's proposal to pay an additional Non-Penny Pilot Options Customer Rebate to Add Liquidity, presuming the Participant qualifies for Tier 7 or 8 of the Customer and Professional Penny Pilot Options Rebate to Add Liquidity, will incentivize Participants to direct Penny and Non-Penny Pilot Options order flow, as well as Customer and Professional order flow, to NOM to the benefit of all other market participants. The Exchange believes the proposed pricing incentives contribute to the overall health of the market and benefit all Participants willing to choose to transact options on NOM. For the reasons specified herein, the Exchange does not believe this proposal creates an undue burden on competition.

The Exchange believes that lowering the Tier 8 Professional Penny Pilot Options Rebate to Add Liquidity does not burden competition because Professionals will continue to earn higher rebates as compared to other non-Customer market participants, except NOM Market Makers, as is the case today. The Tier 1 NOM Market Maker Rebate to Add Liquidity in Penny Pilot Options is the same rebate as the Tier 1 Customer and Professional rebate in Penny Pilot Options. The Exchange pays the highest Tier 1 Rebates to Add Liquidity in Penny Pilot Options of $0.25 per contract to Customers, Professionals and NOM Market Makers for transacting one qualifying contract as compared to other market participants. This will also remain the same. The Customer will earn a higher Tier 8 rebate as compared to a Professional. Customer liquidity offers unique benefits to the market which benefits all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes that continuing to encourage Participants to add Professional liquidity, by offering rebates, creates competition among options exchanges because the Exchange believes that the rebates may cause market participants to select NOM as a venue to send Professional order flow. For these reasons, the Exchange does not believe this proposal creates an undue burden on competition.

The Exchange does not believe that increasing the Customer Penny Pilot Options Fee for Removing Liquidity will create an undue burden on competition because the Exchange continues to assess the lowest fee to Customers. As noted above, Customer liquidity offers unique benefits to the market which benefits all market participants.

The Exchange operates in a highly competitive market comprised of twelve U.S. options exchanges in which many sophisticated and knowledgeable market participants can readily and do send order flow to competing exchanges if they deem fee levels or rebate incentives at a particular exchange to be excessive or inadequate. These market forces support the Exchange's belief that the proposed rebate structure and tiers proposed herein are competitive with rebates and tiers in place on other exchanges. The Exchange believes that this competitive marketplace continues to impact the rebates present on the Exchange today and substantially influences the proposals set forth above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2014–013 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–NASDAQ–2014–013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–

[16] NASDAQ OMX BX, Inc. Options pays a Rebate to Remove Liquidity in All Other Penny Pilot Options of $0.32 per contract to Customers only.

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

NASDAQ–2014–013, and should be submitted on or before March 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03250 Filed 2–13–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71485; File No. S7–27–11]

Order Extending Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Revision of the Definition of ''Security'' To Encompass Security-Based Swaps, and Request for Comment

February 5, 2014.

Correction

In notice document 2014–02834, appearing on pages 7731–7735 in the issue of Monday, February 10, 2014, make the following correction:

On page 7731, in the second column, the date, which was inadvertently omitted from the document heading, is added to read as set forth above.

[FR Doc. C1–2014–02834 Filed 2–13–14; 8:45 am]

BILLING CODE 1505–01–D

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments.

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before April 15, 2014.

ADDRESSES: Send all comments to Justine Alston, Financial Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Justine Alston, Financial Analyst, 202–205–7623, *Justin.alston@sba.gov*, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Small Business Administration (SBA) has established a loan program, the immediate Disaster Assistance Program, (IDAP) to assist small businesses affected by a federally declared disaster or economic disaster. The program will provide guaranteed loan through 7(a) lenders participating in IDAP to cover the short time frame between the data of the disaster damage and a small business. This requested information, which will be provided by the affected small businesses and IDAP participating lenders, will be used to determine eligibility for an IDAP loan and participation in the program.

Summary of Information Collection

Title: Immediate Disaster Assistance Loan Program Application and Eligibility.

Description of Respondents: IDAP participating lenders.

Total Estimated Annual Responses: 984.

Total Estimated Annual Hour Burden: 543.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–03319 Filed 2–13–14; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before April 15, 2014.

ADDRESSES: Send all comments to Justin Alston, Financial Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Justin Alston, Financial Analyst, 202–401–8234, *Justin.alston@sba.gov,* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this data collection is to monitor loan payment information on SBA loan portfolios arising from the Immediate Disaster Assistance Program. This exercise will involve monthly updates on the payments received by lenders from small businesses that have received funding through this guaranty program. The Agency looks to better manage the program's effectiveness by having lenders provide this form of periodic reporting to SBA.

Summary of Information Collection

Title: Guaranteed Disaster Assistance Program.

Description of Respondents: Lenders who received funding through this guaranty program.

Total Estimated Annual Responses: 5,604.

Total Estimated Annual Hour Burden: 467.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–03321 Filed 2–13–14; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Standard 7(a) Loan Guaranty Processing Center (LGPC) Emergency Catch-up Pilot

AGENCY: Small Business Administration.

ACTION: Notice of Regulatory Waiver for Standard 7(a) Loan Guaranty Processing Center (LGPC) Emergency Catch-up Pilot.

SUMMARY: During the first quarter of Fiscal Year 2014, SBA waived an Agency regulation applicable to the 7(a) Business Loan Program for the Standard 7(a) Loan Guaranty Processing Center (LGPC) Emergency Catch-up Pilot (Pilot). Specifically, SBA waived the regulation setting forth SBA's criteria for establishing borrower creditworthiness and assuring repayment through the consideration of nine elements. The Pilot consisted of a streamlined review process for qualified 7(a) loan applications to address the backlog of unprocessed applications at the LGPC created by the government shutdown in October 2013. This Notice explains the actions SBA undertook and the reasons for the Pilot.

DATES: The waiver was effective for qualified applications submitted to the

[18] 17 CFR 200.30–3(a)(12).

LGPC from October 1, 2013 through December 3, 2013.

FOR FURTHER INFORMATION CONTACT: John A. Miller, Director, Office of Financial Program Operations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416; (202) 619–0647.

SUPPLEMENTARY INFORMATION: SBA implemented a temporary pilot called the LGPC Emergency Catch-up Pilot that consisted of a streamlined review process to address the backlog of unprocessed 7(a) loan applications at the LGPC created by the government shutdown in a manner that expedited delivery of capital to small businesses.

1. Background

Due to the lapse in appropriations beginning on October 1, 2013, the LGPC accumulated a backlog of unprocessed 7(a) loan applications that would have taken an estimated 6 to 8 weeks to review under the normal review process. SBA estimated that implementation of the streamlined review process would make it possible for the LGPC to review the unprocessed inventory in 3 to 4 weeks in a manner that did not further delay the delivery of capital to small businesses and did not increase SBA's risk. SBA determined the streamlined review performed under the Pilot would have a negligible effect on potential improper payments and defaults, as it allowed the LGPC to match resources to risk by focusing on higher-risk, high-dollar applications. Any potential increased risk to SBA was mitigated through a robust quality control review process whereby loans chosen by statistically valid, random sampling underwent full quality control reviews.

2. Standard 7(a) Loan Guaranty Processing Center (LGPC) Emergency Catch-up Pilot

Overview

The streamlined review consisted of (1) a review to verify the completeness of the application package to ensure the LGPC had all required forms signed and completed, the lender's credit memorandum, and all other applicable supporting documentation; (2) a full eligibility review; and (3) a minimum threshold credit score. For purposes of the LGPC Emergency Catch-up Pilot, the credit score was used as a decision tool to assess borrower repayment ability in lieu of analyzing each of the required elements set forth in 13 CFR 120.150. The credit score utilized was FICO's LiquidCredit, which is calculated based on a combination of consumer credit bureau data, business bureau data, borrower financial data, and application data, and is used industry-wide in the small business lending industry. The LiquidCredit Score has been in use at the LGPC since 2007 and is the credit scoring model used for SBA's Small Loan Advantage (SLA) Program. The minimum credit score required for an application to qualify for streamlined review was based on the lower end of SBA's current risk profile and was the minimum score currently used for SLA applications.

Standard 7(a), SLA, and Certified Lender Program (CLP) loan applications of $350,000 or less with LiquidCredit scores equal to or greater than 140 received in the LGPC from October 1, 2013 through December 3, 2013 qualified for the streamlined review process. The following applications did not qualify for the Pilot and underwent the standard review currently followed in the LGPC: (1) CAPLine applications; (2) Community Advantage applications; (3) applications that had credit scores below the minimum threshold score of 140; and (4) applications from lenders with unsatisfactory performance, as determined by the Office of Credit Risk Management (OCRM).

SBA will track and monitor the quality control review results for use in future analysis to measure the effectiveness of the Pilot. SBA also will track and monitor the loans approved under the Pilot for future analysis in comparing default rates of loans approved under the Pilot to similarly sized loans approved under normal review procedures in the same timeframe to determine the effectiveness of the Pilot.

Regulatory Waivers

Pursuant to the authority provided to SBA under 13 CFR 120.3 to suspend, modify or waive certain regulations in establishing and testing pilot loan initiatives for a limited period of time, SBA has waived 13 CFR 120.150, which defines SBA's lending criteria for establishing borrower creditworthiness and assuring repayment through the consideration of nine elements. The waiver of this regulation for loans processed under the Pilot allowed for streamlined reviews of qualifying applications utilizing FICO's LiquidCredit Score as a decision tool to assess borrower repayment ability.

All provisions of the Small Business Act applicable to the 7(a) loan program apply to loans made under this Pilot. Unless waived or modified by this Notice, all regulations applicable to the 7(a) loan program apply to loans made under this Pilot. All standard operating procedures applicable to the 7(a) loan program that are not superseded by any provision of this Notice apply to loans made under this Pilot.

Authority: 15 U.S.C. 636(a)(25) and 13 CFR 120.3.

Dated: February 10, 2014.

Jeanne A. Hulit,

Acting Administrator.

[FR Doc. 2014–03323 Filed 2–13–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8630]

Culturally Significant Objects Imported for Exhibition Determinations: ''Richard Wilson and the Transformation of European Landscape Painting'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Richard Wilson and the Transformation of European Landscape Painting'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Yale Center for British Art, New Haven, CT, from on or about March 6, 2014, until on or about June 1, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: February 7, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–03296 Filed 2–13–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8631]

Notice of Closed Meeting of the Cultural Property Advisory Committee

There will be a closed meeting of the Cultural Property Advisory Committee on Thursday, March 13, and Friday, March 14, 2014, at the Department of State, Annex 5, 2200 C Street NW., Washington, DC.

The Committee will conduct interim reviews of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy,* and the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Colombia Concerning the Imposition of Import Restrictions on Archaeological Materials from the Pre-Columbian Cultures and Certain Ecclesiastical Material from the Colonial Period of Colombia.* Public comment, oral and written, will be invited at a time in the future should either or both of these Memoranda of Understanding be proposed for extension.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*). The text of the Act and Memoranda of Understanding, as well as related information, may be found at *http://culturalheritage.state.gov.*

This meeting will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), the latter of which stipulates that ''The provisions of the Federal Advisory Committee Act . . . shall apply to the [Cultural Property Advisory] Committee except that the requirements of subsections (a) and (b) of section 10 and 11 of such Act (relating to open meetings, public notice, public participation, and public availability of documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiation objectives or bargaining positions on the negotiations of any agreement authorized by this title.''

Pursuant to law, executive order, and delegation of authority, I have made such a determination.

Dated: February 7, 2014.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2014–03298 Filed 2–13–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8632]

Provision of Certain Temporary Sanctions Relief

AGENCY: Bureau of Economic and Business Affairs, Department of State.

ACTION: Notice.

SUMMARY: The United States Government (USG) is issuing temporary waivers of certain sanctions to allow for a discrete range of transactions related to the provision of satellite connectivity services to the Islamic Republic of Iran Broadcasting (IRIB). The USG is issuing these waivers based on Iran's commitment to ensure that harmful satellite interference does not emanate from its territory, and verification by the USG that harmful satellite interference is not currently emanating from the territory of Iran.

DATES: The effective dates of these waiver actions are as described in the determinations set forth below.

FOR FURTHER INFORMATION CONTACT: On general issues: John Hughes, Office of Economic Sanctions Policy and Implementation, Department of State, Telephone: (202) 647–7489.

SUPPLEMENTARY INFORMATION: Acting under the authorities vested in me as Secretary of State, I hereby make the following determinations and certifications:

Pursuant to Sections 1244(i), 1245(g), 1246(e), and 1247(f) of the Iran Freedom and Counter-Proliferation Act of 2012 (subtitle D of title XII of Public Law 112–239, 22 U.S.C. 8801 *et seq.*) (IFCA) and the Delegation of Certain Functions and Authorities under IFCA, 78 Fed. Reg. 35545 (June 13, 2013), I determine that it is vital to the national security of the United States to waive the imposition of sanctions pursuant to:

1. Section 1244(c)(1) of IFCA [1] to the extent required for:

a. Transactions involving the provision of ground connectivity services using earth stations and fiber optic connections outside of Iran and the provision and management of satellite capacity for sale or resale to the Islamic Republic of Iran Broadcasting (IRIB), where such ground connectivity services and satellite capacity are to be used for the provision to Iran of public international telecommunications services, and;

b. transactions involving the provision of the following related administrative services to, or for the benefit of, the IRIB, to the extent such services are necessary to establish and maintain ground and satellite connectivity with IRIB: Standard operational support, including coordinating with in-country personnel on matters such as configuring ground and earth station equipment to access space segment capacity; marketing services; billing services; and legal services, and excluding any transactions involving persons other than IRIB on the SDN List.

2. Section 1246(a) of IFCA [2] to the extent required for:

a. Transactions involving the provision of ground connectivity services using earth stations and fiber optic connections outside of Iran and the provision and management of satellite capacity for sale or resale to the Islamic Republic of Iran Broadcasting (IRIB), where such ground connectivity services and satellite capacity are to be used for the provision to Iran of public international telecommunications services, and;

b. transactions involving the provision of the following related administrative services to, or for the benefit of, the IRIB, to the extent such services are necessary to establish and maintain ground and satellite connectivity with IRIB: Standard operational support, including coordinating with in-country personnel on matters such as configuring ground and earth station equipment to access space segment capacity; marketing services; billing services; and legal services, and excluding any transactions involving persons other than IRIB on the SDN List.

3. Section 1247(a) of IFCA [3] to the extent required for:

a. Transactions involving the provision of ground connectivity services using earth

[1] Pursuant to section 1244(c)(2)(C)(iii) of IFCA, the relevant sanction in Section 1244(c)(1) continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1244(c)(3)).

[2] Pursuant to section 1246(a)(1)(C) of IFCA, the relevant sanction in Section 1246(a)(1)(C) continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1246(b)).

[3] Pursuant to section 1247(a) of IFCA, the relevant sanction in Section 1247(a) still continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1247(b)).

stations and fiber optic connections outside of Iran and the provision and management of satellite capacity for sale or resale to the Islamic Republic of Iran Broadcasting (IRIB), where such ground connectivity services and satellite capacity are to be used for the provision to Iran of public international telecommunications services, and;

b. transactions involving the provision of the following related administrative services to, or for the benefit of, the IRIB, to the extent such services are necessary to establish and maintain ground and satellite connectivity with IRIB:

standard operational support, including coordinating with in-country personnel on matters such as configuring ground and earth station equipment to access space segment capacity; marketing services; billing services; and legal services, and excluding any transactions involving persons other than IRIB on the SDN List.

These waivers shall take effect upon transmittal to Congress.

(Signed John F. Kerry, Secretary of State)

Therefore, these sanctions have been waived as described in the determinations above. Relevant agencies and instrumentalities of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this notice.

Dated: February 10, 2014.

Kris R. Urs,

Acting Assistant Secretary for Economic and Business Affairs.

[FR Doc. 2014–03300 Filed 2–13–14; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation; Notice of Availability of the Supplemental Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Blue Origin West Texas Launch Site

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of Supplemental EA and FONSI.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality NEPA implementing regulations (40 CFR Parts 1500–1508), and FAA Order 1050.1E, Change 1, the FAA is announcing the availability of the Supplemental EA and FONSI for the Blue Origin West Texas Launch Site.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Czelusniak, Environmental Specialist, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Room 325, Washington, DC 20591, telephone (202) 267–5924; email *daniel.czelusniak@faa.gov.*

SUPPLEMENTARY INFORMATION: The Supplemental EA was prepared to analyze the potential environmental impacts of FAA's Proposed Action of issuing experimental permits and/or launch licenses to Blue Origin for operation of various suborbital reusable launch vehicles (RLVs) at Blue Origin's West Texas launch site. This Supplemental EA evaluates the potential environmental impacts of operation of the RLVs, construction of support infrastructure, ground operations (e.g., engine testing), and amateur launches. All construction activities related to the Proposed Action would occur within the Blue Origin property line.

The FAA previously analyzed the potential environmental impacts of issuing one or more experimental permits and/or launch licenses to Blue Origin to operate suborbital RLVs in the August 2006 *Final Environmental Assessment for the Blue Origin West Texas Commercial Launch Site* (2006 EA). The 2006 EA evaluated the potential environmental impacts of construction and operation of a commercial launch site on privately-owned property in Culberson County, Texas, and assessed 52 annual launches of earlier RLV versions over a five-year period, from 2006 to 2010. The current Proposed Action falls outside the scope of the 2006 EA, because (1) the 2006 EA limited the environmental analysis to the years 2006–2010 and Blue Origin now proposes to continue RLV development operations through 2019; (2) the propellants and certain other characteristics of the proposed RLVs are different than the previous versions; and (3) Blue Origin proposes additional construction activities.

The Blue Origin West Texas launch site is located approximately 25 miles north of Van Horn, Texas. It lies within a larger, privately-owned property known as the Corn Ranch. The Supplemental EA addresses the potential environmental impacts of implementing the Proposed Action and the No Action Alternative.

Under the Proposed Action, the FAA would issue experimental permits and/or launch licenses for the operation of various suborbital RLVs at Blue Origin's West Texas launch site. The Proposed Action includes the activities that would be authorized by an experimental permit or launch license (i.e., the operation of the launch vehicles) as well as construction of support infrastructure required to support the proposed RLV activities, ground testing activities, and amateur launches that would occur at the launch site. Experimental permits would be valid for one year. Launch licenses could be valid for up to two years. The FAA could renew experimental permits and launch licenses if requested, by Blue Origin, in writing, at least 60 days before the permit expires, or at least 90 days before the license expires.

For purposes of analyzing environmental impacts in the Supplemental EA, the FAA assumed a conservative number of launches of the various suborbital RLVs for each of the years analyzed (2014–2019). The FAA assumed a maximum of up to 54 annual launches between 2014 and 2019 of the largest contemplated vehicle configuration as the basis for assessing environmental impact.

The only alternative to the Proposed Action analyzed in the Supplemental EA is the No Action Alternative. Under the No Action Alternative, the FAA would not issue experimental permits and/or launch licenses to Blue Origin for the operation of various suborbital RLVs at Blue Origin's West Texas launch site. Existing Blue Origin activities that do not require an FAA experimental permit or license could continue at the launch site, including but not limited to amateur rocketry operations, ground tests, and construction.

The environmental impact categories considered in the Supplemental EA include air quality; construction impacts; fish, wildlife, and plants; hazardous materials, pollution prevention, and solid waste; historical, architectural, archaeological, and cultural resources; and noise. Potential cumulative impacts of the Proposed Action and No Action Alternative are also addressed in the Supplemental EA.

The FAA has posted the Supplemental EA and FONSI on the Internet at *http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/review/permits/.*

Issued in Washington, DC on: February 7, 2014.

Daniel Murray,

Manager, Space Transportation Development Division.

[FR Doc. 2014–03306 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0004]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by April 15, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0004 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Dougherty 202–366–9234, Department of Transportation, Federal Highway Administration, Office of Highway Policy Information, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Certification of Enforcement of the Heavy Vehicle Use Tax.

OMB Control #: 2125–0541.

Background: Title 23 United States Code, Section 141(c), provides that a State's apportionment of funds under 23 U.S.C. 104(b)(1) shall be reduced in an amount up to 8 percent of the amount to be apportioned during any fiscal year beginning after September 30, 1984, if vehicles subject to the Federal heavy vehicle use tax are lawfully registered in the State without having presented proof of payment of the tax. The annual certification by the State Governor or designated official regarding the collection of the heavy vehicle use tax serves as the FHWA's primary means of determining State compliance. The FHWA has determined that an annual certification of compliance by each State is the least obtrusive means of administering the provisions of the legislative mandate. In addition, States are required to retain for 1 year a Schedule 1, IRS Form 2290, Heavy Vehicle Use Tax Return (or other suitable alternative provided by regulation). The FHWA conducts compliance reviews at least once every 3 years to determine if the annual certification is adequate to ensure effective administration of 23 U.S.C. 141(c).

The estimated annual reporting burden is 102 hours; the estimated recordkeeping burden is 510 hours for a total of 612 hours. The 50 States and the District of Columbia share this burden. Preparing and processing the annual certification is estimated to require 2 hours per State. Recordkeeping is estimated to require an average of 10 hours per State.

Respondents: 50 State Transportation Departments, and the District of Columbia for a total of 51 respondents.

Frequency: Annually.

Estimated Average Annual Burden per Response: The average burden to submit the certification and to retain required records is 12 hours per respondent.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 612 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: February 11, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–03342 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0478]

Agency Information Collection Activities; Revision of a Currently-Approved Information Collection: Accident Recordkeeping Requirements

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

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for approval and invites public comment. FMCSA requests approval to revise the ICR entitled ''*Accident Recordkeeping Requirements.*'' This ICR relates to Agency requirements that motor carriers maintain a record of certain accidents involving commercial motor vehicles (CMVs). Motor carriers are not required to report this data to FMCSA, but must produce it upon inquiry by authorized Federal, State or local officials.

DATES: We must receive your comments on or before April 15, 2014.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2013–0478 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process,

see the Public Participation heading below. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

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 Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4325; email *tom.yager@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Title 49 of the Code of Federal Regulations, Section 390.15(b), requires motor carriers to make certain specified records and information pertaining to CMV accidents available to an authorized representative or special agent of the FMCSA upon request or as part of an inquiry. Interstate motor carriers are required to maintain an ''accident register'' consisting of information concerning all ''accidents'' involving their CMVs (49 CFR 390.15(b) (see ''Definition: Accident'' below). Motor carriers must report accidents that occur in interstate and intrastate commerce. The following information must be recorded for each accident: Date, location, driver name, number of injuries, number of fatalities, and whether certain dangerous hazardous materials were released. In addition, the motor carrier must maintain copies of all accident reports required by insurers or governmental entities. Motor carriers must maintain this information for three years after the date of the accident. Section 390.15 does not require motor carriers to submit any information or records to FMCSA or any other party.

This ICR supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning CMV accidents, FMCSA is strengthening its ability to assess the safety performance of motor carriers. This information is a valuable resource in Agency initiatives to prevent, and reduce the severity of, CMV crashes.

Title: Accident Recordkeeping Requirements.

OMB Control Number: 2126–0009.

Type of Request: Revision of a currently approved information collection.

Respondents: Motor Carriers.

Estimated Number of Respondents: 520,000 motor carriers.

Estimated Number of Responses: 89,000.

Estimated Time per Response: 18 minutes.

Expiration Date: May 31, 2014.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 26,700 hours [89,000 motor carriers recording an accident × 18 minutes per response/60 minutes in an hour = 26,700].

Definition: ''Accident'' is an occurrence involving a CMV operating on a public road which results in: (1) A fatality, (2) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident, or (3) one or more motor vehicles being towed from the scene (49 CFR 390.5).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA's performance; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: February 6, 2014.

Kelly Leone,

Associate Administrator for Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–03347 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA 2013–0348]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Practices of Household Goods Brokers

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to revise an ICR titled ''Practices of Household Brokers'' to no longer include one-time costs previously incurred by brokers to come into compliance with 49 CFR part 371, and to update other wage related costs that have changed since the last approval. This ICR is necessary to support the requirements of subpart B of 49 CFR part 371 and FMCSA's responsibility to ensure consumer protection in the transportation of household goods (HHG). On November 13, 2013, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on this ICR. The agency received no comments in response to that notice.

DATES: Please send your comments to this notice by March 17, 2014. OMB must receive your comments by this date to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2013–0348. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@*

omb.eop.gov, faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Mack, Commercial Enforcement and Investigations Division, Household Goods Team Leader, U. S. Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone: 202–366–8045; email *brodie.mack@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Practices of Household Goods Brokers.

OMB Control Number: 2126–0048.

Type of Request: Revision of a currently approved collection.

Respondents: Brokers of Household Goods.

Estimated Number of Respondents: 690.

Estimated Time per Response: 15 minutes per day × 240 workdays for household goods broker transactions; 8 hours per year × 125 new entrants for separate accounting system; 20 hours per year × 690 brokers of household goods for Web site/ad modifications; 10 hours per year × 690 brokers of household goods for creating a list of carriers; 0.5 hours per month × 12 months × 690 brokers of household goods for confirming required information; 0.083 hour per year × 20,000 explanations; 4 hours per year × 5 agreements × 690 brokers of household goods for annual agreements through turnover; and 10 hours per year × 690 brokers of household goods for disclosure and records.

Expiration Date: February 28, 2014.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 89,607 hours.

Background: FMCSA, in response to Title IV, Subtitle B of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59) and a petition for rulemaking from the American Moving and Storage Association (AMSA), amended 49 CFR part 371, existing regulations for brokers, with a Final Rule titled, ''Brokers of Household Goods Transportation by Motor Vehicles, (75 FR 72987), November 29, 2010, providing additional consumer protection responsibilities for brokers of HHG.

Section 4212 of SAFETEA–LU directs the Secretary to require HHG brokers to provide individual shippers with the following information whenever a broker has contact with a shipper or potential shipper:

1. The broker's USDOT number.
2. The FMCSA booklet titled ''Your Rights and Responsibilities When You Move.''
3. A list of all authorized motor carriers providing transportation of HHG used by the broker and a statement that the broker is not a motor carrier providing transportation of HHG.

FMCSA, as the result of a rulemaking that took effect November 29, 2010, amended 49 CFR part 371 by adding subpart B, specific consumer protection requirements for HHG brokers. The collection of information required by this rulemaking assists shippers in their business dealings with interstate HHG brokers. The information collected is used by prospective shippers to make informed decisions about contracts and services ordered, executed, and settled. The HHG broker is often the primary contact for individual shippers and in the best position to educate shippers and prepare them for a successful move. The information collected makes that possible. To combat deceptive business practices, this helps enforcement personnel better protect consumers by verifying that shippers are receiving information they are entitled to by regulation.

HHG brokers are required to provide individual shippers the ''Your Rights and Responsibilities When You Move'' booklet and the ''Ready to Move'' brochure. They have the option of providing paper copies or presenting the information through a link on their Internet Web site. The broker is required to document with signed receipts that the individual shipper was provided those materials. HHG brokers are also required to provide the list of HHG motor carriers for which it would arrange transportation to move a potential individual shipper's HHG, and that broker's identification information:

1. Assigned USDOT number; and
2. Address.

Public Comments Invited

FMCSA requests that you comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions, (2) the accuracy of the estimated burden, (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information, and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority delegated in 49 CFR 1.87 on: February 6, 2014.

G. Kelly Leone,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–03356 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0305]

Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request: Transportation of Hazardous Materials, Highway Routing

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. The FMCSA requests approval to extend an existing ICR is titled, ''Transportation of Hazardous Materials, Highway Routing.'' The information reported by States and Indian tribes is necessary to identify designated/restricted routes and restrictions or limitations affecting how motor carriers may transport certain hazardous materials on their highways, including dates that such routes were established and information on subsequent changes or new hazardous materials routing designations. FMCSA received one comment from a trucking association in response to the 60-day **Federal Register** Notice published on October 23, 2013.

DATES: Please send your comments by March 17, 2014. OMB must receive your comments by this date in order to act on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2013–0305. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of

Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Bomgardner, Office of Enforcement and Compliance, Hazardous Materials Division, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–493–0027; email *paul.bomgardner@dot.gov.* Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Transportation of Hazardous Materials, Highway Routing.

OMB Control Number: 2126–0014.

Type of Request: Extension of a currently approved information collection.

Respondents: The reporting burden is shared by 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the U.S. Virgin Islands.

Estimated Number of Respondents: 51 [35 States, District of Columbia, and U.S. Territories with designated hazardous materials highway routes + 15 States/U.S. Territories without designated hazardous materials highway routes + 1 Indian tribe with a designated route = 51].

Estimated Time per Response: 15 minutes.

Expiration Date: February 28, 2014.

Frequency of Response: Annually.

Estimated Total Annual Burden: 13 hours [51 annual respondents × 1 response × 15 minutes per response/60 minutes per response = 12.75 hours, rounded to 13 hours].

Background

The data for the Transportation of Hazardous Materials, Highway Routing ICR is collected under authority of 49 U.S.C. 5112 and 5125. Specifically, 49 U.S.C. 5112(c) requires that the Secretary, in coordination with the States, ''shall update and publish periodically a list of currently effective hazardous material highway route designations.''

Under 49 CFR 397.73, the FMCSA Administrator has the authority to request that each State and Indian tribe, through its routing agency, provide information identifying hazardous materials routing designations within its jurisdiction. That information is collected and consolidated by FMCSA and published annually, in whole or as updates, in the **Federal Register**.

Comments From the Public: The FMCSA received 1 comment in response to the 60-day comment request **Federal Register** notice published on October 23, 2013. FMCSA will consider the comment received from the American Trucking Association (ATA) that addressed the changes to be implemented in the ICR to meet the requirements of Public Law 112–141, Moving Ahead for Progress in the 21st Century Act (MAP–21).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: February 6, 2014.

G. Kelly Leone,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–03345 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

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

ACTION: Notice of Unified Carrier Registration Plan Board of Directors Meeting.

TIME AND DATE: The meeting will be held on February 25, 2014, from 11:00 a.m. to 2:00 p.m., Central Standard Time.

PLACE: This meeting will be open to the public at the Menger Hotel, 204 Alamo Plaza, San Antonio, TX 78205 and via conference call. Those not attending the meeting in person may call 1–877–422–1931, passcode 2855443940, to listen and participate in this meeting.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Issued on: February 10, 2014.

Robert W. Miller,

Director for Policy, Strategic Planning, and Regulation.

[FR Doc. 2014–03459 Filed 2–12–14; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0314]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Van Hool N.V. and Coach USA

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

ACTION: Notice; reopening docket and extension of comment period.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) is reopening and extending the comment period for its notice requesting comments on an application for exemption from Van Hool N.V. and Coach USA (Van Hool/Coach USA) to allow the use of double deck motorcoaches constructed with a sleeper berth that has an exit that does not meet the minimum dimensional requirements specified in the Federal Motor Carrier Safety Regulations (FMCSRs). In its comments responding to the notice, Advocates for Highway and Auto Safety (Advocates) pointed out that the Agency failed to include a copy of the Van Hool/Coach USA application in the docket for public inspection as required by statute and regulation. In response to the Advocates concern, the Agency (1) has placed a copy of the Van Hool/Coach USA application in the docket, (2) is reopening the docket, and (3) is extending the comment period from February 14, 2014 until March 3, 2014.

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

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA–2013–0314 by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the

instructions for submitting comments on the Federal electronic docket site.

• *Fax:* 1–202–493–2251.

• *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

• *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit *http://www.regulations.gov.*

Public participation: The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site and also at the DOT's *http://docketsinfo.dot.gov* Web site. If you want us to notify you that we received your comments, please include a self addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–0676; Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: On August 6, 2013 (78 FR 47817), FMCSA published a notice in the **Federal Register** requesting comments on an application for exemption from Van Hool/Coach USA to allow the use of double deck motorcoaches constructed with a sleeper berth that has an exit that does not meet the minimum dimensional requirements specified in the FMCSRs. The Agency provided a 30-day comment period for the notice with a deadline of September 5, 2013. On September 16, 2013, Advocates noted that the Agency did not provide the public with an opportunity to inspect the information relevant to the application, including the application and any safety analysis provided by the applicant.

The FMCSA has placed the information provided by Van Hool/Coach USA into the docket, and has determined that a 15 day extension of the comment period is appropriate.

In consideration of the above, FMCSA is reopening the comment period for 15 days, from February 14, 2014 to March 3, 2014.

Issued on: February 5, 2014.

Robert W. Miller,

Director of Policy, Strategic Planning, and Regulation.

[FR Doc. 2014–03041 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0124]

Qualification of Drivers; Application for Exemptions; Hearing

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces that 51 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant theses requests after reviewing the public comments submitted in response to this notice, the exemptions would enable 51 individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before March 17, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0124 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below for further information.

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

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR Part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).[1] Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled ''Hearing Disorders and Commercial Motor Vehicle Drivers'' prepared for the Federal Highway Administration, FMCSA's predecessor, in 1993.[2]

FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be *achieved absent such exemption before granting any such requests. 49 U.S.C.*

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2013–0124'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2013–0124'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Information on Individual Applicants

Brooks Andresen

Mr. Andresen, 33, holds a driver's license in Utah.

Alexey Belousov

Mr. Belousov, 36, holds a driver's license in Maryland.

Richard Boggs

Mr. Boggs, 36, holds a driver's license in Ohio.

Conley Bowling

Mr. Bowling, 34, holds a driver's license in Kentucky.

Marquarius Boyd

Mr. Boyd, 22, holds a driver's license in Mississippi.

Charles Breidenthal

Mr. Breidenthal, 61, holds a driver's license in California.

Adam Brown

Mr. Brown, 31, holds a driver's license in Texas.

Kwinton C. Carpenter

Mr. Carpenter, 28, holds a driver's license in Ohio.

Ronald Dillon, Jr.

Mr. Dillon, 48, holds a driver's license in California.

[1] This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].

[2] This report is available on the FMCSA Web site at *http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.*

Clark Dobson

Mr. Dobson, 49, holds a driver's license in California.

Louis Dominik

Mr. Dominik, 53, holds a driver's license in Texas.

Kareem M. Douglas

Mr. Douglas, 38, holds a driver's license in Ohio.

Craig Eberhart

Mr. Eberhart, 42, holds a driver's license in Pennsylvania.

Anthony Farinacci

Mr. Farinacci, 49, holds a driver's license in Ohio.

Timothy D. Finley

Mr. Finley, 47, holds a driver's license in California.

Danny E. Fisk

Mr. Fisk, 56, holds a driver's license in Colorado.

Christopher Fitzwater

Mr. Fitzwater, 26, holds a driver's license in Virginia.

Kenneth Frilando

Mr. Frilando, 45, holds a driver's license in New York.

Timothy Gallagher

Mr. Gallagher, 50, holds a driver's license in Pennsylvania.

John R. Harper, Jr.

Mr. Harper, 32, holds a driver's license in Illinois.

Kenneth E. Harris

Mr. Harris, 38, holds a driver's license in Missouri.

Susan D. Helgerson

Ms. Helgerson, 48, holds a driver's license in Wisconsin.

Kimberly Hicks

Ms. Hicks, 46, holds a driver's license in Illinois.

Devon T. Hinds

Mr. Hinds, 55, holds a driver's license in Colorado.

Ryan S. Howard

Mr. Howard, 40, holds a driver's license in New York.

Gregory Ingram

Mr. Ingram, 27, holds a driver's license in North Carolina.

Bernard LaFayette

Mr. LaFayette, 58, holds a driver's license in California.

Christopher Lucki

Mr. Lucki, 31, holds a driver's license in Illinois.

Joshua Matlow

Mr. Matlow, 33, holds a driver's license in Texas.

Kathy Mazique

Ms. Mazique, 30, holds a driver's license in Illinois.

David W. McCoy

Mr. McCoy, 62, holds a driver's license in California.

Clair Mitcham

Ms. Mitcham, 55, holds a driver's license Texas.

Jeffrey S. Moore

Mr. Moore, 34, holds a driver's license in Pennsylvania.

Christopher Morgan

Mr. Morgan, 24, holds a driver's license in Massachusetts.

Quinton Murphy

Mr. Murphy, 31, holds a driver's license in Wisconsin.

William Noble

Mr. Noble, 62, holds a driver's license in New York.

Veniamin Panteleimonov

Mr. Panteleimonov, 33, holds a driver's license in California.

Kelly Pulvermacher

Mr. Pulvermacher, 26, holds a driver's license in Wisconsin.

Jeremy Reams

Mr. Reams, 36, holds a driver's license in Kentucky.

Victor M. Robinson

Mr. Robinson, 30, holds a driver's license in Louisiana.

Darrin A. Rutley

Mr. Rutley, 31, holds a driver's license in New York.

Samuel Sherman

Mr. Sherman, 35, holds a driver's license in Minnesota.

Andrey Shevchenko

Mr. Shevchenko, 21, holds a driver's license in Minnesota.

Ronald K. Smith, Jr.

Mr. Smith, 32, holds a driver's license in Texas.

Willine D. Smith

Ms. Smith, 51, holds a Class B commercial driver's license (CDL) in Florida.

William Templeton

Mr. Templeton, 43, holds a driver's license in Georgia.

Timothy A. Terpak

Mr. Terpak, 27, holds a driver's license in Pennsylvania.

Jeremy L. Thrush

Mr. Thrush, 26, holds a driver's license in Pennsylvania.

Carlos A. Torres

Mr. Torres, 29, holds a driver's license in Florida.

John K. Turner, III

Mr. Turner, 48, holds a driver's license in Colorado.

Chad Weaver

Mr. Weaver, 31, holds a driver's license in Georgia.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business March 17, 2014. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued On: January 23, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–03339 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2014–0013]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes the collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before April 15, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2014–0013 using any of the following methods:

Electronic submissions: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Alan Block, Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–131), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–499, Washington, DC 20590. Mr. Block's phone number is 202–366–6401 and his email address is *alan.block@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(I) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Demonstration Tests of Different High Visibility Enforcement Models

Type of Request—New information collection requirement.

OMB Clearance Number—None.

Form Number—NHTSA Forms 1121, 1122, 1123.

Requested Expiration Date of Approval—3 years from date of approval.

Summary of the Collection of Information—NHTSA proposes to collect information in selected communities on public perceptions of enforcement of laws prohibiting alcohol-impaired driving. The communities will differ in their levels of highly visible enforcement. Telephone interviews will be administered to residents in each of five communities who are drivers, age 18 and older, have access to a residential landline and/or a personal cell phone, and have consumed alcohol in the past year. This study will also conduct in-person interviews in each of the five communities with patrons at bars or other establishments serving alcohol. The respondents will be age 21 and older.

Description of the Need for the Information and Proposed Use of the Information—NHTSA was established to reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

Highly visible enforcement (HVE) has had the strongest support in the research literature for effectiveness in reducing alcohol-impaired driving. The unknown at this time is the relationship of the amount of HVE to perceived risk within a community of an alcohol-impaired driver being stopped by law enforcement. In particular, does the perceived risk increase as the amount of HVE increases? And is the optimum effect on awareness and perceived risk achieved through an integrated program where HVE is integrated into regular law enforcement operations? NHTSA proposes to address those questions by selecting community sites engaging in different levels of HVE activity over a one-year period, and collecting information on community awareness of those enforcement programs and the perceived risk of an alcohol-impaired driver being stopped by law enforcement officers. Five sites will be selected.

NHTSA will use the findings from this proposed collection of information to assist States, localities, and law enforcement agencies to design and implement sustained programs of highly visible enforcement of the laws pertaining to alcohol-impaired driving.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—This proposed effort would involve a maximum of three telephone survey waves in each of the five selected communities. The sample size per survey wave per community would be 1,200. The total number of telephone interviews within a community over the course of the one year field period would be a maximum of 3,600, with the grand total for the five communities combined being a maximum of 18,000 telephone interviews. Respondents would be drivers age 18 and older that had consumed alcohol in the past year. Businesses are ineligible for the sample and would not be interviewed. No more than one respondent would be selected per household. Each member of the sample would complete one interview,

and only participate in one survey wave.

This effort would also include a maximum of three waves of in-person interviews of patrons at bars or other establishments serving alcohol. The total number of in-person interviews within a community over the course of the one year field period would be a maximum of 1,200, with the grand total for the five communities combined being a maximum of 6,000 in-person interviews. Respondents would be patrons of alcohol-serving establishments age 21 and older. Each respondent would receive a small number of questions to answer both upon entry to the establishment and upon departure.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting From the Collection of Information—NHTSA estimates that respondents would require an average of 10 minutes to complete the telephone interviews. If the maximum number of 18,000 telephone interviews is conducted, this would compute to 3,000 interviewing hours. The interviews with establishment patrons would require an average of eight minutes for the entry and exit interview combined. With a maximum of 6,000 respondents, this would compute to 800 interviewing hours.

All interviewing would occur during a single year. Thus the annual reporting burden would be the entire 3,800 hours. The respondents would not incur any reporting cost from the information collection. The respondents also would not incur any record keeping burden or record keeping cost from the information collection.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Dated: February 5, 2014.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2014–02812 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0083; Notice 2]

Spartan Motors, Inc. on Behalf of Spartan Motors Chassis, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of Petition.

SUMMARY: Spartan Motors, Inc. on behalf of Spartan Motors Chassis, Inc. (Spartan) has determined that certain model year 2008 through 2013 Spartan Gladiator and MetroStar chassis cabs do not fully comply with paragraph S5.3.3.1(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems.* Spartan has filed an appropriate report dated April 19, 2013, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact James Jones, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5294, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Spartan's Petition

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Spartan has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on September 25, 2013 in the **Federal Register** (78 FR 59089). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/*. Then follow the online search instructions to locate docket number ''NHTSA–2013–0083.''

II. Chassis Cabs Involved

Affected are approximately 26 model year 2008 through 2013 Spartan Gladiator and MetroStar chassis cabs manufactured between April 9, 2008 and January 14, 2013.

III. Noncompliance

Spartan explains that it has determined that certain emergency rescue chassis cabs built between April 9, 2009 and January 14, 2013 may not meet the brake actuation time for trucks as identified in § 5.3.3 of FMVSS No. 121.

IV. Rule Text

Section S5.3.3 of FMVSS No. 121 specifically states:

S5.3.3 Brake actuation time. Each service brake system shall meet the requirements of S5.3.3.1 (a) and (b).

S5.3.3.1(a) With an initial service reservoir system air pressure of 100 psi, the air pressure in each brake chamber shall, when measured from the first movement of the service brake control, reach 60 psi in not more than 0.45 second in the case of trucks and buses * * *

V. Summary of Spartan's Analyses

Spartan stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

Section 5.3.3.1 of FMVSS No. 121 defines the amount of pressure (60 psi) for, in this case, the front brake chambers. Further, it also defines a ''not to exceed'' time (0.45 seconds) in which that pressure at the brake chamber must be achieved. This is not interpreted to mean brakes are to be applied at 60 psi but rather a certain pressure at the brake chamber will be achieved. Brakes will be applied nearly instantaneously after actuation of the treadle valve.

Spartan conducted three tests on a sample of three chassis cabs of similar brake system configurations. Detailed results from the testing are shown in Spartan's petition. The reported average was used to determine the actual results in comparison to the requirements. By rounding the average of the three tests for each sample, Spartan Chassis identified it exceeds the requirements by 0.01 second.

The measurement of time, in this case, is for when air pressure at the chamber reaches 60 psi. As stated, the brakes are still being applied irrespective of achieving the 60 psi pressure at the front brake chambers. The impact of being 0.006 to 0.01 seconds above the requirement of 0.45 seconds would have very little impact (approximately 1 ft @6 60 mph) to stopping distance of the vehicle and would not impede the capability of the vehicle being able to stop.

According to Driver's License Manual, stopping distance is impacted by driver perception distance and reaction distance. Other factors include speed and gross weight of the vehicle. These attributes would appear to have a more significant impact to overall stopping distance than 0.01 second timing for air pressure to reach 60 psi at the front brake chambers.

From a speed of 60 mph, vehicles affected by this condition are required to achieve a complete stop in 310 ft. At this speed, it would take approximately 3.52 seconds for vehicles to stop at this rate of speed. Vehicles affected by the condition that has resulted in the identified non-compliance are capable of stopping within the distance of 310 ft as prescribed by FMVSS No. 121 and would still be able to stop within the required stopping distance.

Spartan has additionally informed NHTSA that it has corrected the

noncompliance so that all future production Gladiator and MetroStar chassis cabs will comply with FMVSS No. 121.

In summation, Spartan believes that the described noncompliance of the subject chassis cabs is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

VI. NHTSA Decision

Spartan's argument in support of the petition is reasonable. NHTSA agrees that the braking performance of subject noncompliant vehicles is not adversely affected as a result of longer pneumatic brake actuation times of 0.006 to 0.01 seconds. The theoretical calculations performed by Spartan indicate an increase of approximately one foot in stopping distance at 60 mph for noncompliant vehicles when compared to compliant vehicles. This minimal increase in stopping distance does not affect the noncompliant vehicle's conformance with the 60 mph stopping distance requirement of 310 feet. Therefore, the very small number of affected noncompliant vehicles does not appear to pose an undue safety risk in braking performance in comparison to compliant vehicles.

NHTSA is also not aware of any customer complaints or field reports relating to this issue, and Spartan has stated that it has corrected the problem that caused the noncompliance so that it will not be repeated in future production.

In consideration of the foregoing, NHTSA has decided that Spartan has met its burden of persuasion that the FMVSS No. 121 noncompliance is inconsequential to motor vehicle safety. Accordingly, Spartan's petition is hereby granted and Spartan is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject noncompliant chassis cabs that Spartan no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant chassis cabs under their control after Spartan notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–03211 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0106; Notice 2]

General Motors, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of Petition.

SUMMARY: General Motors, LLC (GM), has determined that certain model year 2012 Chevrolet Captiva and Buick Verano passenger cars manufactured between April 6, 2011 and June 4, 2011, do not fully comply with paragraph S5.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays* and paragraph S5.5.5 of FMVSS No. 135, *Light Vehicle Brake Systems.* GM has filed an appropriate report dated June 13, 2012 pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Stuart Seigel, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5287, facsimile (202) 366–7002.

SUPPLEMENTARY INFORMATION:

I. *GM's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), GM has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on November 5, 2012 in the **Federal Register** (77 FR 66501). No comments were received. To view the petition, and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2012–0106.''

II. *Vehicles Involved:* Affected are approximately 47,822 model year 2012 Chevrolet Captiva and Buick Verano model passenger cars that were manufactured between April 6, 2011 and June 4, 2011.

III. *Noncompliance:* GM explains that the noncompliance is that the telltales used for Park Brake are displayed using International Organization for Standardization (ISO) symbols instead of the telltale symbols required by FMVSS Nos. 101 and 135.

IV. *Rule Text:* Paragraph S5.2.1 of FMVSS No. 101 Specifically states in pertinent part:

S5.2.1 Except for the Low Tire Pressure Telltale, each control, telltale and indicator that is listed in column 1 of Table 1 or Table 2 must be identified by the symbol specified for it in column 2 or the word or abbreviation specified for it in column 3 of Table 1 or Table 2. If a symbol is used, each symbol provided pursuant to this paragraph must be substantially similar in form to the symbol as it appears in Table 1 or Table 2. If a symbol is used, each symbol provided pursuant to this paragraph must have the proportional dimensional characteristics of the symbol as it appears in Table 1 or Table 2. . . .

Paragraph S5.5.5 of FMVSS No. 135 requires in pertinent part:

S5.5.5. Labeling. (a) Each visual indicator shall display a word or words in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and this section, which shall be legible to the driver under all daytime and nighttime conditions when activated. Unless otherwise specified, the words shall have letters not less than 3.2 mm (⅛ inch) high and the letters and background shall be of contrasting colors, one of which is red. Words or symbols in addition to those required by Standard No. 101 and this section may be provided for purposes of Clarity. . . .

(d) If separate indicators are used for one or more of the the conditions described in S5.5.1(a) through S5.5.1(g), the indicators shall display the following wording:

. . .

(4) If a separate indicator is provided for application of the parking brake as specified for S5.5.1(c), the single word ''Park'' of the words ''Parking Brake'' may be used. . . .

V. *Summary of GM's Analyses:* GM stated its belief that although the instrument cluster telltale symbols are displayed using ISO symbols the noncompliance is inconsequential to

motor vehicle safety for the following reasons:

(1) The functionality of all braking systems, including the service brakes and parking brakes, is not affected by the noncompliance and the vehicles will operate as intended.

(2) In addition to the parking brake telltale, the Captiva Driver Information Center (DIC) provides a message when the parking brake is set. Specifically, when the parking brake is applied and the ISO parking brake telltale is illuminated, the following message is also displayed: ''Park Brake Set''

(3) In the noncompliant vehicles, the electronic parking brake automatically releases when the vehicle transmission is in drive and the vehicle is driven away.

(4) The description of the parking braking operation, found in the owner's manual, clearly indicates the ISO parking brake symbol will be displayed when the parking brake is applied.

(5) The control, which applies and releases the parking brake on the subject vehicles, is identified with the same ISO symbol that is used on the telltale to indicate the parking brake is applied.

(6) Other current and previous vehicles manufactured by GM and other manufacturers use the ISO parking brake symbol in conjunction with the word ''PARK'', or a common brake telltale incorporating the subject park brake symbol in conjunction with the word ''BRAKE'' and the ISO symbol for brake malfunction, to indicate the application of the parking brake. GM has also, confirmed that the Parking Brake ISO telltale, in conjunction with the brake malfunction telltale and word ''BRAKE'', has been used on other vehicles and thus the motoring public has come to associate the ISO park brake symbol with the application of the parking brake.

(7) GM is unaware of any field or owner complaints or injuries regarding the subject noncompliance.

In summation, GM believes that the described noncompliance of its vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

VI. *NHTSA Decision:* NHTSA has reviewed GM's analyses that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, the telltale used for Park Brake, displayed using International Organization for Standardization (ISO) symbol instead of the telltale symbols required by FMVSS Nos. 101 and 135, poses little if any risk to motor vehicle safety.

NHTSA agrees with GM's statement that the parking brake telltale ISO symbol has no effect on brake performance. Vehicle stopping distance and thus collision avoidance is not compromised due to the mislabeling. When the parking brake is activated the ISO symbol is illuminated as required with the letters and background in contrasting colors, one of which is red for both models, and for the Captiva, redundant driver notification is also provided in the information center with the text ''Park Brake Set''. In addition, the ISO symbol incorporates the capital letter ''P'' which is part of the required word ''Park'' and the ISO symbol has been used on US-certified vehicles for many years in conjunction with the required text. Thus, over time, the ISO symbol has evolved to become increasingly recognizable and understandable to drivers. The brake apply switch located in the center console is identified with the same ISO parking brake symbol as the mislabeled dash telltale. Each time the driver activates the parking brake he/she will visually be reminded of the meaning of the ISO symbol. The parking brake control and the representative ISO symbol are operationally linked. Further, the meaning of the ISO symbol is described in the owner's manuals of both models.

NHTSA believes that the combination of the red contrasting color of the ISO symbol, the message center for the Captiva, the letter ''P'' in the ISO symbol, common ISO symbol usage, the electric brake apply switch marked with the ISO symbol, and the owner's manual description, will be sufficient to adequately warn the driver when the parking brake is set. Also, because the parking brake automatically releases as the vehicle transmission is shifted to drive and the vehicle is driven away, any possibility of vehicle control and drivability issues due to brake drag are eliminated. NHTSA has not received any consumer complaints regarding the subject vehicles.

In consideration of the foregoing, NHTSA has decided that GM has met its burden of persuasion that the noncompliance with FMVSS Nos. 101 and 135 is inconsequential to motor vehicle safety. Accordingly, GM's petition is hereby granted and GM is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject noncompliant vehicles that GM no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8).

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–03210 Filed 2–13–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 57 (Sub-No. 61X)]

Soo Line Railroad Company—Abandonment Exemption—in Racine County, WI

Soo Line Railroad Company, d/b/a Canadian Pacific (Soo Line) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 10.63-mile line of railroad located approximately between milepost 7.8 and milepost 18.43 in Racine County, Wis. The line traverses United States Postal Service Zip Codes 53139, 53182, and 53177.

Soo Line has certified that: (1) No local traffic has moved over the line for at least two years; (2) any overhead traffic on the line can be and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR

1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 19, 2014, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 24, 2014. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 6, 2014, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to Soo Line's representative: Leigh K. Currie, Stinson Leonard Street, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Soo Line has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by February 21, 2014. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Soo Line shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by Soo Line's filing of a notice of consummation by February 14, 2015, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: February 11, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2014–03292 Filed 2–13–14; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,600. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Open Meeting of the Financial Research Advisory Committee

AGENCY: Office of Financial Research, Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: The Financial Research Advisory Committee for the Treasury's Office of Financial Research (OFR) is convening for its third meeting on Tuesday, February 25, 2014 in the Cash Room, Department of The Treasury; 1500 Pennsylvania Ave, Washington, DC 20220, beginning at 9:45 a.m. Eastern Time. The meeting will be open to the public via live webcast at *http://www.treasury.gov/ofr* and limited seating will also be available.

DATES: The meeting will be held on Tuesday, February 25, 2014, beginning at 9:45 a.m. Eastern Time.

ADDRESSES: The meeting will be held in the Cash Room, Department of The Treasury; 1500 Pennsylvania Ave. NW., Washington, DC 20220. The meeting will be open to the public via live webcast at *http://www.treasury.gov/ofr.* A limited number of seats will be available for those interested in attending the meeting in person, and those seats would be on a first-come, first-served basis. Because the meeting will be held in a secured facility, members of the public who plan to attend the meeting must contact the Office of Financial Research (OFR) by email at *andrea.b.ianniello@treasury.gov* by 5 p.m. Eastern Time on February 12, 2014 to inform the OFR of their desire to attend the meeting and to receive further instructions about building clearance.

FOR FURTHER INFORMATION CONTACT: Andrea Ianniello, Designated Federal Officer, Office of Financial Research, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 622–3002 (this is not a toll-free number), *andrea.b.ianniello@treasury.gov.* Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, 10(a)(2), through implementing regulations at 41 CFR 102–3.150.

Public Comment: Members of the public wishing to comment on the business of the Financial Research Advisory Committee are invited to submit written statements by any of the following methods:

- *Electronic Statements.* Email the Committee's Designated Federal Officer at *andrea.b.ianniello@treasury.gov.*
- *Paper Statements.* Send paper statements in triplicate to the Financial Research Advisory Committee, Attn: Andrea Ianniello, Office of Financial Research, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

The OFR will post statements on the Committee's Web site, *http://www.treasury.gov/initiatives/ofr/about/Pages/Financial-Research-Advisory-Committee.aspx,* including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. The OFR will also make such statements available for public inspection and copying in the Department of the Treasury's library, Annex Room 1020, 1500 Pennsylvania Avenue NW., Washington, DC 20220 on official business days between the hours of 8:30 a.m. and 5:30 p.m. Eastern Time. You may make an appointment to inspect statements by telephoning (202) 622–0990. All statements, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Tentative Agenda/Topics for Discussion: The Committee provides an opportunity for researchers, industry leaders, and other qualified individuals

to offer their advice and recommendations to the OFR, which, among other things, is responsible for collecting and standardizing data on financial institutions and their activities and for supporting the work of Financial Stability Oversight Council.

This is the third meeting of the Financial Research Advisory Committee. At this meeting, the topics to be discussed will include OFR progress on prior committee recommendations, current activities of the OFR, Subcommittee reports to the Committee, and Committee recommendations. For more information on the OFR and the Committee, please visit the OFR Web site at *http://www.treasury.gov/ofr.* Due to the significant logistical difficulties of convening the members of the FRAC, the meeting has been scheduled with less than 15 days notice (see 41 CFR 102–3.150(b)).

Dated: February 6, 2014.

Barbara Shycoff,

Chief of External Affairs.

[FR Doc. 2014–03280 Filed 2–13–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Information Collection Activities: Information Collection Renewal; Comment Request; General Reporting and Recordkeeping Requirements by Savings Associations

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''General Reporting and Recordkeeping Requirements by Savings Associations.''

DATES: Comments must be submitted on or before April 15, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0266, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

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

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

Title: General Reporting and Recordkeeping Requirements by Savings Associations.

OMB Control No.: 1557–0266.

Type of Review: Regular review.

Abstract: This information collection relates to reports and records required by the following regulations:

- 12 CFR 152.11 (books and records, Federal stock associations);
- 12 CFR 145.96(c) (agency business records, Federal stock associations);
- 12 CFR 144.8 (communications between members of a Federal mutual savings association);
- 12 CFR 162.1 (regulatory reporting requirements, each savings association and its affiliates);
- 12 CFR 163.1 (chartering documents, each savings association);
- 12 CFR 163.47(e) (pension plans, each savings association or service corporation);
- 12 CFR 172.6(b) (standard flood hazard determination form, each savings association);
- 12 CFR 162.4 (audit of savings association, savings and loan holding company, or affiliate); and
- 12 CFR 163.76(c) (offers and sales of securities of a savings association or its affiliates in any office of the savings association).

Savings associations use the reports and records that the regulations require for internal management control purposes and examiners use them to determine whether savings associations are being operated safely, soundly, and in compliance with regulations. An absence of the reporting and record keeping requirements would not allow for prudent internal controls or for examiners to determine the accurate performance and condition of savings associations.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 500.

Estimated Total Burden: 68,345 hours.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 10, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–03315 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request; Retail Foreign Exchange Transactions

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC is soliciting comment concerning its information collection titled, ''Retail Foreign Exchange Transactions.''

The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice. In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

DATES: Comments must be submitted on or before April 15, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0250, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening in order to inspect and photocopy comments.

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

FOR FURTHER INFORMATION CONTACT: You can request additional information from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection without change:

Title: Retail Foreign Exchange Transactions.

OMB Control Number: 1557–0250.

Description: Section 742(c)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) [1] amended the Commodity Exchange Act (CEA) to provide that a U.S. financial institution for which there is a Federal regulatory agency supervisor shall not enter into, or offer to enter into, a transaction described in section 2(c)(2)(B)(i)(I) of the CEA [2] with a retail customer except pursuant to a rule or regulation of a Federal regulatory agency allowing the transaction under such terms and conditions as the Federal regulatory agency shall prescribe.[3]

The OCC issued a final rule at 12 CFR part 48 allowing such transactions for the institutions it regulates.[4] The final rule contained a number of provisions, including a number of provisions that would represent collections of information under the PRA. At the time the rule was issued, the OCC requested and obtained approval from OMB to collect this information through July 31, 2014. This request seeks an extension of the collection for three years, through July 31, 2017. A section-by-section description of the reporting, recordkeeping and disclosure requirements contained in the OCC's rules at 12 CFR part 48 follows.

Reporting Requirements

The reporting requirements in § 48.4 require that, prior to initiating a retail forex business, a national bank or Federal savings association provide the OCC with prior notice and obtain a written supervisory no-objection letter. In order to obtain a supervisory no-objection letter, a national bank or Federal savings association must have written policies, procedures, and risk measurement and management systems and controls in place to ensure that retail forex transactions are conducted in a safe and sound manner. The national bank or Federal savings association also must provide other information required by the OCC, such as documentation of customer due diligence, new product approvals, and haircuts applied to noncash margins.

Disclosure Requirements

Under § 48.5, regarding the application and closing out of offsetting

[1] Public Law 111–203, 124 Stat. 1376. (July 21, 2010) 7 U.S.C. 2(c)(2)(E).

[2] A transaction would include an agreement, contract, or transaction in foreign currency that . . . is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934. 7 U.S.C. 2(c)(2)(B)(i)(II).

[3] 7 U.S.C. 2(c)(2)(E)(ii)(I).

[4] 76 FR 41375 (July 14, 2011) (national banks); 76 FR 56094 (Sept. 12, 2011) (Federal savings associations).

long and short positions, a national bank or Federal savings association must promptly provide the customer with a statement reflecting the financial result of the transactions and the name of the introducing broker to the account. The customer provides specific written instructions on how the offsetting transaction should be applied.

Section 48.6 requires that a national bank or Federal savings association furnish a retail forex customer with a written disclosure before opening an account through which the customer will engage in retail forex transactions and secure an acknowledgment from the customer that it was received and understood. It also requires the disclosure by a national bank or Federal savings association of its fees and other charges and its profitable accounts ratio.

Section 48.10 requires a national bank or Federal savings association to issue monthly statements to each retail forex customer and to send confirmation statements following transactions.

Section 48.13(c) prohibits a national bank or Federal savings association engaging in retail forex transactions from knowingly handling the account of any related person of another retail forex counterparty unless it receives proper written authorization, promptly prepares a written record of the order, and transmits to the counterparty copies all statements and written records. Section 48.13(d) prohibits a related person of a national bank or Federal savings association engaging in forex transactions from having an account with another retail forex counterparty unless it receives proper written authorization and copies of all statements and written records for such accounts are transmitted to the counterparty.

Section 48.15 requires a national bank or Federal savings association to provide a retail forex customer with 30 days prior notice of any assignment of any position or transfer of any account of the retail forex customer. It also requires a national bank or Federal savings association to which retail forex accounts or positions are assigned or transferred to provide the affected customers with risk disclosure statements and forms of acknowledgment and obtain the signed acknowledgments within 60 days.

The customer dispute resolution provisions in § 48.16 require certain endorsements, acknowledgments, and signatures. The section also requires that a national bank or Federal savings association, within 10 days after receipt of notice from the retail forex customer that the customer intends to submit a claim to arbitration, provide the customer with a list of persons qualified in the dispute resolution.

Policies and Procedures; Recordkeeping

Sections 48.7 and 48.13 require that a national bank or Federal savings association engaging in retail forex transactions keep full, complete, and systematic records and to establish and implement internal rules, procedures, and controls. Section 48.7 also requires that a national bank or Federal savings association keep account, financial ledger, transaction, and daily records, as well as memorandum orders, post-execution allocation of bunched orders, records regarding its ratio of profitable accounts, possible violations of law, records for noncash margin, and monthly statements and confirmations. Section 48.9 requires policies and procedures for haircuts for noncash margin collected under the rule's margin requirements, and annual evaluations and modifications of the haircuts.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 72.

Total Reporting Burden: 1,075 hours.

Total Disclosure Burden: 19,866 hours.

Total Recordkeeping Burden: 86,666 hours.

Total Annual Burden: 107,607 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 10, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–03313 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Information Collection Activities: Information Collection Renewal; Comment Request; Financial Management Policies—Interest Rate Risk

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Financial Management Policies—Interest Rate Risk.''

DATES: Comments must be submitted on or before April 15, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0299, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington,

DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

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

FOR FURTHER INFORMATION CONTACT: You may request additional information of the collection from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

Report Title: Financial Management Policies—Interest Rate Risk.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

OMB Control No.: 1557–0299.

Estimated Number of Respondents: 500.

Estimated Total Burden: 20,000.

Abstract: This information collection covers the recordkeeping burden for maintaining data in accordance with OCC's regulation on interest rate risk procedures, 12 CFR 163.176. The purpose of the regulation is to ensure that Federal savings associations are managing their exposure to interest rate risk appropriately. To comply with this reporting requirement, institutions need to maintain sufficient records for determining how their interest rate risk exposure is monitored and managed internally.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 10, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–03310 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request; Policy Communications Survey

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its information collection titled, ''Policy Communications Survey.''

DATES: Comments must be submitted on or before April 15, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0226, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

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

FOR FURTHER INFORMATION CONTACT: You can request additional information of the collection from Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that

members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

Title: Policy Communications Survey.

OMB Control Number: 1557–0226.

Description: This information collection provides the OCC with information needed to properly evaluate the effectiveness of its policy guidance, found in publications such as bulletins, advisories, and the Comptroller's Handbook. This collection focuses on the evaluation of one specific communications product known as bank supervision policy guidance.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,769 (1221 national banks; 48 Federal branches and agencies of foreign banks; 500 Federal savings associations).

Estimated Total Annual Responses: 1769.

Estimated Frequency of Response: Once annually.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden: 442.25 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 10, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–03312 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Three (3) Individuals Pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of three (3) individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: These designations by the Director of OFAC in this notice are effective on February 5, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose 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; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On February 5, 2014 the Director of OFAC, in consultation with the Departments of State, Homeland

Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, three (3) individuals whose property and interests in property are blocked pursuant to Executive Order 13224.

The listings for these individuals on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

1. ZADRAN, Muhammad Omar (a.k.a. JADRAN, Mohammad-Omar); DOB 1958; POB Sultan Kheyl Village, Spera District, Khowst Province, Afghanistan; Maulawi; Mullah (individual) [SDGT].
2. HAQQANI, Yahya (a.k.a. HAQQANI, Yahyah; a.k.a. HAQQANI, Yaya; a.k.a. ''HAROON''), The Haqqani Madrassa Compound, Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan; Miram Shah, NWA, FATA, Pakistan; Danda Village, Miram Shah, NWA, FATA, Pakistan; DOB 1982; alt. DOB 1978; POB Miram Shah, Pakistan; citizen Afghanistan (individual) [SDGT].
3. JAN, Saidullah (a.k.a. HAMAS, Saidullah; a.k.a. KHAMAS, Sayedullah; a.k.a. KHAN, Abid; a.k.a. KHAN, Saidullah; a.k.a. ''WAZIRI, Saidullah''); DOB 1982; alt. DOB 11 Sep 1985; POB Giyan District, Paktika Province, Afghanistan; nationality Pakistan; National ID No. 2170525247081 (Pakistan); Mulawi (individual) [SDGT].

Dated: February 5, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–02902 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Actions Taken Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury Department.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing on OFAC's list of Specially Designated Nationals and Blocked Persons (''SDN List'') the names of seven entities and three individuals, whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.'' The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on February 6, 2014.

DATES: The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on February 6, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On February 6, 2014, the Director of OFAC, in consultation with the Departments of State, Justice, and other relevant agencies, designated seven entities and three individuals whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees is as follows:

1. PUNTI, Pere (a.k.a. SANE, Pedro Punti); DOB 27 Aug 1944; nationality Spain; Additional Sanctions Information—Subject to Secondary Sanctions; Passport AAD225212 (Spain) expires 12 May 2020 (individual) [NPWMD] [IFSR].
2. ADVANCE ELECTRICAL AND INDUSTRIAL TECHNOLOGIES SL (a.k.a. CLEAR TRADE LINK SL; a.k.a. ''AEIT''), Passeig Verdauguer, 120, Igualada (Barcelona) 08700, Spain; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
3. TIVA DARYA, Number 3, 12 Narenjestan Street, Pasdaran Avenue, Tehran, Iran; Bushehr, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
4. TIVA POLYMER CO., Number 3, 12th Narenjestan Street, Pasdaran Avenue, Tehran, Iran; Miyaneh, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
5. TIVA SANAT GROUP (a.k.a. TIVA GROUP; a.k.a. TIVA GROUP INDUSTRIES; a.k.a. TIVA SANAT SHIPBUILDING COMPANY), Alley 10 and 3/10, No. 10, Behrestan Street, Sajad Boulevard, Mashhad, Iran; Number 4, 11th Narenjestan, Pasdaran Avenue, Tehran, Iran; Number 3, 12th Narenjestan, Pasdaran, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Registration ID 878 [NPWMD] [IFSR].
6. TIVA KARA CO. LTD. (a.k.a. TIVA KARA GROUP), 3rd Floor, Block No. 3, North Pasdaran Street, 12th Narenjestan Alley, Before Aghdasie T-Junction Aqdaseya Saraya, Tehran, Iran; Number 3, 12th Narenjestan Alley, Pasdaran Avenue, Tehran, Iran; Miyaneh, Iran; Bushehr, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
7. CANKO, Ali; DOB 01 Jan 1960; nationality Turkey; Additional Sanctions Information—Subject to Secondary Sanctions; Passport U 04765836

(Turkey); Personal ID Card 58786069032; alt. Personal ID Card AK 8136255 (Italy) (individual) [NPWMD] [IFSR].

8. WIPPERMANN, Ulrich; DOB 02 May 1956; Additional Sanctions Information—Subject to Secondary Sanctions; Member of the Board of Directors, DF Deutsche Forfait Aktiengesellschaft (individual) [NPWMD] [IFSR] (Linked To: DF DEUTSCHE FORFAIT AKTIENGESELLSCHAFT).
9. DF DEUTSCHE FORFAIT AMERICAS INC., Miami, United States; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
10. DF DEUTSCHE FORFAIT AKTIENGESELLSCHAFT (a.k.a. DEUTSCHE FORFAIT), Kattenbug 18–24, Koln, Nordrhein-Westfalen 50667, Germany; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].

Dated: February 6, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–03281 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of 1 individual and 1 entity whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the 1 individual and 1 entity identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on February 11, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On February 11, 2014, the Director of OFAC designated the following 1 individual and 1 entity whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individual:

JAN, Lahore (a.k.a. JAN, Lahor), Shop No. 13, Second Floor, Sarai Shahzada, Kabul, Afghanistan; Pesha-khowr area of Achin District, Nangarhar Province, Afghanistan; DOB 1976; POB Nangarhar, Achin, Pesha, Afghanistan; alt. POB Jalalabad, Afghanistan; nationality Afghanistan; Tax ID No. 104–385–2–019 (Afghanistan); Tazkira National ID Card 932995 (Afghanistan); alt. Tazkira National ID Card 283528 (Afghanistan); alt. Tazkira National ID Card 128086 (Afghanistan) (individual) [SDNTK] (Linked To: LAHORE JAN SHANWARI EXCHANGE).

Entity:

LAHORE JAN SHANWARI EXCHANGE (a.k.a. ALI SHER SHINWARY LTD.; a.k.a. HAJI LAL MOHAMMAD MONEY SERVICE PROVIDER), Lahore Jan Shanwari Exchange, Ghulam Dastager Market, Shop Numbers 18–19, First Floor, Chowk Talashi, Jalalabad, Afghanistan; Ali Sher Shinwary Ltd., Second Floor, Shahzada Market, Kabul, Afghanistan; Shop No. 13, Second Floor, Sarai, Shahzada, Kabul, Afghanistan; Afghan Money Service Provider License Number 093 (Afghanistan) [SDNTK].

Dated: February 11, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–03278 Filed 2–13–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Consolidated Returns- Consolidated Overall Foreign Losses and Separate Limitation Losses (§ 1.1502–9(c)(2)(iv)).

DATES: Written comments should be received on or before April 15, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Kerry Dennis, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Treatment of Overall Foreign and Domestic Losses.

OMB Number: 1545–1634.

Regulation Project Number: REG–106902–98. (T.D. 9595)

Abstract: The final regulation provides guidance relating to the recapture of overall domestic losses that was enacted as part of the American Jobs Creation Act of 2004 (AJCA). In addition, the regulation provides updated guidance with respect to overall foreign losses and separate limitation losses, and affect individuals and corporations claiming foreign tax credits, as updated. T.D. 9595 supersedes T.D. 9371 and T.D.8833.

Current Actions: There are no changes to the existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,000.

Estimated Average Time per Respondent: 1 hr., 30 min.

Estimated Total Annual Burden Hours: 3,000.

The following paragraph applies to all the collections of information covered by this notice.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–03248 Filed 2–13–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2001–56

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning, Demonstration Automobile Use.

DATES: Written comments should be received on or before April 15, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Kerry Dennis, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Demonstration Automobile Use.

OMB Number: 1545–1756.

Revenue Procedure Number: Revenue Procedure 2001–56.

Abstract: Revenue Procedure 2001–56 provides optional simplified methods for determining the value of the use of demonstration automobiles provided to employees by automobile dealerships.

Current Actions: There are no changes being made to this revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 11,800.

Estimated Time per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 100,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–03249 Filed 2–13–14; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

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Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–07]

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) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2013 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies were required to notify HUD by December 31, 2012, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, Room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (e.g., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *AGRICULTURE:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; *AIR FORCE:* Ms. Connie Lotfi, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925–3047; *ARMY:* Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571) 256–8145; *COE:* Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314, (202) 761–5542; Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2703 Martin Luther King Jr. Ave. SE., Stop 7714, Washington, DC 20593, (202) 475–5609; *ENERGY:* Mr. David Steinau, Department of Energy, Office of Property Management, 1000 Independence Ave. SW., Washington, DC 20585, (202) 287–1503; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040, Washington, DC 20405, (202) 501–0084; *INTERIOR:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, MS–4262, 1849 C Street, Washington, DC 20240, (202) 513–0795; *NAVY:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374, (202) 685–9426; (These are not toll-free numbers).

Dated: February 6, 2014.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V PROPERTIES REPORTED IN YEAR 2013 WHICH ARE SUITABLE AND AVAILABLE

Agriculture

Colorado

Building

Pagosa JCC Bunkhouse Property Number: 15201320002
3939 Piedra Rd.
Pagosa Springs CO 81147
Status: Excess
Comments: 48 yrs.-old; 1 floor; 120 months vacant; very poor conditions

Georgia

Mobile Lab Trailer; 660400B005 Property Number: 15201330015
RPUID 03.55443 Lab
20406; Site 00: Nat'l Peanut Research
Shellman GA 39886
Location: 1632 Burny Rd.
Status: Excess
Comments: Off-site removal only; 480 sf.; storage; good/moderate conditions; contact Agriculture for more info.

Equipment Stg. Chicken House Property Number: 15201330029
15604, Site 00 (934 College Station Rd.
Athens GA 30605
Status: Excess
Comments: Off-site removal; 1,200 sf.; storage; 15+ months vacant; termite damage; contact Agric. for accessibility removal reqs.

Illinois

Nematology HH/GH 194 Property Number: 15201330014
1105 S. Dorner Dr.
Urbana IL
Location: ARS Inventory No 361100B194 and RPUID 03.51582
Status: Unutilized
Comments: 3,582 sf.; greenhouse; 15+ months vacant; repairs needed; transferee will need to negotiate a lease w/State University (who owns land the bldg. sits on); contact Agriculture for more info.

Minnesota

Kawishiwi Ranger Station Property Number: 15201330034
1393 Highway 169
Ely MN 55731
Status: Excess
Comments: 6 x 8′; toilet; need repairs; contact Agriculture for more info.

Mississippi

Modular #2; 640400B028; RPUID Property Number: 15201340003
13762 Small Fruits Research Station
Poplarville MS 39470
Status: Unutilized
Comments: 1,440 sq. ft.; lab; 12+ months vacant; fair conditions; contact Agriculture for more info.

Modular #1; 640400B027; RPUID: Property Number: 15201340005

03.804
13762 Small Fruits Research Station
Poplarville MS 39470
Status: Unutilized
Comments: 1,440 sq. ft.; 12+ months vacant; fair conditions; contact Agriculture for more information.

Lab/Support 2; 640400B002; Property Number: 15201340006
RPUID 03.54463
13762 Small Fruits Research Station
Poplarville MS 39470
Status: Unutilized
Comments: 1,215 sq. ft.; Lab: 12+ months vacant; fair condition; need new roof; mold present; contact Agriculture for more information.

Building

Office/Lab 1; 640400B001; Property Number: 15201340007
RPUD 03.54462
13762 Small Fruits Research Station
Poplarville MS 39470
Status: Unutilized
Comments: 2,800 sq. ft.; 12+ months vacant; fair conditions; need new roof; mold present; contact Agriculture for more information.

Montana

Abbott Bay Toilet Property Number: 15201320021
Flathead National Forest
Flathead MT
Location:
Infra #5021
Status: Excess
Comments: Off-site removal only; 97 sf; located in remote location; deteriorated; abandoned for a number of years.

Double Arrow Radio Bldg. #1246 Property Number: 15201330013
Lolo Nat'l Forest
Seeley Ranger District MT
Status: Excess
Comments: Off-site removal only; removal may be very difficult due to structure type; 80 sf.; shed; damage due to snow; contact Agriculture for more info.

North Dakota

Pactola Work Center, Dwelling Property Number: 15201330028
13950 HWY 44
Rapid City ND 57709
Status: Excess
Comments: Off-site removal only; 680 sf., 120+ months vacant; seasonal residence; deteriorated; rodent infestation contact Agric. for more info.

Oregon

Dale Residence (1052) Property Number: 15201310001
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 894 sf.; residential; 84+ mons. vacant; repairs needed; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Duplex (1057) (1056) Property Number: 15201310002
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,376 sf.; residential; repairs needed; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1058) Property Number: 15201310003
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,830 sf.; residential; 84+ mons. vacant; major repairs needed; asbestos

Dale Residence (1059) Property Number: 15201310004
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,830 sf.; residential; 84+ mons. vacant; major repairs needed; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1060) Property Number: 15201310005
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,376 sf.; residential; 84+ mons. vacant; repairs needed; lead & asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1074) Property Number: 15201310006
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,480 sf.; residential; 84+ mons. vacant; repairs needed; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1075) Property Number: 15201310007
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,480 sf.; residential 84 mons.vacant; repairs needed; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1076) Property Number: 15201310008
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,480 sf.; residential; 84+ mons. vacant; repairs needed; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1082) Property Number: 15201310009
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,480 sf.; residential; 84+ mons. vacant; major repairs needed; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1083) Property Number: 15201310010
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,480 sf.; residential; 84+ mons. vacant; repairs; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Residence (1006) Property Number: 15201310011
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 684 sf.; residential; 120 mons. vacant; repairs needed; lead based paint; w/in controlled area; contact Ranger District for accessibility

Dale Modular (1098) Property Number: 15201310012
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,344 sf.; residential; 84+ mons. vacant; fair conditions; asbestos; w/in controlled area; contact ranger District for accessibility

Dale Bunkhouse (1319) Property Number: 15201310013
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 2,024 sf.; residential; 84+ mons. vacant; fair conditions; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale Garage Property Number: 15201310014
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 360 sf.; storage; 84+ mons. vacant; good conditions; minor repairs; w/in controlled area; contact Ranger District for accessibility

Dale Ranger Station (2002) Property Number: 15201310015
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,768 sf.; storage; 84+ mons. vacant; poor conditions; asbestos; w/in controlled area; contact Ranger District for accessibility

Dale D.R. Residence (1002) Property Number: 15201310018
48743 Hwy 395 N.
Dale OR 97880
Status: Excess
Comments: 1,830 sf.; residential; 84+ mons. vacant; major repairs needed; asbestos; w/in controlled area; contact Ranger District for accessibility

Allingham Guard House (0765700 Property Number: 15201340001
Bldg. # 1060, Region 06, Forest 01
Camp Sherman OR 97730
Location: NF Road 1217 near Smiling River
Status: Excess
Comments: Off-site removal only; 1040 sq. ft.; residential; very poor conditions;

South Dakota

Building

Pactola Work, Dwelling 2 (3537 Property Number: 15201330030
13950 Hwy 44
Rapid City SD 57709
Status: Excess
Comments: Off-site removal only; 670 sf.; 120+ months vacant; seasonal residence; deteriorated; rodent infestation; holes in walls; contact Agric. for more info.

Pactola Work Center Dwelling 3 Property Number: 15201330031

13950 Hwy 44
Rapid City SD 57709
Status: Excess
Comments: Off-site removal only; 480 sf.; seasonal residence; rodent infestation; holes in walls; contact Agric. for more info.

Horse Shed Property Number: 15201330032
23923 Hwy, 385
Hill City SD 57745
Status: Excess
Comments: Off-site removal only; 300 sf.; 126+months vacant; poor conditions; contact Agric. for more info.

Texas

Building 48 Property Number: 15201320001
2881 F&B Rd.
College Station TX
Status: Excess
Comments: 1,344 sf; double-wide trailer; 24 months vacant; floors & wall deteriorated

Air Force

Alaska

Building

9 Buildings Property Number: 18201240030
JBER–E
Anchorage AK 99506
Location: 5374, 59122, 59348, 76520, 16519, 16521, 9570, 7179, 8197
Status: Unutilized
Comments: Off-site removal only; sf. varies; moderate conditions; restricted area; contact AF for more info. on a specific property & accessibility/removal requirements

4 Buildings Property Number: 18201310014
JBER
JBER AK 99506
Location: 10449, 27369, 33855, 35750
Status: Unutilized
Comments: Off-site removal only; sf. varies; moderate conditions; restricted area; contact AF for more info. on a specific property & accessibility/removal reqs.

Building 6260 Property Number: 18201310015
Arctic Warrior Dr.
JBER AK 99506
Status: Unutilized
Comments: Off-site removal only; 75,720 sf.; Admin./Storage; moderate conditions; restricted area; contact AF for info. on accessibility/removal reqs.

3 Buildings Property Number: 18201310016
Gibson Ave.
JBER AK 99506
Location: 6252, 6257, 7263
Status: Unutilized
Comments: Off-site removal only; sf. varies; storage; moderate conditions; restricted area; contact AF for more info. on a specific property & accessibility/removal reqs.

2 Buildings Property Number: 18201310030
Industrial Ave.
Eielson AFB AK 99702
Location: 6213, 6214
Status: Unutilized
Comments: Off-site removal only; sf. varies; major repairs needed; contact AF for more info. on a specific property & accessibility/removal reqs.

Building 400 Property Number: 18201320079
Main Street
King Salmon Airport AK
Status: Unutilized
Comments: 1,408 sf.; storage; 29 yrs. old; moderate conditions; periodic flooding (next to Naknek River)

Building 715 Property Number: 18201320082
Fuel Lane
King Salmon Airport AK
Status: Unutilized
Comments: 256 sf.; fuel building; 24+ months vacant; deteriorated; contamination

Building 720 Property Number: 18201320083
Fuel Lane
King Salmon Airport AK
Status: Unutilized
Comments: 285 sf.; fuel building; 24+ months vacant; deteriorated; periodic flooding (next to Naknek River)

14 Buildings Property Number: 18201330010
Seward Recreation Camp
Seward AK 99664
Location: 100, 101, 104, 300, 301, 303, 302, 304, 305, 306, 307, 308, 309, 310
Status: Excess
Comments: Off-site removal only; sf. varies; 9+ months vacant; moderated conditions; contact Air Force for more info. on a specific property and removal requirements.

Land

Parcel of Land Property Number: 18201330011
Joint Base Elmendorf Richardson
JBER AK 99506
Status: Underutilized
Comments: 20x20 (400sf.); secured area; must obtain a visitor's pass & have a gov't sponsor escort to access installation; contact Air Force for more info.

Portion of Land Property Number: 18201330012
Joint Base Elmendorf Richardson
JBER AK 99505
Status: Underutilized
Comments: 1600 sf.; secured area; visitor's pass and gov't sponsored required; contact Air Force for more info.

Portion of Land Property Number: 18201330013
Joint Base Elmendorf Richardson
JBER AK 99505
Status: Underutilized
Comments: .29 acres; secured area; visitor's pass & gov't sponsor required; contact Air Force for more info.

37,515 SF of Land Property Number: 18201340003
JBER-Elmendorf
JBER AK 99506
Status: Underutilized
Comments: Restricted area; transferee must obtain a government sponsor to access property; contact Air Force for more info.

California

Building 1028 Property Number: 18201240009
19338 North St.
Beale CA 95903
Status: Unutilized
Comments: 178 sf.; storage; poor conditions; asbestos & lead; restricted area; contact AF for info. on accessibility requirements

Building 2153 Property Number: 18201240010
6900 Warren Shingle
Beale AFB CA 95903
Status: Unutilized
Comments: 4,000; very poor conditions; asbestos & lead possible; restricted area; contact AF for info. on accessibility requirements

Former Mather AFB Property Number: 18201310064
Former Mather AFB
Rancho Cordova CA 95655
Location: Includes five bldgs. and land; bldgs. #: 1703, 1705, 1706, 1707, 1708
Status: Excess
Comments: Previously reported in 1992; total sf.: 191,446; sits on 15 acres; used for: residential; good condition

Colorado

6 Buildings Property Number: 18201320042
GJKZ
Fairchild AFB CO 99011
Location: 1478, 1479, 1480, 1482, 1483, 1484
Status: Underutilized
Comments: Off-site removal only; no future AF need; sf. varies; w/inactive military installation; contact AF for removal/accessibility reqs.

Florida

Building 5002 Property Number: 18201310010
6801 Hwy 98
Tyndall AFB FL 32403
Status: Unutilized
Comments: 151 sf.; water pump station; 6 mons. vacant; major repairs; restricted area; contact AF for info. on accessibility reqs.

2 Buildings Property Number: 18201340040
Cocoa Beach Tracking Annex
Cocoa Beach FL 32931
Location: 00001 (59 sq. ft.); 00002 (1,030 sq. ft.)
Status: Unutilized
Comments: 56+ yrs.-old; 24+ months vacant; launch support; fair conditions; contact Air Force for more info.

Land

WBPA (9901/72441/99300) Property Number: 18201310041
9901 E. Pine Ave.
St. George Island FL 32328
Status: Excess
Comments: .34 acres; tower & fence needs to be removed; remote access; contact AF for more info.

99142 Land Property Number: 18201340041
Cocoa Beach Tracking Annex
Cocoa Beach FL 32931
Status: Unutilized
Comments: .31 acre; launch support; subject to storm tidal surges that may cause flooding; contact Air Force for more info.

Georgia

5 Buildings Property Number: 18201330006
Moody Air Force Base
Moody GA 31699
Location: 1703 (853 sf.); 907 & 908 (9,186 sf. each); 662 & 754 (10,240 sf. each)
Status: Underutilized
Comments: Very poor conditions; 50–70 yrs.-old; contamination; secured area;

transferee will need escort each time to access property; contact Air Force for more info.
Building 931 Property Number: 18201330008
1501 First St.
Dobbins Air Reserve GA 30069
Status: Unutilized
Comments: Off-site removal only; 4,347 sf.; office space; 59 yrs. old; poor conditions; need repairs; contamination; secured area; contact Air Force for more info.

Louisiana

Building 117 Property Number: 18201330046
Naval Air Station Joint Reserve Base
New Orleans LA 70143
Status: Excess
Comments: 3,975 sf.; storage; deteriorated; secured area; background check/pass required; contact Air Force for more info. re.; accessibility reqs.

Building 019 Property Number: 18201330050
Naval Air Station joint Reserve Base
New Orleans LA 70143
Status: Excess
Comments: 3,038 sq. ft.; storage; deteriorated; secured area; official ID required; contact Air Force for more information

Massachusetts

3 Buildings Property Number: 18201310026
Hudson Rd.
Sudbury MA
Location:
01, 04, 05
Status: Excess
Comments: Sf. varies; lab; fair conditions; restricted area; contact AF for info. on accessibility reqs.

7 Buildings Property Number: 18201320062
Westover ARB
Chicopee MA 01022
Location: 7701, 7704, 7706, 7707, 2426, 2765, 7700
Status: Underutilized
Comments: Off-site removal only; no future AF need; sf. varies; adequate to very poor conditions; contamination; restricted area; escort required; contact AF for more info.

Michigan

3 Buildings Property Number: 18201220020
Selfridge ANGB
Selfridge MI 48045
Location: 326, 780, 710
Status: Unutilized
Comments: Off-site removal only; sf varies; office/school/barracks; fair conditions; need repairs

Mississippi

Building 112 Property Number: 18201330041
CRTC Gulfport
Gulfport MS 39507
Status: Excess
Comments: 90 sf.; ATM bldg.; good conditions; contact Air Force for more info.

Nevada

Bldg. 72 Property Number: 18201340014
152 Airlift Wing
Reno NV 39502
Status: Excess
Comments: Off-site removal only; 1,200 sq. ft.; storage; 36+ months vacant; need repairs; secured area; contact Air Force for more info.

New York

Land

Parcel 7 Property Number: 18201340036
AFRL/RI Rome Lab
Rome NY 13441
Status: Unutilized
Comments: 1.722 acres; vacant; partially paved w/chain linked fence surrounding part of property; contact Air force for more info.

North Dakota

2 Buildings Property Number: 18201330017
JFSD Grand Forks AFB
Grand Forks ND 58205
Location:
822(162 sf.), 821(264 sf.)
Status: Unutilized
Comments: Deteriorated conditions; contamination; secured area; escort required each time to access; contact Air Force for more info.

Oklahoma

Building 267 Property Number: 18201310039
7576 Sentry Blvd.
Tinker AFB OK 73145
Status: Unutilized
Comments: Off-site removal only; 6,892 sf.; vehicle parking shed; fair conditions; restricted area; contact AF for info. on accessibility/removal requirements

Building 1100 Property Number: 18201320024
7492 Patrol Road
Tinker AFB OK 73145
Status: Underutilized
Comments: Off-site removal only; no future AF need; 5,471 sf.; maint. facility; fair/poor condition; controlled AF installation, contact AF for more info.

Building 944 Property Number: 18201320026
4600 Air Depot Blvd.
Tinker AFB OK 73145
Status: Underutilized
Comments: Off-site removal only; no future AF need; 2,400 sf.; warehouse; fair/poor condition; controlled AF installation; contact AF for info. re: accessibility/removal

Building 1111 Property Number: 18201330028
Tinker AFB
Tinker OK 73145
Status: Unutilized
Comments: Off-site removal only; no future agency need; 231 sf.; utility bldg.; generally good conditions; secured area; contact Air Force for more info.

2 Buildings Property Number: 18201330029
Tinker AFB
Tinker OK 73145
Location: 1072, 901
Status: Unutilized
Comments: Off-site removal only; no agency need; poor conditions; secured area; contact Air Force for info. on a specific property & removal requirements.

Building 183 Property Number: 18201340001
Altus AFB AGGN
Altus OK 73523
Status: Unutilized
Comments: 167 sq. ft.; no bathroom; secured area; escort required each time to access property; asbestos; contact Air Force for more info.

Puerto Rico

Muniz IAP Property Number: 18201320069
200 Jose A (Tony) Santana Ave.
Corolina PR 09879
Status: Unutilized
Comments: 755 sf.; potable water storage & pump house; poor conditions; secured area; escort required to access property; contact AF for more info.

South Carolina

2 Building Property Number: 18201320054
Shaw AFB
Sumter SC 29152
Location: 1036, 1826
Status: Unutilized
Comments: Off-site removal only; no AF future need; sf. varies; poor conditions; secured area, contact AF for more info.

4 Buildings Property Number: 18201320055
Shaw AFB
Sumter SC 29152
Location: 1027, 1028, 2451, 1034
Status: Underutilized
Comments: Off-site removal only; no AF future need; sf. varies; poor conditions; secured area; contact AF for more info.

Building 1036 Property Number: 18201320086
311 Avocet Street, Street, Shaw AFB
Sumter SC 29152
Status: Unutilized
Comments: Off-site removal only; no future agency need; 1,694 sf.; open storage for auto hobby shop; repairs needed; secured area; contact AF for more info.

Building 1826 Property Number: 18201320087
100 Shaw Dr., Shaw AFB
Sumter SC 29152
Status: Unutilized
Comments: Off-site removal only; no future agency need; 984 sf. wash rack; repairs needed; secured area; contact AF for more info.

Texas

#1658 Training Lodge Support Property Number: 18201340042
Building
219 K Avenue
Sheppard AFB TX 76311
Status: Underutilized
Comments: 11,743 sq. ft.; 5+months vacant; 60+years old; secured area; escort required to access property; contact Air Force for more information.

#1919 Technical Training Property Number: 18201340043
Support
921 Missile Road
Sheppard AFB TX 76311
Status: Unutilized
Comments: 10,493 sq. ft.; 7+months vacant; 52+years old; secured area; escort required to access property; contact Air Force for more information.

#1023 Compressed Air Plant Property Number: 18201340044
Building
507 10th Street
Sheppard AFB TX 76311

Status: Underutilized
Comments: 572 sq. ft.; storage; 52+ years old secured area; escort required to access property; contact Air Force for more information.

#2017 Petroleum Operations Property Number: 18201340045
Building
1402 K Avenue
Sheppard AFB TX 76311
Status: Underutilized
Comments: 1,811 sq. ft.; storage; 47 years old; secured area; escort required to gain access to property; contact Air Force for more information.

#1641 Be Maint Shop Property Number: 18201340046
Sheppard AFB
Sheppard TX 76311
Status: Underutilized
Comments: 1,546 sq. ft., storage; 40+yrs.-old; secured area; escort required to access property; contact AF for more info.

Utah

7 Buildings Property Number: 18201340026
Hill AFB
Layton UT 84056
Location: 01245 (15,103 sq. ft.); 00016 (560 sq. ft.); 1601 (2,785 sq. ft.); 1602 (127 sq. ft.); 1603 (1,000 sq. ft.); 1604 (127 sq. ft.); 1605 (120 sq. ft.)
Status: Excess
Comments: Off-site removal only; 70+ yrs.-old; repairs needed; secured area; clearance for removal granted by installation commander; contact Air Force for more info.

13 Buildings Property Number: 18201340027
Hill AFB
Layton UT 84056
Location: 1607 (16,050 sq. ft.); 1608 (130 sq. ft.); 1609 (1,000 sq. ft.); 1901 (5,160 sq. ft.); 1902 (8,902 sq. ft.); 1946 (2,436 sq. ft.); 2214 (14,086 sq. ft.); 2232 (1,148 sq. ft.); 2238 (1,148 sq. ft.); 2241 (3,297 sq. ft.); 517 (26,602 sq. ft.) 518 (26,602 sq. ft.)
Status: Excess
Comments: Off-site removal only; 70+ yrs.-old; repairs needed; secured area; clearance for removal granted by installation commander; contact Air Force for more info.

01244 Property Number: 18201340038
Hill AFB
Layton UT 84056
Status: Excess
Comments: Off-site removal only; 14,279 sq. ft.; clearance for removal granted by installation commander; contact Air Force for more info.

Building 11; Hill AFB Property Number: 18201340047
5923 C Ave.
Layton UT 84056
Status: Excess
Comments: Off-site removal only; 18,898 sq. ft.; office/maint. shop; 72+ yrs.-old; deteriorated; asbestos; secured area; contact Air Force for more info.

Virginia

5 Buildings Property Number: 18201340029
Fort Eustis
Ft. Eustis VA 23604
Location: 2739 (2,965 sq. ft.); 2740 (395 sq.); 2746 (9,783 sq. ft.); 2796 (8,453 sq. ft.); 2798 (8,736 sq. ft.)
Status: Unutilized
Comments: Off-site removal only; no future agency need; age: 1967 (except bldg. 2740; est. 2008); deteriorated; contact Air Force for more info. on a specific property/accessibility reqs.

Army

Alabama

Building

C1301 Property Number: 21201220017
Ft. McClellan
Ft. McClellan AL 36205
Status: Excess
Comments: Off-site removal only; 2,232 sf.; barracks; extensive repairs needed; secured area; need prior approval to access property

24 Building Property Number: 21201330051
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 02591, 03452, 03456, 3533, 3536, 3537, 3541, 3714, 3764A, 4819, 5297, 06302, 7354A, 7354B, 7613A, 7740A, 07772, 07775, 07776, 07779, 07780, 07834, 8700, 8886
Status: Unutilized
Comments: Off-site removal only; no future agency need; sf. varies poor to deteriorated conditions; secured area; contact Army for more info on a specific property & accessibility/removal reqs.

Alaska

Bldg. 00001 Property Number: 21200340075
Kiana Nat'l Guard Armory
Kiana AK 99749
Status: Excess
Comments: 1200 sq. ft., butler bldg., needs repair, off-site use only

Bldg. 00001 Property Number: 21200710051
Holy Cross Armory
High Cross AK 99602
Status: Excess
Comments: 1200 sq. ft. armory, off-site use only

B–00877 Property Number: 21201220052
Fort Greely
Ft. Greely AK 99731
Status: Unutilized
Comments: Off-site removal only; 14,824 sf.; family housing; poor conditions; need repairs; asbestos & lead identified; secured area; prior approval needed to access & relocate

17 Buildings Property Number: 21201310033
Ft. Greely
Ft. Greely AK 99731
Location: 00140, 00804, 00805, 00806, 00808, 00809, 00810, 00820, 00821, 00822, 00823, 00825, 00827, 00829, 00830, 00831, 01213
Status: Unutilized
Comments: Off-site removal only; sf. varies; poor conditions; w/in secured area; contact Army for info. on a specific property & accessibility/removal requirements

Building 00001 Property Number: 21201320038
9679 Tuluksak Rd.
Toksook AK 99679
Status: Excess
Comments: 1,200 sf.; armory; 60 months vacant; poor conditions

Building 00001 Property Number: 21201330030
Lot 7 Block 11 US Survey 5069
Noorvik AK 99763
Status: Excess
Comments: 1,200 sf. armory; 60+months vacant; poor conditions; contact Army for more info.

Building 00001 Property Number: 21201330031
P.O. Box 22
Gambell AK 99742
Status: Excess
Comments: 1,208 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 0001 Property Number: 21201330032
Kivalina Armory
Kivalina AK 99750
Status: Excess
Comments: 1,200 sf. armory; 600+months vacant; poor conditions; contact Army for more info.

Akiachak 00001 Property Number: 21201330033
500 Philips St.
Akiachak AK 99551
Status: Excess
Comments: 1,200 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Arizona

Bldg. S–306 Property Number: 21199420346
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Status: Unutilized
Comments: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503, Yuma Proving Ground Property Number: 21199520073
Yuma Co: Yuma AZ 85365–9104
Status: Underutilized
Comments: 3789 sq. ft., 2-story, major structural changes required to meet floor loading code requirements, presence of asbestos, off-site use only

Arkansas

7 Bldgs. Property Number: 21201140055
Pine Bluff Arsenal
Pine Bluff AR 71602
Location: 57240, 57210, 57160, 57150, 57120, 5743, 5739
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: lab/test bldg.

Bldg. 57260 Property Number: 21201140057
Pine Bluff Arsenal
Pine Bluff AR 71602
Status: Unutilized
Comments: Off-site removal only; 9,474 sq. ft.; current use: CHM EQ/MAT Bldg.

Bldg. 16440 Property Number: 21201210095
Pine Bluff Arsenal
Pine Bluff AR 71602
Status: Unutilized
Comments: Off-site removal; 1,660 sf.; current use: office; extensive mold damage; needs major repairs

California

Bldgs. 18026, 18028 Property Number: 21200130081
Camp Roberts
Monterey CA 93451–5000
Status: Excess
Comments: 2024 sq. ft. sq. ft., concrete, poor condition, Off-site use only

258 Property Number: 21201230002
7th Division Rd.
Monterey CA 93928
Location:
Hunter Liggett, Fort
Status: Unutilized
Comments: Off-site removal only; 192 sf.; use: storage; transferee required to get real estate document authorizing access; secured area; must contact Directorate of Public Works to arrange to access property

5 Buildings Property Number: 21201230043
JFTB
Los Alamitos CA 90720
Location: 148,149,261,280,281
Status: Excess
Comments: Off-site removal only; sf. varies; use: storage; poor conditions; contamination; permission required to access property to remove of installation

1201T Property Number: 21201310060
Tower Rd.
Dubin CA 94568
Status: Unutilized
Comments: Off-site removal only; 30 sf.; control tower; poor conditions; restricted area; transferee must obtain real estate doc. to access/remove; contact Army for more info.

1201S & 1205S Property Number: 21201310062
Tower Rd.
Dublin CA 94568
Location: previously reported under 21201010006
Status: Unutilized
Comments: REDETERMINATION: off-site removal only; 396 & 252 sf. repetitively; storage; poor conditions; transferee will need to obtain real estate doc. to access/remove property; contact Army for more info.

2 Building Property Number: 21201330002
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 1108, 1109
Status: Underutilized
Comments: Off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army for info. on a specific property & accessibility removal requirements

7 Building Property Number: 21201330003
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 200, 00974, 1080, 1085, 1100, 1101, 1176
Status: Unutilized
Comments: Sf varies; no future agency need; poor/deteriorated conditions; secured area; escort required; contact Army for more info. on a specific property & accessibility reqs./removal options

Building 4230 Property Number: 21201330010
Ord Military Community
Seaside CA 93955
Location: 4230
Status: Unutilized
Comments: 15,908 sf.; theater; vacant since 2000; 43 yes.-old; mold; lead-based paint; asbestos; contact Army for more info.

22 Buildings Property Number: 21201330019
Hwy. 101, Bldg. 109
Camp Roberts CA 93451
Location: 00902, 00936, 01019, 06079, 06080, 06125, 06320, 14212, 14308, 14801, 25012, 25013, 27108, 27110, 27126, RB001, RB003, RB004, RB005, RB006, RB007, RB043
Status: Excess
Comments: CORRECTION: Bldg. 14801 incorrectly published on 08/30/2013; off-site removal only; 6+ months vacant; poor conditions; contamination; secured area; contact Army for info.

23 Buildings Property Number: 21201330025
Hwy 101, Bldg. 109
Camp Robert CA 93451
Location: T0805, T0831, T0834, T0874, T0876, T0917, T0920, T0922, T0923, T0925, T0933, T0934, T0935, T0955, T0956, T0955, T0956, T0966, T0967, T0992, T6005, T6029, T6406, T7025, T7037
Status: Excess
Comments: Off-site removal only; sf varies; 6t months vacant; poor conditions; contamination; secured area; contact Army for more info. on a specific property & accessibility removal reqs.

11 Building Property Number: 21201330026
Fort Hunter Liggett
Fort Hunter Ligget CA 93928
Location: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Status: Unutilized
Comments: Off-site removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

7 Buildings Property Number: 21201330067
Sierra Army Depot
Herlong CA 96113
Location: 00478, 00548, 00681, 00682, 00683, 00684, and 00685
Status: Unutilized
Comments: Sf. varies, 36–204+ months vacant; fair to deteriorated; secured area; extensive background check required; contact Army for info. on a specific property & accessibility reqs.

Colorado

Building 01852 Property Number: 21201320036
6359 Barkley Ave.
Ft. Carson CO 80913
Status: Excess
Comments: Off-site removal only; 9,822 sf.; BDE HQ; repairs needed; asbestos; secured area; contact Army for access/removal requirements

Building 01854 Property Number: 21201320037
6370 Porter St.
Ft. Carson CO 80913
Status: Excess
Comments: Off-site removal only; 3,800 sf.; Admin.; repairs needed; asbestos; secured area; contact Army for access/removal requirements

Building 00304 Property Number: 21201320039
5020 Tevis St.
Ft. Carson CO 80913
Status: Excess
Comments: Off-site removal only; 15,484 sf.; Admin.; 4 months vacant; repairs needed; asbestos; contact Army for access/removal requirements

Building 01430 Property Number: 21201330028
6101 Wetzel Ave.
Fort Carson CO 80913
Status: Unutilized
Comments: Off-site removal only; no future agency use; 4t months; 41,098 sf.; admin.; maint./repairs needed; secured area; contact Army for more info. re. accessibility/removal reqs.

Georgia

Bldg. 2593 Property Number: 21199720167
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 4232 Property Number: 21199830291
Fort Benning
null Co: Muscogee GA 31905
Status: Unutilized
Comments: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldgs. 5974–5978 Property Number: 21199930135
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993 Property Number: 21199930136
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 3866 Property Number: 21200740182
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 944 sq. ft., most recent use—office, off-site use only

Bldg. 8682 Property Number: 21200740183
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 780 sq. ft., most recent use—admin., off-site use only

Bldg. 1201 Property Number: 21201140013
685 Horace Emmet Wilson Blvd.
Savannah GA 31409
Status: Excess
Comments: Off-site removal only; 8,736 sq. ft.; current use: Administrative office; fair conditions—bldg. need repairs; possible asbestos

10 Buildings Property Number: 21201230011
Ft. Benning
Ft. Benning GA 31905
Location: 100, 2753, 2755, 2756, 2761, 2816, 3733, 3742, 3744, 3745

Status: Unutilized
Comments: Off-site removal only; sq. varies; use: varies; poor conditions; secured area w/limited access; contact Army for details re: accessibility or specific details related to a bldg.

Building 8603 Property Number: 21201240004
Red Arrow Rd.
Ft. Benning GA 31905
Status: Unutilized
Comments: Off-site removal only; 192 sf.; Sep Toil/Shower; poor conditions; secured area; contact Army for info. on accessibility/removal

Building 8585 Property Number: 21201240005
9734 Eighth Division
Ft. Benning GA 31905
Status: Unutilized
Comments: Off-site removal only; 192 sf.; Sep Toil/Shower; poor conditions; secured area; contact Army for info. on accessibility/removal

Building 8018 Property Number: 21201240006
7964 First Division Rd.
Ft. Benning GA 31905
Status: Unutilized
Comments: Off-site removal only; 264 sf.; Sep Toil/Shower; poor conditions; secured area; contact Army for info. on accessibility/removal

Building 4156 Property Number: 21201240007
6923 Rosell St.
Ft. Benning GA 31905
Status: Unutilized
Comments: Off-site removal only; 8,460 sf.; TRANS UPH AST; poor conditions

Building 2835 Property Number: 21201240008
6498 Way Ave.
Ft. Benning GA 31905
Status: Unutilized
Comments: Off-site removal only; 2,578 sf.; BN HQ BLDG. TT; poor conditions

Building 904 Property Number: 21201310004
2022 Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; 9,993 sf.; museum; poor conditions; asbestos & lead-based paint; w/in secured area; Gov't escort required to access/remove property

Building 862 Property Number: 21201310010
259 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: Off-site removal only; 826 sf.; Battery Shop; poor conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 853 Property Number: 21201310011
140 Barren Loop Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: Off-site removal only; 4,100 sf.; Admin. 3 mons. vacant; fair conditions; w/in secured area; contact Army for accessibility/removal reqs.

Building 866 Property Number: 21201310012
395 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: Off-site removal only; 2,100 sf.; Admin.; fair conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 9597 Property Number: 21201310013
Bultman Ave.
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; 324 sf.; storage; 6 mons. vacant; poor conditions; w/in secured area; Gov't escort only to access/remove property

Buildings 8579 & 8580 Property Number: 21201310014
N. Perimeter Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: Off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property

Building 8056 Property Number: 21201310015
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: Off-site removal only; 3,790 sf.; navigation bldg.; 10 mons. vacant; fair conditions; asbestos; w/in secured area; Gov't escort only to access/remove property

Buildings 7736 & 7740 Property Number: 21201310016
Chip Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property

3 Buildings Property Number: 21201310017
McFarland Ave.
Ft. Stewart GA 31314
Location: 1710, 1711, 1712
Status: Excess
Comments: Off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property

Buildings 1303 & 1304 Property Number: 21201310018
Warrior Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property

Building 1155 & 1156 Property Number: 21201310019
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: Off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property

Buildings 1139 & 1151 Property Number: 21201310020
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property

Building 919 Property Number: 21201310021
574 McFarland Ave.
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; 1,440 sf.; Admin. 5 mons. vacant; poor conditions; w/in secured area; Gov't escort required to access/remove property

Building 1104 Property Number: 21201310022
Frank Cochran Dr.
Hinesville GA 31314
Status: Excess
Comments: Off-site removal only; 240 sf.; storage; poor conditions; w/in secured area; Gov't escort required to access/remove property

Building 1105 Property Number: 21201310023
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; 7,132 sf.; Maint. Facility; poor conditions; asbestos & lead; w/in secured area; Gov't escort required to access/remove property

Building 1130 Property Number: 21201310024
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; 322 sf.; storage; poor conditions; w/in secured area; Gov't escort only to access/remove property

Building 1132 Property Number: 21201310025
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; 182 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property

Building 1133 Property Number: 21201310026
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: Off-site removal only; 501 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property

Building 1134 Property Number: 21201310027
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: CORRECTION: published on 03/08/2013 incorrectly as 'land'; off-site removal only; 513 sf. Admin. poor conditions; asbestos; w/in secured area; Gov't escort only to access/remove property

Building 00062 Property Number: 21201320003
1 Camp Merrill
Dahlonega GA 31905
Status: Unutilized
Comments: Off-site removal only; 910 sf.; sep toil/shower; poor conditions; contact Army re: removal requirements

Building 02294 Property Number: 21201320004
7895 Alekno Street
Ft. Benning GA 31905
Status: Underutilized

Comments: Off-site removal only; 5,614 sf.; classroom; poor conditions; contact Army re: removal requirements

Building OT022 Property Number: 21201330005
46 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: No future agency need; Off-site removal only; 960 sf.; classroom; 120 months; dilapidated; contamination; closed post; contact Army for accessibility/removal requirements

Building OT007 Property Number: 21201330006
31 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: Off-site removal only; no future agency need; 960 sf.; classroom; 120t months; dilapidated; contamination; closed post; contact Army for accessibility/removal reqs.

8 Building Property Number: 21201330024
Hunter Army Airfield
Hunter Army Airfield GA 31409
Location: 1031, 1160, 8054, 8055, 8080, 8082, 8084, 8629
Status: Excess
Comments: Off-site removal only; sf. varies; contamination; secured area; contact Army for info. on a specific property & accessibility/removal reqs.

3 Buildings Property Number: 21201330036
Veterans Pkwy.
Fort Stewart GA 31314
Location: 1101, 1108, 1129
Status: Excess
Comments: Off-site removal only; poor conditions; contaminating; secured area; contact Army for info. on a specific property; accessibility removal reqs.

Building 00TR4 Property Number: 21201330045
43 Pistol Range Road
Whitfield GA 30755
Status: Excess
Comments: Off-site removal only; 2,560 sf.; dining facility; 78 yrs. old; poor conditions; contact Army for more info.

Hawaii

P–88 Property Number: 21199030324
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comments: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

3377Z Property Number: 21201210054
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: Off-site removal only; 196 sf.; current use: transformer bldg.; poor conditions—needs repairs

Bldg. 00208 Property Number: 21201210078
Dillingham Military
Waialua HI
Status: Unutilized
Comments: Off-site removal only; 480 sq. ft.; recent use: hutmet

Bldg. 0300B Property Number: 21201210083
308 Paalaa Uka Pupukea
Wahiawa Co: Honolulu HI 96786
Status: Unutilized
Comments: Off-site removal only; 114 sf.; current use: valve house for water tank; fair conditions

12 Bldgs. Property Number: 21201220009
Schofield Barracks
Wahiawa HI
Location: 2509, 2510, 2511, 2512, 2513, 2514, 2516, 2517, 3030, 3031, 3032, 3035
Status: Unutilized
Comments: Off-site removal only; sf. varies; usage varies; storage; good conditions

A0300 Property Number: 21201230009
308 Paalaa Uka Pupukea Rd.
Helemano
Wahiawa HI 96786
Status: Unutilized
Comments: Off-site removal only; 17.25 × 21 ft.; water storage

2 Buildings Property Number: 21201230049
Schofield Barracks
Wahiawa HI 96786
Location: M3010, QRAMP
Status: Unutilized
Comments: Off-site removal only; sf. varies; repairs needed; secured area; contact Army re: accessibility requirements

2 Buildings Property Number: 21201230054
553/537 Airdrome Rd.
Wahiawa HI 96786
Location: 1001, 1005
Status: Unutilized
Comments: Off-site removal only; sf. varies; use: shed & shelter; poor conditions; abandoned—need repairs

Bldg. 1536 Property Number: 21201230060
Ft. Shafter
Honolulu HI 96819
Status: Unutilized
Comments: Off-site removal only; 2,117 sf. vehicle storage; need repairs

6 Properties Property Number: 21201240027
Schofield Barracks
Wahiawa HI 96786
Location: 24, 1005, 2276, B0886, M3010, QBAMP
Status: Unutilized
Comments: Off-site removal only, sf. varies; poor conditions, contact Army for information on accessibility removal and specific details on a particular property

Buildings 1421 & 1422 Property Number: 21201310046
510 CW2 Latchum Rd.
Wahiawa HI 97686
Status: Underutilized
Comments: Off-site removal only; sf. varies; office & toilet; fair conditions; military reservation

Buildings 3363, 3366, & 3371 Property Number: 21201310047
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: Off-site removal only; sf. varies; abandoned; 230 mons. vacant; transformer bldgs.

B0088 Property Number: 21201310048
Kilauea Military Reser.
HNP HI 96718
Status: Unutilized
Comments: Off-site removal only; 100 sf.; pollutant catch basin; poor conditions

D0088 Property Number: 21201310049
Schofield Barracks
HNP HI 96718
Status: Unutilized
Comments: Off-site removal only; 100 sf.; pollutant catch basin; poor conditions

Building A0750 Property Number: 21201330038
613 Ayers Ave. (Schofield Barracks)
Wahiawa HI 96786
Status: Unutilized
Comments: Off-site removal only; no future agency need; 512 sf.; storage; 46 yrs.-old; poor conditions; contact Army for more info.

Idaho

Bldg. 00110 Property Number: 21200740134
Wilder
Canyon ID 83676
Location: Tooele Army Depot
Status: Underutilized
Comments: Re-determination: off-site removal; 5,310 sf.; general admin./barracks; 12 mons. vacant; major repairs needed; asbestos; w/in restricted area; contact Army for info. on accessibility/removal reqs.

R1A11 Property Number: 21201320005
16 Miles South
Boise ID 83634
Status: Excess
Comments: Off-site removal only; 1,040 sf., dilapidated, repairs a must, temp. shelter, 9 months vacant, has hanta virus presence.

R1A13 Property Number: 21201320015
16 Miles South
Boise ID 83634
Status: Excess
Comments: Off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repairs a must

R1A10 Property Number: 21201320041
16 Miles South
Boise ID 83634
Status: Excess
Comments: Off-site removal only; 1,040 sf.; dilapidated; repairs a must; 9 months vacant; Hanta virus

R1A12 Property Number: 21201320042
16 Miles South
Boise ID 83634
Status: Excess
Comments: Off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; repairs a must; Hanta virus

R1A15 Property Number: 21201320043
16 Miles South
Boise ID 83634
Status: Excess
Comments: Off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repair a must

Iowa

Y11Q0 Property Number: 21201330060
Camp Dodge
Johnston IA 50131
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+months vacant; deteriorated; secured

area; escort required; contact Army for accessibility requirements.

Y10Q0 Property Number: 21201330061
Camp Dodge
Johnston IA 50131
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+months vacant; deteriorated; secured area; escort required; contact Army for info. accessibility requirements.

2 Buildings Property Number: 21201330064
Camp Dodge
Johnston IA 50131
Location: Y1200 & TC030
Status: Unutilized
Comments: 1,686 & 1,026 sf. respectively; garage; deteriorated; secured area; escort required; contact Army for accessibility requirements.

Kansas

Building 00322 Property Number: 21201310050
Marshall Ave.
Ft. Riley KS 66442
Status: Unutilized
Comments: Off-site removal only; 6,000 sf.; Admin.; general purpose; deteriorating conditions; water damage; located on installation secured airfield; contact Army for more info.

Building 9109 Property Number: 21201310051
Mallon Rd.
Ft. Riley KS 66442
Status: Unutilized
Comments: Off-site removal only; 128 sf.; latrine; deteriorating conditions; located on controlled area; contact Army for more info.

Building 00620 Property Number: 21201320014
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: Off-site removal only; 12,640 sf.; lodging; deteriorating; asbestos

Building 09098 Property Number: 21201320016
Vinton School Rd.
Ft. Riley KS 66442
Status: Excess
Comments: Off-site removal only; 120 sf.; guard shack; fair/moderate conditions

Building 07856 Property Number: 21201320017
Drum St.
Ft. Riley KS 66442
Status: Excess
Comments: Off-site removal only; 13,493 sf.; dining facility; deteriorating; asbestos

Building 07636 Property Number: 21201320018
Normandy Dr.
Ft. Riley KS 66442
Status: Excess
Comments: Off-site removal only; 9,850 sf.; deteriorating; asbestos

Building 05309 Property Number: 21201320019
Ewell St.
Ft. Riley KS 66442
Status: Excess
Comments: Off-site removal only; 23,784 sf.; lodging; deteriorating; asbestos

Building 00918 Property Number: 21201320020
Caisson Hill Rd.
Ft. Riley KS 66442
Status: Excess
Comments: Off-site removal only; 3,536 sf.; admin. general purpose; deteriorating; possible contamination; secured area; however, prior approval to access is needed; contact Army for more info.

Building 00621 Property Number: 21201320021
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: Off-site removal only; 12, 640 sf.; lodging; deteriorating; asbestos

Kentucky

Fort Knox Property Number: 21201110011
Eisenhower Avenue
Fort Knox KY 40121
Location: Bldgs.: 06559, 06571, 06575, 06583, 06584, 06585, 06586
Status: Unutilized
Comments: Off-site removal only; multiple bldgs. w/various sq. footage (2,578–8,440 sq. ft.), current use varies (classroom—dental clinic), lead base paint, asbestos & mold identified

Fort Knox, 10 Bldgs. Property Number: 21201110012
Bacher Street
2nd Dragoons Rd & Abel St
Fort Knox KY 40121
Location: Bldgs.: 06547, 06548, 06549, 06550, 06551, 06552, 06553, 06554, 06557, 06558.
Status: Unutilized
Comments: Off-site removal only, multiple bldgs. w/various sq. footage (8,527–41,631 sq. ft.) lead base paint, asbestos & mold identified in all bldgs. Current use varies

Fort Knox, 10 Bldgs. Property Number: 21201110015
Eisenhower Ave
Fort Knox KY 40121
Location: Bldgs.: 06535, 06536, 06537, 06539, 06540, 06541, 06542, 06544, 06545, 06546
Status: Unutilized
Comments: Off-site removal only, multiple bldgs. w/various sq. ft. (2,510–78,436 sq. ft.) lead base paint, asbestos & mold has been identified in all bldgs. Current use varies

11 Bldgs. Property Number: 21201140002
Ft. Knox
Ft. Knox KY 40121
Location: 02422, 02423, 02424, 02425, 02956, 02960, 00173, 02197, 02200, 00097, 00098
Status: Unutilized
Comments: Off-site removal only; possible lead based paint, asbestos, and mold in all bldgs.; sq. ft. varies; current use: office

5 Bldgs. Property Number: 21201140003
Ft. Knox
Ft. Knox KY 40121
Location: 02317, 02323, 02324, 02349, 02421
Status: Unutilized
Comments: Off-site removal only; possible lead base paint, asbestos, and mold; sq. ft. varies; current use: office

10 Bldgs. Property Number: 21201140016
Ft. Knox
Ft. Knox KY 40121
Location: 120, 161, 166, 171, 101, 114, 115, 116, 117, 1196
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: office space to storage; possible asbestos and mold

18 Bldgs. Property Number: 21201140032
Ft. Knox
Ft. Knox KY 40121
Location: 51, 52, 70, 73, 74, 76, 2961, 2963, 2964, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2979, 2316
Status: Unutilized
Comments: Off-site removal only; possible asbestos, mold, and lead base paint; sq. ft. varies; current use: office

12 Bldgs. Property Number: 21201140033
Ft. Knox
Ft. Knox KY 40121
Location: 77, 78, 80, 81, 85, 86, 92, 94, 96, 9248, 2995, 2996
Status: Unutilized
Comments: Off-site removal only; possible mold, asbestos, and lead base paint; sq. ft. varies; current use: office to storage

Bldg. 2980 Property Number: 21201140078
Ft. Knox
Ft. Knox KY 40121
Status: Unutilized
Comments: Off-site removal only; 6,900 sq. ft.; current use: office; possible asbestos and mold

Bldg. 1197 Property Number: 21201140079
Ft. Knox
Ft. Knox KY 40121
Status: Unutilized
Comments: Off-site removal only; 2,969 sq. ft.; current use: office; possible lead base paint, asbestos and mold

23 Bldgs. Property Number: 21201210034
Ft. Knox
Ft. Knox KY 40121
Location: 6097, 6098, 6099, 6113, 6114, 6115, 6116, 6118, 6120, 6121, 6123, 6124, 6614, 6615, 6616, 7107, 9209, 9215, 9231, 9254, 9256, 9361, 9619
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies, current use: varies; poor conditions—need repairs; lead, mold, and asbestos identified

20 Bldgs. Property Number: 21201210035
Ft. Knox
Ft. Knox KY 40121
Location: 45, 46, 64, 75, 79, 107, 114, 155, 202, 205, 299, 1373, 1997, 2319, 2350, 3007, 6033, 6034, 6035, 6036
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies, current use: varies; poor conditions—need repairs; lead, mold, and asbestos identified

5 Bldgs. Property Number: 21201210036
Ft. Knox
Ft. Knox KY 40121
Location: 6038, 6039, 6040, 6093, 6094
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies, current use: varies; poor conditions—need repairs; lead, mold, and asbestos identified

22 Bldgs. Property Number: 21201220020
Ft. Knox
Ft. Knox KY 40121
Location: 79, 204, 1610, 1996, 2955, 2959, 2965, 2980, 2991, 6531, 6533, 6560, 6561,

6563, 6564, 6565, 6566, 6592, 6594, 9183, 9319, 9320
Status: Unutilized
Comments: Off-site removal only; sf varies; usage varies; need repairs; lead and asbestos identified; need remediation

15 Buildings Property Number: 21201230030
Ft. Knox
Ft. Knox KY 40121
Location: 2991, 3006, 6127, 7345, 7346, 9254, 9264, 9294, 9302, 9311, 9315, 9335, 9427, 9503, 9504
Status: Unutilized
Comments: Use: Maintenance; extremely poor conditions; contamination identified; contact Army for further details & accessibility requirements

10 Buildings Property Number: 21201230031
Ft. Knox
Ft. Knox KY 40121
Location: 9505, 9506, 9507, 9508, 9509, 9617, 9675, 9681, 9706, 9707
Status: Unutilized
Comments: Sf. varies; extremely poor conditions; contamination identified; contact Army for further details & accessibility requirements

Louisiana

B–8248 Property Number: 21201210069
Ft. Polk
Ft. Polk LA 71459
Status: Underutilized
Comments: 3,141 sf.; current use: Admin. Bldg.; poor conditions-need repairs

B–8401 Property Number: 21201210070
Ft. Polk
Ft. Polk LA 71459
Status: Underutilized
Comments: 3,141 sf.; current use: Admin. Bldg.; poor conditions-need repairs

21 Buildings Property Number: 21201230034
Polk
Ft. Polk LA 71459
Location: 9515, 9537, 9554, 9570, 9593, 9594, 9601, 9602, 9603, 9604, 9607, 9609, 9618, 9619, 9666, 9703, 9741, 9744, 9751, 9753, 9755
Status: Underutilized
Comments: Off-site removal only; sf. varies; use: varies; poor conditions; contact Army for further details re: a specific property

18 Buildings Property Number: 21201230035
Polk
Ft. Polk LA 71459
Location: 9764, 9765, 9773, 9793, 9794, 9797, 9803, 9812, 9818, 9830, 9836, 9837, 9840, 9854, 9913, 9914, 9917, 9920
Status: Underutilized
Comments: Off-site removal only; sq. ft. varies; use: varies; poor conditions; contact Army for further details re: a specific property

7 Building Property Number: 21201330044
Fort Polk
Fort Polk LA 71459
Location: 00916, 03313, 03314, 03315, 3316, 3320, 3323
Status: Underutilized
Comments: Off-site removal only; sf. varies; no future agency need; poor conditions; contact Army for more info. on a specific property & removal reqs.

13 Buildings Property Number: 21201330056
Fort Polk
Fort Polk LA 71459
Location: 3335, 3341, 3342, 3344, 3348, 4798, 7144, 7192, 7193, 7194, 7199, 08091, 8092
Status: Underutilized
Comments: Off-site removal only; no future agency need; sf. varies; storage to picnic/rec. shelter; poor conditions; contact Army for more info. on a specific property and removal requirements

Maryland

Bldg. 0459B Property Number: 21200120106
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 225 sq. ft., poor condition, most recent use—equipment bldg., Off-site use only

Bldg. E5239 Property Number: 21200120113
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 230 sq. ft., most recent use—storage, Off-site use only

Bldg. E5317 Property Number: 21200120114
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, Off-site use only

Bldg. E5637 Property Number: 21200120115
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, Off-site use only

Bldg. 219 Property Number: 21200140078
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., Off-site use only

Bldg. 0385A Property Number: 21200320110
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 944 sq. ft., Off-site use only

Bldg. 0700B Property Number: 21200320121
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 505 sq. ft., Off-site use only

Bldg. 05262 Property Number: 21200320136
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 864 sq. ft., most recent use—storage, Off-site use only

Bldg. 05608 Property Number: 21200320137
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1100 sq. ft., most recent use—maint bldg., Off-site use only

Bldg. E5645 Property Number: 21200320150
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 548 sq. ft., most recent use—storage, Off-site use only

Bldg. 0449A Property Number: 21200330112
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 143 sq. ft., needs rehab, most recent use—substation switch bldg., Off-site use only

Bldg. E1413 Property Number: 21200330127
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: Needs rehab, most recent use—observation tower, Off-site use only

Bldg. E3175 Property Number: 21200330134
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1296 sq. ft., needs rehab, most recent use—hazard bldg., Off-site use only

4 Bldgs. Property Number: 21200330135
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Location: E3224, E3228, E3230, E3232, E3234
Status: Unutilized
Comments: sq. ft. varies, needs rehab, most recent use—lab test bldgs., Off-site use only

Bldg. E3241 Property Number: 21200330136
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 592 sq. ft., needs rehab, most recent use—medical res bldg., Off-site use only

Bldg. E3300 Property Number: 21200330139
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 44,352 sq. ft., needs rehab, most recent use—chemistry lab, off-site use only

Bldg. E3335 Property Number: 21200330144
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. E3360, E3362, E3464 Property Number: 21200330145
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 3588/236 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E3542 Property Number: 21200330148
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1146 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Bldg. E4420 Property Number: 21200330151
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 14,997 sq. ft., needs rehab, most recent use—police bldg., off-site use only

4 Bldgs. Property Number: 21200330154
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Location: E5005, E5049, E5050, E5051
Status: Unutilized
Comments: sq. ft. varies, needs rehab, most recent use—storage, off-site use only

Bldg. E5068 Property Number: 21200330155
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005

Status: Unutilized
Comments: 1200 sq. ft., needs rehab, most recent use—fire station, off-site use only

Bldgs. 05448, 05449 Property Number: 21200330161
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—enlisted UHP, off-site use only

Bldg. 05450 Property Number: 21200330162
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2730 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldgs. 05451, 05455 Property Number: 21200330163
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2730/6431 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 05453 Property Number: 21200330164
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. E5609 Property Number: 21200330167
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2053 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5611 Property Number: 21200330168
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 11,242 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

Bldg. E5634 Property Number: 21200330169
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 200 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldg. E5654 Property Number: 21200330171
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 21,532 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5942 Property Number: 21200330176
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2147 sq. ft., needs rehab, most recent use—igloo storage, off-site use only

Bldgs. E5952, E5953 Property Number: 21200330177
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 100/24 sq. ft., needs rehab, most recent use—compressed air bldg., off-site use only

Bldgs. E7401, E7402 Property Number: 21200330178
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 256/440 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E7407, E7408 Property Number: 21200330179
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1078/762 sq. ft., needs rehab, most recent use—decon facility, off-site use only

Bldg. 3070A Property Number: 21200420055
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 2299 sq. ft., most recent use—heat plant, off-site use only

Bldg. E5026 Property Number: 21200420056
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 20,536 sq. ft., most recent use—storage, off-site use only

Bldg. 05261 Property Number: 21200420057
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10067 sq. ft., most recent use—maintenance, off-site use only

Bldg. E5876 Property Number: 21200440073
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1192 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. E1410, E1434 Property Number: 21200720056
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 2276/3106 sq. ft., most recent use—laboratory, off-site use only

Bldg. E3834 Property Number: 21200720058
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 72 sq. ft., most recent use—office, off-site use only

Bldgs. E4465, E4470, E4480 Property Number: 21200720059
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 17658/16876/17655 sq. ft., most recent use—office, off-site use only

Bldgs. E5137, 05219 Property Number: 21200720060
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 3700/8175 sq. ft., most recent use—office, off-site use only

Bldg. E5236 Property Number: 21200720061
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10,325 sq. ft., most recent use—storage, off-site use only

Bldg. E5282 Property Number: 21200720062
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 4820 sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. E5736, E5846, E5926 Property Number: 21200720063
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 1069/4171/11279 sq. ft., most recent use—storage, off-site use only

Bldg. E6890 Property Number: 21200720064
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 1 sq. ft., most recent use—impact area, off-site use only

E1043 Property Number: 21200820083
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 5200 sq. ft., most recent use—lab, off-site use only

Bldg. E1386 Property Number: 21200820086
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 251 sq. ft., most recent use—eng/mnt, off-site use only

5 Bldgs. Property Number: 21200820087
Aberdeen Proving Ground
Harford MD
Location: E1440, E1441, E1443, E1445, E1455
Status: Unutilized
Comments: 112 sq. ft., most recent use—safety shelter, off-site use only

Bldgs. E1467, E1485 Property Number: 21200820088
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 160/800 sq. ft., most recent use—storage, off-site use only

Bldg. E1521 Property Number: 21200820090
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1200 sq. ft., most recent use—overhead protection, off-site use only

Bldg. E1570 Property Number: 21200820091
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 47027 sq. ft., most recent use—office, off-site use only

Bldg. E1572 Property Number: 21200820092
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1402 sq. ft., most recent use—maint. off-site use only

4 Bldgs. Property Number: 21200820093
Aberdeen Proving Ground
Harford MD
Location:
E1645, E1675, E1677, E1930
Status: Unutilized
Comments: various sq. ft., most recent use—office, off-site use only

Bldgs. E2160, E2184, E2196 Property Number: 21200820094
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 12440/13816 sq. ft., most recent use—storage, off-site use only

Bldg. E2174 Property Number: 21200820095
Aberdeen Proving Ground

Harford MD
Status: Unutilized
Comments: 132 sq. ft., off-site use only

Bldg. 2831A Property Number: 21200820102
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1200 sq. ft., most recent use—overhead protection, off-site use only

Bldg. E3466 Property Number: 21200820104
Aberdeen Proving Ground
Aberdeen MD
Status: Unutilized
Comments: 236 sq. ft., most recent use—protective barrier, off-site use only

4 Bldgs. Property Number: 21200820105
Aberdeen Proving Ground
Harford MD
Location: E3510, E3570, E3640, E3832
Status: Unutilized
Comments: Various sq. ft., most recent use—lab, off-site use only

Bldg. E3544 Property Number: 21200820106
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 5400 sq. ft., most recent use—ind waste, off-site use only

Bldg. 3823A Property Number: 21200820109
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 113 sq. ft., most recent use—shed, off-site use only

Bldg. E3948 Property Number: 21200820110
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 3420 sq. ft., most recent use—emp chg fac, off-site use only

4 Bldgs. Property Number: 21200820111
Aberdeen Proving Ground
Harford MD
Location: E5057, E5058, E5246, 05258
Status: Unutilized
Comments: Various sq. ft., most recent use—storage, off-site use only

Bldgs. E5106, 05256 Property Number: 21200820112
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 18621/8720 sq. ft., most recent use—office, off-site use only

Bldg. E5126 Property Number: 21200820113
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 17664 sq. ft., most recent use—heat plt, off-site use only

Bldg. E5128 Property Number: 21200820114
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 3750 sq. ft., most recent use—substation, off-site use only

Bldg. E5188 Property Number: 21200820115
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 22790 sq. ft., most recent use—lab, off-site use only

Bldg. E5179 Property Number: 21200820116
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 47335 sq. ft., most recent use—info sys, off-site use only

Bldg. E5190 Property Number: 21200820117
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 874 sq. ft., most recent use—storage, off-site use only

Bldg. 05223 Property Number: 21200820118
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 6854 sq. ft., most recent use—gen rep inst, off-site use only

Bldgs. 05259, 05260 Property Number: 21200820119
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 10067 sq. ft., most recent use—maint, off-site use only

Bldgs. 05263, 05264 Property Number: 21200820120
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 200 sq. ft., most recent use—org space, off-site use only

5 Bldgs. Property Number: 21200820121
Aberdeen Proving Ground
Harford MD
Location: 05267, E5294, E5327, E5441, E5485
Status: Unutilized
Comments: Various sq. ft., most recent use—storage, off-site use only

Bldg. E5292 Property Number: 21200820122
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1166 sq. ft., most recent use—comp rep inst, off-site use only

Bldg. E5380 Property Number: 21200820123
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 9176 sq. ft., most recent use—lab, off-site use only

Bldg. E5452 Property Number: 21200820124
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 9623 sq. ft., off-site use only

Bldg. 05654 Property Number: 21200820125
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 38 sq. ft. most recent use—shed, off-site use only

Bldg. 05656 Property Number: 21200820126
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 2240 sq. ft., most recent use—overhead protection off-site use only

5 Bldgs. Property Number: 21200820127
Aberdeen Proving Ground
Harford MD
Location: E5730, E5738, E5915, E5928, E6875
Status: Unutilized
Comments: Various sq. ft., most recent use—storage, off-site use only

Bldg. E5840 Property Number: 21200820129
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 14200 sq. ft., most recent use—lab, off-site use only

Bldg. E6872 Property Number: 21200820131
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1380 sq. ft., most recent use—dispatch, off-site use only

Bldgs. E7331, E7332, E7333 Property Number: 21200820132
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: Most recent use—protective barrier, off-site use only

Bldg. E7821 Property Number: 21200820133
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 3500 sq. ft., most recent use—xmitter bldg., off-site use only

Bldg. 06186 Property Number: 21201110026
Ft. Detrick
Frederick MD 21702
Status: Unutilized
Comments: Off-site removal only, 14,033 sq. ft., current use: communications ctr., bldg. not energy efficient but fair condition

Bldg. 01692 Property Number: 21201110028
Ft. Detrick
Frederick MD 21702
Status: Unutilized
Comments: Off-site removal only, 1,000 sq., current use; communications ctr., bldg. is not energy efficient but in fair condition

10 Bldgs. Property Number: 21201210016
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E3266, E3268, E3269, E3299, E3300, E3305, E3306, E3326, E3344, E3500
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

10 Bldgs. Property Number: 21201210017
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E3507, E3514, E3516, E3520, E3522, E3524, E3525, E3549, E3550, E3552
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

10 Bldgs. Property Number: 21201210018
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E3570, E3573, E3607, E3615, E3623, E3646, E4405, E4410, E4415, E4420
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

11 Bldgs. Property Number: 21201210019
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E4430, E4435, E4440, E4445, E4460, E4465, E4470, E4475, E4480, E5027
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

10 Bldgs. Property Number: 21201210020
Aberdeen Proving ground
Aberdeen MD 21005
Location: E5106, E5135, E5141, E5158, E5164, E5165, E5188, E5342, E5354, E5356
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

9 Bldgs. Property Number: 21201210021
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E5365, E5425, E5427, E5429, E5643, E5684, E5686, E5687, E5725
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

9 Bldgs. Property Number: 21201210022
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E5771, E5772, E5774, E5779, E5782, E5800, E5804, E5824, E5872
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

7 Bldgs. Property Number: 21201210023
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E5910, E5911, E5912, E5913, E5914, E5932, E5940
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

13 Bldgs. Property Number: 21201210028
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E3236, E3107, E3109, E3156, E3221, E3222, E3223, E3224, E3226, E3230, E3232, E3234, E3265
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

8 Bldgs. Property Number: 21201210029
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E1890, E1936, E1946, E1950, E1958, E2100, E2101, E2105
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

11 Bldgs. Property Number: 21201210030
Aberdeen Proving Ground
Aberdeen MD 21005
Location: E2309, E2400, E2580, E3081, E3083, E3100, E3101, E3103, E3104, E3105, E3106
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; lead and asbestos identified; moderate conditions

Bldg. 724B Property Number: 21201220003
Aberdeen Proving Ground
Aberdeen MD 21005
Status: Unutilized
Comments: Off-site removal only; 1 sf.; current use: safety shelter; moderate conditions; lead & asbestos identified; need remediation

E6001 Property Number: 21201310058
Aberdeen Proving Ground
Aberdeen MD 21005
Status: Unutilized
Comments: Off-site removal only; 527 sf.; security gate house; deteriorated

3 Buildings Property Number: 21201310061
Ft. George G. Meade
Ft. Meade MD 20755
Location: 08475, 8487, 09830
Status: Unutilized
Comments: Off-site removal only; sf. varies; poor conditions; restricted area; contact Army for accessibility/removal reqs.

5 Buildings Property Number: 21201330008
Ft. George G. Meade
Ft. Meade MD 20755
Location: 4, 239, 700, 2790, 8608
Status: Unutilized
Comments: Off-site removal only; no future agency need; sf. varies; fair to deteriorating conditions; secured area; contact Army re. info. on a specific property & accessibility/removal reqs.

Land

2 acres Property Number: 21200640095
Fort Meade
Odenton Rd/Rt 175
Ft. Meade MD 20755
Status: Unutilized
Comments: Light industrial

16 acres Property Number: 21200640096
Fort Meade
Rt 198/Airport Road
Ft. Meade MD 20755
Status: Unutilized
Comments: Light industrial

E6000 & E6100 Property Number: 21201310063
Aberdeen Proving Ground
Aberdeen MD 21005
Status: Unutilized
Comments: Water dam currently located on properties; restricted area; contact Army for more information regarding properties

LANDE Property Number: 21201310064
Aberdeen Proving Ground
Aberdeen MD 21005
Status: Unutilized
Comments:

Minnesota

Building

18 Bldgs. Property Number: 21201210059
1245 Hwy 96 West
Arden Hills Army TRNG Site
Arden Hills MN 55112
Location: 12155, 12156, 12157, 01200, 01201, 01202, 01203, 01204, 01205, 01206, 04202, 11218, 11219, 11220, 11221, 11222, 11223, 04203
Status: Unutilized
Comments: Off-site removal only; sf. varies; current use: storage; poor conditions—need repairs

Missouri

Bldg. T1497 Property Number: 21199420441
Fort Leonard Wood
Ft. Leonard Wood Co
Pulaski MO 65473–5000
Status: Underutilized
Comments: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, Off-site use only

Bldg. T2139 Property Number: 21199420446
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2385 Property Number: 21199510115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Status: Excess
Comments: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. 2167 Property Number: 21199820179
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2192, 2196, 2198 Property Number: 21199820183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

12 Bldgs. Property Number: 21200410110
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07036, 07050, 07054, 07102, 07400, 07401, 08245, 08249, 08251, 08255, 08257, 08261.
Status: Unutilized
Comments: 7152 sq. ft. 6 complex housing quarters, potential contaminants, off-site use only

6 Bldg. Property Number: 21200410111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07044, 07106, 07107, 08260, 08281, 08300
Status: Unutilized
Comments: 9520 sq. ft., 8 complex housing quarters, potential contaminants, off-site use only.

15 Bldgs. Property Number: 21200410112
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 08242, 08243, 08246–08248, 08250, 08252–08254, 08256, 08258–08259, 08262–08263, 08265
Status: Unutilized
Comments: 4784 sq. ft., 4 complex housing quarters, potential contaminants, off-site use only

Bldgs. 08283, 08285 Property Number: 21200410113
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 2240 sq. ft., 2 complex housing quarters, potential contaminants, off-site use only

15 Bldgs. Property Number: 21200410114

Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–0827
Location: 08267, 08269, 08271, 08273, 08275, 08277, 08279, 08290 08296, 08301
Status: Unutilized
Comments: 4784 sq. ft., 4 complex housing quarters, potential contaminants, off-site use only

Bldg. 09432 Property Number: 21200410115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 8724 sq. ft., 6-plex housing quarters, potential contaminants, off-site use only

Bldgs. 5006 and 5013 Property Number: 21200430064
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 192 sq. ft., needs repair, most recent use—generator bldg., off-site use only

Bldgs. 13210, 13710 Property Number: 21200430065
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 144 sq. ft. each, needs repair, most recent use—communication, off-site use only

Montana

Bldg. 00405 Property Number: 21200130099
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 3467 sq. ft., most recent use—storage, security limitations

Bldg. T0066 Property Number: 21200130100
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 528 sq. ft., needs rehab, presence of asbestos, security limitations

Nevada

25 Buildings Property Number: 21201330062
Hawthorne Army Depot
Hawthorne NV 89415
Location: 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424
Status: Unutilized
Comments: Off-site removal only; no future agency use; prior authorization; secured area; contact Army on a specific property & accessibility removal reqs.

00A99 Property Number: 21201330063
Hawthorne Army Depot
Hawthorne NV 89415
Status: Excess
Comments: 700 sf.; storage; 42 yrs. old; structural damage; asbestos & lead; prior authorization required; contact Army for info. on accessibility & removal reqs.

00A99 Property Number: 21201330065
Hawthorne Army Depot
Hawthorne Army Depot NV 89415
Status: Excess
Comments: 700 sf.; storage; 42 yrs. old; structural damage; asbestos & lead; prior authorization required; contact Army for info. on accessibility & removal reqs.

7 Building Property Number: 21201330068
Hawthorne Army Depot
Hawthorne NV 89415
Location: 00A18, 00A25, 00A42, 0A368, 0A671, 86BT4, 00375
Status: Unutilized
Comments: Sf. varies; asbestos & lead; secured area; prior authorization required; contact Army for more info. on a specific property listed and accessibility requirements.

New Jersey

7 Bldgs. Property Number: 21201210038
Picatinny Arsenal
Dover NJ 07806
Location: 75, 99, 281, 332, 614, 615, 623
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies, current use: varies; poor conditions-need repairs; contamination-needs remediation

4 Bldgs. Property Number: 21201220011
Picatinny Arsenal
Dover NJ 07806
Location: 1179, 1179A, 1179C, 1179D
Status: Unutilized
Comments: Off-site removal only; sf varies; usage varies; need repairs; contamination; remediation required; secured area; need prior approval to access property; contact Army for more details

4 Building Property Number: 21201240026
Route 15 North
Picatinny Arsenal NJ 07806
Location: 3701, 3702, 3706, 3709
Status: Unutilized
Comments: Off-site removal only, sq. varies, moderate conditions, restricted area; contact Army for information on accessibility removal and specific details on a particular property

Building 00063 Property Number: 21201310039
Picatinny Arsenal
Picatinny Arsenal NJ 07806
Status: Underutilized
Comments: Off-site removal only; 44,000 sf.; storage; very poor conditions; w/in secured area; contact Army for accessibility/removal requirements

Building 01186 Property Number: 21201310040
Pictinny Arsenal
Dover NJ 07806
Status: Unutilized
Comments: Off-site removal only; 192 sf.; storage; very poor conditions; w/in restricted area; contact Army for info. on accessibility/removal requirements

4 Buildings Property Number: 21201310041
Rt. 15 North
Picatinny Arsenal NJ 07806
Location: 03704, 03705, 03707, 03708
Status: Unutilized
Comments: Off-site removal only; 768 sf.; recreational billets; 12 mons. vacant; moderate; w/in secured area; contact Army for accessibility/removal requirements

Building 03703 Property Number: 21201310065
Rt. 15 North
Picatinny Arsenal NJ 07806
Status: Unutilized
Comments: Off-site removal only; 768 sf.; recreational billets; moderate conditions; secured military installation; contact Army for accessibility/removal reqs.

Building 03223 Property Number: 21201330046
Picatinny Arsenal
Dover NJ 07806–5000
Status: Unutilized
Comments: Off-site removal only; no future agency need; 312 sf.; 102 yrs.-old; poor conditions; secured area; contact Army for more info.

New York

Bldg.1227 Property Number: 21200440074
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Status: Unutilized
Comments: 3800 sq. ft., needs repair, possible asbestos/lead paint, most recent use—maintenance, off-site use only

Bldg. 2218 Property Number: 21200510067
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Status: Unutilized
Comments: 32,000 sq. ft., poor condition, requires major repairs, most recent use—storage/services

7 Bldgs. Property Number: 21200510068
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Location: 2122, 2124, 2126, 2128, 2106, 2108, 2104
Status: Unutilized
Comments: Sq. ft. varies, poor condition, needs major repairs, most recent use—storage/services

Bldg. 1230 Property Number: 21200940014
U.S. Army Garrison
Orange NY 10996
Status: Unutilized
Comments: 4538 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only

Bldg. 4802 Property Number: 21201010019
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 3300 sq. ft., most recent use—hdgts. facility, off-site use only

Bldgs. 4813 Property Number: 21201010020
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 750 sq. ft., most recent use—wash rack, off-site use only

Bldg. 4814 Property Number: 21201010021
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 2592 sq. ft., most recent use—item repair, off-site use only

Bldgs. 1240, 1255 Property Number: 21201010022
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: Various sq. ft., most recent use—vehicle maint. facility, off-site use only

6 Bldgs. Property Number: 21201010023

Fort Drum
Jefferson NY 13602
Location: 1248, 1250, 1276, 2361, 4816, 4817
Status: Unutilized
Comments: Various sq. ft., most recent use—storage, off-site use only

Bldg. 10791 Property Number: 21201010025
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 72 sq. ft., most recent use—smoking shelter, off-site use only

6 Bldgs. Property Number: 21201110049
Ft. Drum
Watertown NY 13602
Location: 01000, 01001, 01003, 01008, 01010, 01012
Status: Underutilized
Comments: Off-site removal only, multiple bldgs. w/varies sq., current use varies

21 Bldgs. Property Number: 21201140026
Ft. Drum
Ft. Drum NY 13602
Location: 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10288, 10289, 10290, 10291, 10503, 10504, 10505, 10506, 10590, 10591, 10592, 10593, 10594, 10595
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: concrete pad

Bldgs.02700 and 22630 Property Number: 21201210080
Fort Drum
Fort Drum NY 13602
Status: Underutilized
Comments: Off-site removal only; sf. varies; current use: varies; need repairs

Bldg. 1345 Property Number: 21201220030
Ft. Drum
Ft. Drum NY
Status: Underutilized
Comments: Off-site removal only; 7,219 sf.; vehicle maint. shop; extensive repairs needed; secured area; need prior approval to access property

5 Properties Property Number: 21201220031
Ft. Drum
Ft. Drum NY 13602
Location: BRG02, BRG19, BRG38, BRG62, BRG63
Status: Unutilized
Comments: Off-site removal only; sf varies; bridge; poor conditions; needs repairs; secured area; prior approval needed to access properties

Building 191 Property Number: 21201230005
First Street West
Ft. Drum NY 13602
Status: Unutilized
Comments: Off-site removal only; 5,922 sf.; use: Admin.; extensive structural damage; remediation required before occupying bldg.; secured area; contact Army to schedule appt. to access property

5 Buildings Property Number: 21201230006
Ft. Drum
Ft. Drum NY 13601
Location: 1454, 1456, 2443, 4890, 4893
Status: Unutilized
Comments: Off-site removal only; sf. varies; use; varies; extensive repairs needed due to age; secured area; contact Army re: details on accessing property

Building 1560 Property Number: 21201240024
Rte. 293
West Point NY 10996
Status: Unutilized
Comments: Off-site removal only, 4544 sf., storage severely damage from hurricane Irene, restricted area, contact Army on information on accessibility/removal

Building 2104 Property Number: 21201240030
West Point
West Point NY 10996
Status: Unutilized
Comments: Off-site removal only, 2,000 sf., office for red cross, good condition, restricted area, contact army on info. on accessibility/removal

4 Buildings Property Number: 21201240037
Ft. Drum
Ft. Drum NY 13602
Location: BRG28, 22374, 22354, 22254
Status: Unutilized
Comments: Off-site removal only, poor conditions, restricted area, contact Army for accessibility/removal & specific details on a property

3 Buildings Property Number: 21201240045
Ft. Drum
Ft. Drum NY 13602
Location: 2069, 2080, 21354
Status: Unutilized
Comments: Off-site removal only, sf. varies, moderate deterioration, restricted area, contact Navy for information on accessibility/removal & specific details on a particular property

2 Buildings Property Number: 21201320032
Wheeler-Sack Army Airfield
Ft. Drum NY 13602
Location: Bldgs. 2071 & 2075 each are 160 sf.
Status: Underutilized
Comments: No future use for properties; off-site removal only; poor conditions; secured area; contact Army re: accessibility/removal requirements

2 Buildings Property Number: 21201320033
Hanger Access Drive
Ft. Drum NY 13602
Location: Bldgs. 19711 & 19712 are each 3,024 sf.
Status: Underutilized
Comments: No future Army use; off-site removal only; fair/moderate conditions; secured area; contact Army re: accessibility/removal requirements

2 Buildings Property Number: 21201320034
Wheeler-Sack Army
Ft. Drum NY 13602
Location: Bldgs. 2908 & 2909 are each 11,809 sf.
Status: Unutilized
Comments: No future Army use; off-site removal only; poor conditions; secured area; contact Army re: accessibility/removal requirements

3 Buildings Property Number: 21201330011
Ft. Drum
Ft. Drum NY 13602
Location: 2150, 2190, 2360
Status: Underutilized
Comments: Off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army re a specific property & accessibility/removal reqs.

Building 2022 Property Number: 21201330020
Wheeler Sack Army Airfield
Ft. Drum NY 13602
Status: Unutilized
Comments: Off-site removal only; no future agency need; 115 sf.; communication ctr.; 12 months vacant; poor conditions; secure area; contact Army for accessibility/removal reqs.

North Carolina

Building 42843 Property Number: 21201240034
Ft. Bragg
Ft. Bragg NC 28310
Location: 42843
Status: Underutilized
Comments: Located in a secured area, public access is denied and no alternative method to gain access without compromising national security

Building D1209 Property Number: 21201330069
4285 Gruber Road
Ft. Bragg NC 28308
Status: Unutilized
Comments: 15,327 sf; 21 yrs. old; extensive repairs needed; secured area; extensive background check required; contact Army for accessibility requirements

D3039 Property Number: 21201330070
3912 Donovan Street
Ft. Bragg NC 28308
Status: Unutilized
Comments: 13,247 sf.; 42 yrs. old; dining facility; extensive repairs; extensive background check; secured area; contact Army for accessibility requirements

Ohio

125 Property Number: 21201230025
1155 Buckeye Rd.
Lima OH 45804
Location: Joint Systems Manufacturing Center
Status: Underutilized
Comments: Off-site removal only; 2,284 sf.; use: storage; poor conditions; asbestos identified; secured area; contact Army re: accessibility requirements

Oklahoma

Bldg. T–838, Fort Sill Property Number: 21199220609
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable)

Bldg. T–954, Fort Sill Property Number: 21199240659
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop

Bldg. T–3325, Fort Sill Property Number: 21199240681
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse

Bldg. T–4226 Property Number: 21199440384

Fort Sill
Lawton Co: Comanche OK 73503
Status: Unutilized
Comments: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015, Fort Sill Property Number: 21199520197
Lawton Co: Comanche OK 73501–5100
Status: Unutilized
Comments: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366, Fort Sill Property Number: 21199610740
Lawton Co: Comanche OK 73503
Status: Unutilized
Comments: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building P–5042 Property Number: 21199710066
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 119 sq. ft., possible asbestos and lead paint, most recent use—heat plant, off-site use only

4 Buildings Property Number: 21199710086
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Status: Unutilized
Comments: Various sq. ft., possible asbestos and lead paint, most recent use—range support, off-site use only

Bldg. T–810 Property Number: 21199730350
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839 Property Number: 21199730351
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, offsite use only

Bldg. P–934 Property Number: 21199730353
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1468, T–1469 Property Number: 21199730357
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470 Property Number: 21199730358
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022 Property Number: 21199730362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, offsite use only

Bldg. T–2184 Property Number: 21199730364
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2186, T–2188, T–2189 Property Number: 21199730366
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1656—3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187 Property Number: 21199730367
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296 Property Number: 21199730372
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006 Property Number: 21199730383
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: Approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3314 Property Number: 21199730385
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5041 Property Number: 21199730409
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5420 Property Number: 21199730414
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T–7775 Property Number: 21199730419
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

4 Bldgs. Property Number: 21199910133
Fort Sill
P–617, P–1114, P–1386, P–1608
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746 Property Number: 21199910135
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–2582 Property Number: 21199910141
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–2914 Property Number: 21199910146
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–5101 Property Number: 21199910153
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S–6430 Property Number: 21199910156
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461 Property Number: 21199910157
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462 Property Number: 21199910158
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230 Property Number: 21199910159
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–4023 Property Number: 21200010128
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–747 Property Number: 21200120120
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. P–842 Property Number: 21200120123
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–911 Property Number: 21200120124
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–1672 Property Number: 21200120126
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–2362 Property Number: 21200120127
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P–2589 Property Number: 21200120129
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 00937, 00957 Property Number: 21200710104
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1558 sq. ft., most recent use—storage shed off-site use only

Bldg.01514 Property Number: 21200710105
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1602 sq. ft., most recent use—storage, off-site use only

Bldg. 05685 Property Number: 21200820152
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 24,072 sq. ft., concrete block/w brick, off-site use only

Bldg. 07480 Property Number: 21200920002
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1200 sq. ft., most recent use—recreation, off-site use only

Bldgs. 01509, 01510 Property Number: 21200920060
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: Various sq. ft., most recent use—vehicle maint. shop, off-site use only

4 Bldgs. Property Number: 21200920061
Fort Sill
2591, 2593, 2595, 2604
Lawton OK 73501
Status: Unutilized
Comments: Various sq. ft., most recent use—classroom/admin, off-site use only

Bldg. 06456 Property Number: 21200930003
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 413 sq. ft. range support facility, off-site use only

Fort Sill (5 Bldgs.) Property Number: 21201110022
2583–87 Currie Road
Lawton Co: Comanche OK 73501–5100
Location: Bldgs.: 02583, 02584, 02585, 02586, 02587
Status: Unutilized
Comments: Off-site removal only, sq. ft. varies; current use varies

Fort Sill (5 Bldgs.) Property Number: 21201110023
Currie Road
Lawton Co: Comanche OK 73501–5100
Location: Bldgs. 02588, 02769, 02770, 02771, 02950
Status: Unutilized
Comments: Off-site removal only, sq. ft. varies; current use varied

Bldgs. 02990 & 05020 Property Number: 21201110024
Fort Sill
Lawton Co: Comanche OK 73501–5100
Status: Unutilized
Comments: Off-site removal only, bldg. 02990—3,715 sq. ft. and bldg. 05020—6,682 sq. ft.; current use fast food facility and storage

3 Bldgs. Property Number: 21201210089
Bateman Rd, Fort Sill
Lawton Co: Comanche OK 73501
Location: 1511, 1518, 1519
Status: Unutilized
Comments: Off-site removal only; various uses (dispatch bldgs. and admin/shop control)

6 Bldgs. Property Number: 21201210090
Currie Rd, Fort Sill
Lawton Co: Comanche OK 73501
Location: 2524, 2590, 2592, 2593, 2595, 2596
Status: Unutilized
Comments: Off-site removal only; various uses

4 Bldgs. Property Number: 21201210091
Ringgold Rd, Fort Sill
Lawton Co: Comanche OK 73501
Location: 2776, 2919, 2920, 2921
Status: Unutilized
Comments: Off-site removal only; various uses

9 Bldgs. Property Number: 21201210092
Fort Sill
Lawton Co: Comanche OK 73501
Location: 02914, 02924, 02927, 02930, 02936, 02952, 03685, 04702, 05485
Status: Unutilized
Comments: Off-site removal only; various uses

4 Buildings Property Number: 21201230052
Ft. Sill
Lawton OK 73501
Location: 2285, 3168, 2916, 2915
Status: Unutilized
Comments: Off-site removal only; sf. varies; use: varies; fair conditions; contact Army re: further details

20 Building Property Number: 21201240021
Ft. Sill
Ft. Sill OK 73503
Location: 3456, 3457, 3460, 3462, 3463, 3466, 467, 3468, 3470, 3472, 3473, 3476, 3477, 3479, 6009, 6010, 6012, 6014, 6015, 6018
Status: Unutilized
Comments: Off-site removal only, sf varies, fair conditions, contact Army for info on specific details on a particular property

29 Buildings Property Number: 21201240028
Ft. Sill
Ft. Sill OK 73503
Location: 1, 344, 2522, 2525, 2597, 2598, 2599, 2772, 2774, 2775, 2777, 3355, 3357, 3358, 3360, 3361, 3362, 3363, 3364, 3368, 3401, 3402, 3403, 3404, 3405, 3451, 3452, 3453, 3454
Status: Unutilized
Comments: Off-site removal only, sf. varies, fair conditions, contact Army for specific details for a particular property

Building 3356 Property Number: 21201240050
Burrill Rd.
Ft. Sill OK 73503
Status: Unutilized
Comments: Off-site removal only; 10,839 sf.; vech. maint. shop; 6 mons. vacant; moderate conditions

Building 2867 Property Number: 21201310007
Craig Rd.
Ft. Sill OK 73503
Status: Unutilized
Comments: Off-site removal only; 3,658 sf.; 6 mons. vacant; moderate conditions

Building 954 Property Number: 21201310008
Quinette Rd.
Ft. Sill OK 73503
Status: Unutilized
Comments: Off-site removal only; 3,571 sf.; Admin. General Purpose; 6 mons. vacant; moderate conditions

Building 341 Property Number: 21201310009
Randolph Rd.
Ft. Sill OK 73503
Status: Unutilized
Comments: Off-site removal only; 645 sf.; TNG AIDS CTR.; 6 mons. vacant; moderate conditions

39 Buildings Property Number: 21201330041
Fort Sill
Ft. Sill OK 73503
Location: 2870, 2871, 2872, 2873, 2874, 2875, 2951, 3001, 3004, 3005, 3006, 3551, 3352, 3353, 3354, 3407, 3408, 3409, 3481, 3482, 3486, 3487, 3488, 3489, 3494, 3495, 3496, 3498, 3601, 3602, 3608, 3609, 3622, 3623, 3624, 4702, 4900, 6700, 7803
Status: Unutilized
Comments: Off-site removal only; no future agency need; 6+ months vacant; sf. varies; contact Army for more info. on a specific property and removal reqs.

26 Buildings Property Number: 21201330055
Fort Sill
Fort Sill OK 93503
Location:
2596, 2597, 2774, 2838, 2839, 2840, 2841, 2843, 2844, 2847, 2850, 2851, 2853, 2854, 2855, 2856, 2858, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2868, 2869
Status: Unutilized
Comments: Off-site removal only; no future agency need; 6+ months vacant; sf. varies; contact Army for more info. on a specific property and removal requirements

Pennsylvania

Building 01015 Property Number: 21201320031
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Unutilized
Comments: Off-site removal only; 3,120 sf.; recruiting station; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Building 01001 Property Number: 21201320035
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Excess
Comments: Off-site removal only; 4,830 sf.; youth center/admin.; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Puerto Rico

3 Building Property Number: 21201240041
Ft. Buchanan
Guaynabo PR 00934
Location: 19, 234, 294
Status: Excess
Comments: Off-site removal only, sf. varies, deteriorated, restricted aria, contact Army for information on accessibility/removal, specific on a particular property

Building 293 Property Number: 21201240049
Crane Loop
Ft. Buchanan PR 00934
Status: Excess
Comments: Off-site removal only; 54 sf.; ready magazine; 24 mons. vacant; restricted area; deteriorated; contact Army for accessibility/removal requirements

34 Buildings Property Number: 21201310056
Ft. Buchanan
Ft. Buchanan PR 00934
Location: 01109, 01112, 0115, 01117, 01118, 01122, 01125, 01174, 01176, 01179, 01181, 01182, 01184, 01185, 01187, 01190, 01192, 01193, 01197, 01198, 01199, 01203, 01204, 01205, 01207, 01208, 01210, 01211, 01214, 01215, 01217, 01219, 01223, 01226
Status: Excess
Comments: Off-site removal only; sf. varies; residential; deteriorating; restricted area; contact Army for a property & accessibility/removal reqs.

5 Buildings Property Number: 21201330037
Ft. Buchanan
Guaynabo PR 00934
Location: 00141, 00551, 00558, 00570, 00579
Status: Excess
Comments: Off-site removal only; deteriorated; secured area; contact Army for info. on a specific property & accessibility removal reqs.

Tennessee

Building 2250 Property Number: 21201340001
Indiana Ave; Ft. Campbell
Ft. Campbell TN 42223
Location: originally published under 21200330094 as 'unsuitable'
Status: Unutilized
Comments: 2,500 sq. ft.; office; 36+ months vacant; poor conditions; need repairs; secured area; strict accessibility requirements; contact Army for more info.

Land

Parcel No. 1 Property Number: 21200920003
Fort Campbell
Tract No. 13M–3
Montgomery TN 42223
Status: Excess
Comments: 6.89 acres/thick vegetation

Parcel No. 2 Property Number: 21200920004
Fort Campbell
Tract Nos.12M–16B & 13M–3
Montgomery TN 42223
Status: Excess
Comments: 3.41 acres/wooded

Parcel No. 3 Property Number: 21200920005
Fort Campbell
Tract No. 12M–4
Montgomery TN 42223
Status: Excess
Comments: 6.56 acre/wooded

Parcel No. 4 Property Number: 21200920006
Fort Campbell
Tract Nos10M–22 &10M–23
Montgomery TN 42223
Status: Excess
Comments: 5.73 acres/wooded

Parcel No. 5 Property Number: 21200920007
Fort Campbell
Tract No. 10M–20
Montgomery TN 42223
Status: Excess
Comments: 3.86 acres/wooded

Parcel No. 7 Property Number: 21200920008
Fort Campbell
Tract No. 10M–10
Montgomery TN 42223
Status: Excess
Comments: 9.47 acres/wooded

Parcel No. 8 Property Number: 21200920009
Fort Campbell
Tract No. 8M–7
Montgomery TN 42223
Status: Excess
Comments: 15.13 acres/wooded

Parcel No. 6 Property Number: 21200940013
Fort Campbell
Hwy 79
Montgomery TN 42223
Status: Excess
Comments: 4.55 acres, wooded w/dirt road/ fire break

Texas

Building

Bldg. 7137, Fort Bliss Property Number: 21199640564
El Paso Co: El Paso TX 79916
Status: Unutilized
Comments: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 92043 Property Number: 21200020206
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044 Property Number: 21200020207
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045 Property Number: 21200020208
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 2108 sq. ft., most recent use—maint. off-site use only

Bldgs. P6220, P6222 Property Number: 21200330197
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldgs. P6224, P6226 Property Number: 21200330198
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldg. 92039 Property Number: 21200640101
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Excess
Comments: 80 sq. ft., most recent use—storage, off-site use only

Bldgs. 04281, 04283 Property Number: 21200720085
Fort Hood
Bell TX 76544
Status: Excess
Comments: 4000/8020 sq. ft., most recent use—storage shed off-site use only

Bldg. 04285 Property Number: 21200720087
Fort Hood
Bell TX 76544
Status: Excess
Comments: 8000 sq. ft., most recent use—storage shed off-site use only

Bldg. 04286 Property Number: 21200720088
Fort Hood
Bell TX 76544
Status: Excess
Comments: 36,000 sq. ft., presence of asbestos, most recent use—storage shed off-site use only

Bldg. 04291 Property Number: 21200720089
Fort Hood
Bell TX 76544
Status: Excess
Comments: 6400 sq. ft., presence of asbestos, most recent use—storage shed off-site use only

Bldg. 4410 Property Number: 21200720090
Fort Hood
Bell TX 76544
Status: Excess
Comments: 12,956 sq. ft., presence of asbestos, most recent use—simulation center, off-site use only

Bldgs. 10031, 10032, 10033 Property Number: 21200720091
Fort Hood
Bell TX 76544
Status: Excess
Comments: 2578/3383 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 56435 Property Number: 21200720093
Fort Hood
Bell TX 76544
Status: Excess
Comments: 3441 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 05708 Property Number: 21200720094
Fort Hood
Bell TX 76544
Status: Excess
Comments: 1344 sq. ft., most recent use—community center, off-site use only

Bldg. 93013 Property Number: 21200720099
Fort Hood
Bell TX 76544
Status: Excess
Comments: 800 sq. ft., most recent use—club, off-site use only

4 Bldgs. Property Number: 21200810048
Fort Hood
Bell TX 76544
Location: 00229, 00230, 00231, 00232
Status: Unutilized
Comments: various sq. ft., presence of asbestos, most recent use—training aids center, off-site use only

Bldg. 00324 Property Number: 21200810049
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 13,319 sq. ft., most recent use—roller skating rink, off-site use only

Bldgs. 00710, 00739, 00741 Property Number: 21200810050
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: various sq. ft., presence of asbestos, most recent use—repair shop, off-site use only

Bldg. 00713 Property Number: 21200810052
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—hdqts. bldg., off-site use only

Bldgs. 1938, 04229 Property Number: 21200810053
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 2736/9000 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldgs. 02218, 02220 Property Number: 21200810054
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 7289/1456 sq. ft., presence of asbestos, most recent use—museum, off-site use only

Bldg. 0350 Property Number: 21200810055
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 28,290 sq. ft., presence of asbestos, most recent use—veh. maint. shop, off-site use only

Bldg. 04449 Property Number: 21200810056
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3822 sq. ft., most recent use—police station, off-site use only

Bldg. 91077 Property Number: 21200810057
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—educational facility, off-site use only

Bldg. 57005 Property Number: 21200840073
Fort Hood
Bell TX 76544
Status: Excess
Comments: 500 sq. ft., presence of asbestos, most recent use—water supply/treatment, off-site use only

B–42 Property Number: 21201210007
Fort Hood
Ft. Hood TX 76544
Status: Excess
Comments: Off-site removal only; 893 sq. ft.; current use: storage; asbestos identified

B–2319 Property Number: 21201210010
Fort Hood
Ft. Hood TX 76544
Status: Unutilized
Comments: Off-site removal only; 1,339 sq. ft.; current use: exchange cafe; asbestos identified

B–4237 Property Number: 21201210011
Fort Hood
Ft. Hood TX 76544
Status: Unutilized
Comments: Off-site removal only; 7,840 sq. ft.; current use: storage; asbestos identified

2 Bldgs. Property Number: 21201210012
Fort Hood
Ft. Hood TX 76544
Location: 4238, 4239
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; asbestos identified

6 Bldgs. Property Number: 21201210013
Fort Hood
Ft. Hood TX 76544
Location: 4240, 4241, 4253, 4254, 4271, 4444
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies; asbestos identified

2 Bldgs. Property Number: 21201210014
Fort Hood
Ft. Hood TX 76544
Location: 5652, 56272
Status: Unutilized
Comments: Off-site removal only; sq. ft. varies; current use: varies

4 Bldgs. Property Number: 21201210015
Fort Hood
Ft. Hood TX 76544
Location: 4428, 4437, 4452, 56423
Status: Unutilized
Comments: Off-site removal; sq. ft. varies; current use: varies; asbestos identified

B–1301 Property Number: 21201220001
Ft. Bliss
Ft. Bliss TX 79916
Status: Underutilized
Comments: Off-site removal only; 18,739 sf.; current use: thrift shop; poor conditions; need repairs

Bldg. 7194 Property Number: 21201220002
Ft. Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: Off-site removal only; 2,125 sf.; current use: housing; poor conditions—need repairs; asbestos & lead identified; need remediation

2 Buildings Property Number: 21201230012
West Ft. Hood
Ft. Hood TX 76544
Location: 90047 & 92080
Status: Excess
Comments: Off-site removal only; 1,680 sf. (90047); 1,059 sf. (92080); restricted military installation; contact Army re: accessibility

6 Buildings Property Number: 21201230057
Ft. Hood
Ft. Hood TX 76544
Location: 9541, 4478, 9511, 41003, 41002, 70005
Status: Excess
Comments: Off-site removal only; need repairs; asbestos identified in some bldgs.; restricted area; prior permission to access & relocate; contact Army for details on specific bldgs.

Building 11142 Property Number: 21201240009
SSG Sims Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: Off-site removal only; 12,644 sf.; mess hall; poor conditions; limited public access; contact Army for info. on accessibility/removal

Building 6951 Property Number: 21201240010
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: Off-site removal only; 288 sf.; utility bldg.; poor conditions; limited public access; contact Army for info. on accessibility/removal

Building 6942 Property Number: 21201240011
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: Off-site removal only; 1,059 sf.; storage; poor conditions; limited public access; contact Army for info. on accessibility/removal

Bldg. 2432 Property Number: 21201240013
Carrington Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: Off-site removal only; 180 sf.; dispatch bldg.; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal

Building 50 Property Number: 21201240014
50 Slater Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: Off-site removal only; 9,900 sf.; office; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal

2 Building Property Number: 21201240044
Ft. Hood
Ft. Hood TX 76544
Location: 706, 4286
Status: Excess
Comments: Off-site removal only, sf. varies, fair conditions, asbestos, restricted area, contact Army for accessibility/removal & specific details on a property

6 Buildings Property Number: 21201310044

Ft. Hood
Ft. Hood TX 76544
Location: 4209, 4490, 4479, 4402, 4214, 4401
Status: Excess
Comments: Off-site removal only; sf. varies; right of entry restricted; contact Army for info. on a specific property & accessibility/removal requirements

7 Buildings Property Number: 21201330004
Fort Hood
Fort Hood TX 96544
Location: 40066, 40067, 40068, 40069, 40070, 40071, 92070
Status: Excess
Comments: Off-site removal only; sf. varies; contamination; secured area; contact Army for info on a specific property & accessibility/removal requirements

2 Building Property Number: 21201330029
Fort Bliss
Fort Bliss TX 79916
Location: 05015 (22,915 sf.); 05019 (23,495 sf.)
Status: Unutilized
Comments: Off-site removal only; no future agency need; poor conditions; 6+months vacant; contact Army for info. on accessibility; removal reqs.

Building 00925 Property Number: 21201330042
Red River Army Depot
Texarkana TX 75507–5000
Status: Excess
Comments: Off-site removal only; 266 sf.; 51 yrs. old deteriorated; secured area; contact Army for more info. on accessibility removal reqs.

Building 00959 Property Number: 21201330043
Red River Army Depot
Texarkana TX 75507–5000
Status: Excess
Comments: Off-site removal only; 400 sf.; break room; 36 yrs.-old; deteriorated; secured area; contact Army for more info.

Building 00960 Property Number: 21201330048
100 James Carlow Drive
Texarkana TX 75507–5000
Status: Excess
Comments: Off-site removal only; 160 sf.; 36 yrs.-old; deteriorated; asbestos; secured area; contact Army for more info.

Building 40072 Property Number: 21201330057
Metorpool Rd.
Fort Hood TX 76544
Status: Excess
Comments: Off-site removal; 1,943 sf., health clinic; asbestos; 12+months vacant; fair/moderate conditions; restricted area; contact Army for accessibility/removal reqs.

Land

1 acre Property Number: 21200440075
Fort Sam Houston
San Antonio Co: Bexar TX 78234
Status: Excess
Comments: 1 acre, grassy area

Utah

Building

Building 00118 Property Number: 21201310002
1 Tooele Army Depot
Tooele UT 84074
Location: Previously reported under HUD property number 21200740163
Status: Underutilized
Comments: Off-site removal only; 6,136 sf.; 4 mons. vacant; barracks; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00155 Property Number: 21201310003
1 Tooele Army Depot
Tooele UT 84074
Location: Previously reported under HUD property number 21200740165
Status: Underutilized
Comments: Off-site removal only; 8,960 sf.; bowling ctr.; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00030 Property Number: 21201310067
Tooele Army Depot
Tooele UT 84074
Status: Underutilized
Comments: Off-site removal only; playground; disassembly required; minor restoration needed; restricted area; contact Army for accessibility/removal reqs.

Building 01322 Property Number: 21201330047
1 Tooele Army Depot
Tooele UT 84074
Status: Unutilized
Comments: Off-site removal only; no future agency need; 53 sf.; 26+ months vacant; access control facility; poor conditions; secured area; contact Army for more info. on accessibility removal reqs.

Virginia

Fort Story Property Number: 21200720065
Ft. Story VA 23459
Status: Unutilized
Comments: 525 sq. ft., most recent use—power plant, off-site use only

8 Bldgs. Property Number: 21201220004
Ft. Belvoir
Ft. Belvoir VA 22060
Location: 808, 1150, 1197, 2303, 2903, 2905, 2907, 3137
Status: Excess
Comments: Off-site removal only; sf. varies; usage varies; good to poor conditions; may require repairs; contact Army for more details on specific properties

9 Buildings Property Number: 21201240003
Ft. Belvoir
Ft. Belvoir VA 22060
Location: 358, 361, 1140, 1141, 1142, 1143, 1498, 1499, 2302
Status: Unutilized
Comments: Off-site removal only; sf. varies; Admin.; fair conditions; located in restricted area; contact Army for info. on accessibility/removal & specific info. on a property

Building 3327 Property Number: 21201320008
1410 Byrd St.
Ft. Lee VA 23801
Status: Excess
Comments: Off-site removal only; 10,800 sf.; repairs needed; contamination; secured area; contact Army for more info.

Building 3325 Property Number: 21201320009
Byrd St. btw. 13th & 16th Sts.
Ft. Lee VA 23801
Status: Excess
Comments: Off-site removal only; 5,829 sf.; repairs needed; contamination; secured; contact Army for more info.

Building 3324 Property Number: 21201320010
Byrd St. btw. 13th & 16th Sts.
Ft. Lee VA 23801
Status: Excess
Comments: Off-site removal only; 5,092 sf.; repairs needed; secured area; contact Army for more info.

Building 3206 Property Number: 21201320011
Corner of Adams Ave. & 13th St.
Ft. Lee VA 23801
Status: Excess
Comments: Off-site removal only; 55,979 sf.; repairs needed; secured area; contamination; contact Army for more info.

Building 3108 Property Number: 21201320012
Corner of Adam & 13th St.
Ft. Lee VA 23801
Status: Excess
Comments: Off-site removal only; 51,718 sf.; repairs needed; secured area; contamination; contact Army for more info.

Building 3701 Property Number: 21201320013
16th & Byrd St.
Ft. Lee VA 23801
Status: Excess
Comments: Off-site removal only; 40,920 sf.; repairs needed; secured area; contact Army for more info.

Washington

Bldg. U001C Property Number: 21199920238
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, offsite use only

Bldg. U018C Property Number: 21199920248
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U039B Property Number: 21199920260
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only

Bldg. U039C Property Number: 21199920261
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. U115A Property Number: 21199920275
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess

Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, offsite use only

Bldg. U507A Property Number: 21199920276
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. C0120 Property Number: 21199920281
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. 1445 Property Number: 21199920294
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldg. 03099 Property Number: 21199920296
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: 03091 is demo
Status: Excess
Comments: Various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 4040 Property Number: 21199920298
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, offsite use only

Bldg. 6191 Property Number: 21199920303
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldg. 08076 Property Number: 21199920304
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: 08080 is demo
Status: Excess
Comments: 3660/412 sq.ft. needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 8956 Property Number: 21199920308
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

4 Bldgs. Property Number: 21201210087
Joint Base Louis McCord
Lewis-McCord Co: Pierce WA 98433
Location: J0053, 00794, 09791, 09989
Status: Unutilized
Comments: Off-site removal only; sf varies; current use: varies; need repairs

7903 Property Number: 21201230023
Plant Rd.
JBLM WA 98433
Status: Unutilized
Comments: 169 sf.; use: access control facility; extensive repairs needed; secured area; contact Army re: accessibility requirements

E1302 & R7610 Property Number: 21201230028
JBLM
JBLM WA 98433
Status: Unutilized
Comments: 80 sf. (E1302); 503 sf. (R7610); use: varies; major repairs needed; secured area; contact Army re: accessibility requirements

COE

Arkansas

DeQueen Lake 44348 Property Number: 31201320010
706 DeQueen Lake Road
DeQueen AR 71832
Status: Excess
Comments: Off-site removal only; 260 sf.; public shelter; very poor conditions

Beaver Reservoir Operational Property Number: 31201330006
Facility
2256/2258 N. 2nd Street
Rogers AR 72756
Location: 2256 (1,750 sq. ft.); 2258 (1,430 sq. ft.)
Status: Unutilized
Comments: Off-site removal only; no future agency use; residential; fair conditions; contact COE for more info.

California

Valley Resident Office Property Number: 31201310008
2021 Jefferson Blvd.
W. Sacramento CA 95691
Status: Unutilized
Comments: 3,840 sf.; 9 mons. vacant; poor conditions; restricted area; transferee will need an escort to access property

Colorado

John Martin Project Office Property Number: 31201330001
29955 County Rd.
Hasty CO 81044
Status: Unutilized
Comments: Off-site removal only; no future agency need; 17 yrs.-old; comfort station; 13′3″x0′x13′3″

John Martin Project Office Property Number: 31201330002
29955 County Rd.
Hasty CO 81044
Status: Unutilized
Comments: Off-site removal only; no future agency use; 62 yrs. old; 21′ × 0′ × 23′ for each

John Martin Project Office Property Number: 31201330003
29955 County Rd.
Hasty CO 81044
Status: Unutilized
Comments: Off-site removal only; no future agency use; 33 yrs. old; vault-type comfort station; 75″ × 75″ × 75″

Florida

Land

Two Residential Zoned Lots Property Number: 31201330004
4017 7th St. SW
Lehigh Acres FL 33976
Status: Unutilized
Comments: .05 acres lots; contact COE for more info.

Georgia

Building #CSS1 Property Number: 31201320007
5625 Anderson Hwy
Hartwell GA 30643
Status: Unutilized
Comments: Off-site removal only; 351.99 sf.; poor conditions

Iowa

Storage Shed Property Number: 31201320015
Prairie Ridge Park
Rathbun Lake
Mystic IA 52574
Status: Unutilized
Comments: Off-site removal only; 80 sf; one plus months vacant; deteriorated

Storage Shed Property Number: 31201320016
Rolling Cove Park
Mystic IA 52574
Status: Unutilized
Comments: Off-site removal only; 80 sf; one plus months vacant

Bridge View Park Property Number: 31201320017
Mystic IA 52594
Status: Unutilized
Comments: Off-site removal only; 80 sf; one plus months vacant; deteriorated

Storage Shed Property Number: 31201320018
Buck Breek Area
Mystic IA 52594
Status: Unutilized
Comments: Off-site removal only; 80 sf; one plus months vacant; deteriorated

Kansas

Sun Dance Park Property Number: 31201220011
31051 Melvern Lake Pkwy
Melvern KS 66510
Status: Underutilized
Comments: 133 sf.; bathroom; poor to fair conditions; fairly significant deterioration on interior wood frame in several places

Building 81002 Property Number: 31201310001
Turkey Point Park
Osage City KS
Status: Unutilized
Comments: 89 sf.; park office; 7 mons. vacant; deteriorated

Wilson Lake Property Number: 31201310002
4860 Outlet Blvd.
Sylvan Grove KS 67481
Status: Unutilized
Comments: 280 sf.; park shower bldg.; 48 mons. vacant; deteriorated

Marion Reservoir Property Number: 31201320002
2105 N Pawnee
Marion KS 66861
Location: 43407, 43408, 43414, 43415, 43354
Status: Unutilized
Comments: Off-site removal; sf varies. extremely poor conditions due to age & exposure to weather elements; contact COE for more information

Council Grove Lake Property Number: 31201320012
945 Lake Road

Council Grove KS 66846
Location: 44628, 44651, 44652, 44576, 44577, 44620, 44623, 44639, 44640, 44634, 44624, 44688, 44689, 44691, 44614, 44616
Status: Unutilized
Comments: Off-site removal only; size varies, moderate conditions; restricted access; contact COE for more information

Missouri

W. Hwy Vault Toilet Property Number: 31201220004
U.S. Army COE
Smithville MO 64089
Status: Underutilized
Comments: Available for off-site removal; 100 sf.; current use: toilet; need extensive repairs

St. Louis District Property Number: 31201220014
Wappapello Lake Project Office
Wappapello MO 63966
Status: Unutilized
Comments: 376.69 sf.; comfort station; significant structural issues; need repairs

New Mexico

Abiquiu Lake Project Office Property Number: 31201240004
USACE
Abiquiu NM
Status: Unutilized
Comments: Off-site removal only; 165 sf.; vault-type comfort station; repairs needed

North Carolina

Well House Property Number: 31201240002
Property ID # BEJ–17942
B.E. Jordon Dam& Lake NC
Status: Unutilized
Comments: Vacant; poor conditions; need repairs

SAC COO–16888 Property Number: 31201330011
Jeffries Plant SC Serv.
Authority Cooper River
Wake NC 27589
Status: Unutilized
Comments: Off-site removal only; no future agency need; 2,257 sq. st.; vacant; 28 yrs.-old; poor structural condition

SAS FAL–15916 Property Number: 31201330012
Hartwell Lake & Dam
Wake NC 27587
Status: Unutilized
Comments: Off-site removal only; no future agency need; 36 sq. ft.; vacant; 34+ yrs.-old; poor structural

Oklahoma

Robert S. Kerr Lake Property Number: 31201220005
HC 61 Box 238
Sallisaw OK 74955
Status: Unutilized
Comments: Off-site removal only; 704 sf.; current use: bathroom; needs repairs

5 Buildings Property Number: 31201230002
RS Kerr Lake
Sallisaw OK 74955
Location: 42863, 42857, 42858, 42859, 42860
Status: Underutilized
Comments: Off-site removal only; 264 sf.; use: vault toilet; excessive vegetation; severe damage from vandals

Oologah Lake Property Number: 31201240003
Spencer Creek
Oologah OK 74053
Status: Underutilized
Comments: Off-site removal only; 576 sf.; picnic shelter; repairs needed

Pine Creek Lake Office Compound Property Number: 31201320001
Rt. 1, Box 400
Valliant OK 74764
Status: Unutilized
Comments: Off-site removal only; 12sf; storage flammable materials, poor conditions

Eufaula Lake Property Number: 31201320003
102 E BK 200 Rd.
Stigler OK 74462
Location: 44147, 44152, 44268
Status: Unutilized
Comments: Off-site removal only; sf varies, poor conditions; contact COE for more information

Keystone Lake Property Number: 31201320011
23115 West Wekiwa Road
Sand Springs OK 74063
Location: 43568, 43451, 43452, 43567
Status: Unutilized
Comments: Off-site removal only; sf. varies. poor conditions; contact COE for more information

Eufaula Lake Office Property Number: 31201320014
102 E BL 200 Road
Stigler OK 74462
Status: Unutilized
Comments: Off-site removal only; 24 sf; water well; poor conditions

Land

Keystone Lake Property Number: 31201220007
USACE Tract No. 2424
Keystone OK
Status: Excess
Comments: .013 acres; current use: civil works land; contact COE for further conditions

Ft. Gibson Lake Property Number: 31201310009
Ft. Gibson
Wagoner OK
Location: Tract 1240
Status: Unutilized
Comments: 0.0329 acres; recreation; poor conditions

South Carolina

Building

Observation Tower Property Number: 31201310004
J. Storm Thurmond Lake & Dam
Clarks Hill SC 29821
Status: Unutilized
Comments: 64 sf.; poor conditions; vacant

Texas

Pat Mayse Lake Property Number: 31201320004
12 mi North of Paris
Powderly TX 75473
Location: 43008, 43007, 43004
Status: Unutilized
Comments: Off-site removal; sf. varies; poor conditions, contact COE for more information

Water Well House Property Number: 31201320008
3800 Comanche Gap Road
Harker Heights TX 76548
Status: Unutilized
Comments: Off-site removal only; 36 sf. (est.); poor conditions

Water Well House (BN–26674) Property Number: 31201320009
6509 Owl Creek Park Rd.
Temple TX 76502
Status: Unutilized
Comments: Off-site removal only; 36 sf (est.); poor conditions

Pat Mayse Lake Property Number: 31201320013
12 mi North of Paris
Powderly TX 75473
Status: Unutilized
Comments: Off-site removal only; support bldg. for radio tower commun; fair conditions; contact Pat Mayse personnel for escort access

Lake Texoma Property Number: 31201320019
351 Corps Road
Denison TX 75020
Location: 58096, 58023
Status: Unutilized
Comments: Off-site removal only; poor conditions; contact COE for more info.

Plowman Creek Park Property Number: 31201330007
Whitney Lake Project
Kopperl TX 76634
Location: WH–27966
Status: Unutilized
Comments: Off-site removal only; no future agency need; 50+ yrs.-old; 30 sq. ft.; water well; secured area, contact COE for more info.

Navarro Mills Lake Property Number: 31201330008
1225 FM 669
Purdon TX 76679
Status: Underutilized
Comments: Off-site removal only; no future agency need; 624 sq. ft.; 30+ yrs. old; restroom; secured area; contact COE for more info.

Steele Creek Park Property Number: 31201330009
Whitney Lake Project
Morgan TX 76671
Location: WH–27961
Status: Unutilized
Comments: Off-site removal only; 30 sq. ft.; 50+ yrs.-old; water well; secured area; contact COE for more info.

Steele Creek Park Property Number: 31201330010
Whitney Lake Project
Morgan TX 76671
Location: WH–27960
Status: Unutilized
Comments: Off-site removal only; no future agency need; 30 sq. ft.; water well; contact COE for more info.

WH–27960 Property Number: 31201330013
Steele Creek Park at Whitney Lake
Morgan TX 76671
Status: Unutilized

Comments: Off-site removal only; 30 sq. ft.; water well; 50+ yrs. old; repairs needed secured area; contact COE for more info.

Virginia

Vault Toilet Property Number: 31201310005
1930 Mays Chapel Rd.
Mecklenburg VA 23917
Location: JHK–26740
Status: Unutilized
Comments: Off-site removal only; 25.02 sf.; vacant; poor conditions

Vault Toilet Property Number: 31201310006
1930 Mays Chapel Rd.
Mecklenburg VA 23917
Location: JHK–26741
Status: Unutilized
Comments: Off-site removal only; 25.02 sf.; vacant; poor conditions

Vault Toilet Property Number: 31201310007
1930 Mays Chapel Rd.
Mecklenburg VA 23917
Location: JHK–26739
Status: Unutilized
Comments: Off-site removal only; 25.05 sf.; vacant; poor conditions

Washington

Residence, Central Ferry Park Property Number: 31201220008
1001 Little Goose Dam Rd.
Dayton WA 99328
Status: Unutilized
Comments: Off-site removal only; 1,500 sf.; residence; good conditions; an access easement is required through a real estate instrument

Restroom, Illia Dunes Property Number: 31201220013
1001 Little Goose Dam Rd.
Dayton WA 99328
Status: Unutilized
Comments: Off-site removal only; 220 sf.; restroom

Mill Creek Project Office Property Number: 31201310003
3211 Reservoir Rd.
Walla Walla WA 99362
Status: Unutilized
Comments: Off-site removal only; less than 900 sf.; office; moderate conditions; asbestos & lead base paint

Coast Guard

Massachusetts

24 Buildings Property Number: 88201310002
USCG Air Station Cape Cod
Bourne MA 02542
Location: 5649, 5643, 5664, 5652, 5319, 5327, 5331, 5332, 5338, 5362, 5363, 5365, 5373, 5391, 5654, 5659, 5677, 5673, 5688, 5691, 5694, 5695, 5423, 5375
Status: Excess
Comments: Off-site removal only; sf. varies; use varies; poor conditions; w/in restricted area; contact Coast Guard for info. on a specific property & accessibility/removal requirements

Generator Bldg. Property Number: 88201310003
North Reservation Terrace
Plum Island MA 01950
Status: Excess
Comments: Off-site removal; 144 sf.; very poor conditions; restricted area; contact Coast Guard for accessibility/removal reqs.

Tower Storage Bldg. Property Number: 88201310004
Miacomet
Nantucket MA 02554
Status: Excess
Comments: Off-site removal only; 600 sf.; very poor conditions; restricted area; contact Coast Guard for accessibility/removal reqs.

Tower Storage Bldg. Property Number: 88201310005
900 Ferry St.
Marshfield MA 02050
Status: Excess
Comments: Off-site removal only; 300 sf.; very poor conditions; restricted area; contact Coast Guard for accessibility/removal reqs.

7 Buildings Property Number: 88201320004
Lyra Drive
S. Weymouth MA 02190
Location: 213, 214, 216, 217, 218, 219, 220
Status: Excess
Comments: Off-site removal only; sf. varies; housing; poor conditions; contact Coast Guard for more info. on a specific property & accessibility/removal requirements

12 Buildings Property Number: 88201340004
USCG Air Station Cape Cod
Bourne MA 02542
Location: 5645 (4,984 sq. ft.); 5602 (4,179 sq. ft.); 5601 (6,269 sq. ft.); 5443 (4,984 sq. ft.); 5441 (4,984 sq. ft.); 5425 (4,984 sq. ft.); 5415 (4,984 sq. ft.); 5413 (4,984 sq. ft.); 5364 (4,984 sq. ft.); 5331 (2,476 sq. ft.); 5317 (4,984 sq. ft.); 5316 (4,984 sq.)
Status: Excess
Comments: Off-site removal only; major repairs needed; units vacant; secured area; contact Coast Guard for more info. on a specific property & accessibility reqs.

New York

Housing Units Property Number: 88201310008
424 USS North Carolina Rd.
Staten Island NY 10305
Status: Excess
Comments: Off-site removal only; 16,638 sf.; housing; very poor conditions; secured area; contact Coast Guard for accessibility/removal reqs.

Housing Units Property Number: 88201320005
441 USS Missouri Ln.
Staten Island NY 10305
Status: Excess
Comments: Off-site removal only; 11,071 sf; housing; repairs a must; secured area; contact Coast Guard for more information

Housing Units Property Number: 88201320006
Bldg. 449 USS Florida Court, Ft. Wadsworth
Staten Island NY 10305
Status: Excess
Comments: Off-site removal only; 3,546 sf.; housing; extensive mold; flood damage; secured area; contact Coast Guard for more info.

Housing Units Property Number: 88201340002
USCG Ft. Wadsworth Hsg. Site
Staten Island NY 10305
Location: 444 (15,786 sq. ft.); 439 (15,661 sq. ft.); 443 (14,400 sq. ft.); 453 (11,480 sq. ft.)
Status: Excess
Comments: Off-site removal only; sq. ft. varies (see above); deteriorated; secured area; contact Coast Guard for more info. re: accessibility & info. on a specific property

Energy

California

7 Buildings Property Number: 41201310002
Lawrence Berkeley Lab
Berkeley CA 94720
Location: 4, 7, 7–C, 14, 16, 16–A, 5
Status: Excess
Comments: Sf. varies; office; deteriorated; contamination; remediation needed; restricted are; contact Energy for info. on a specific property & accessibility

Illinois

Site 50, Building A Property Number: 41201340002
Fermi National Accelerator Laboratory
8944
Batavia IL 60510
Status: Excess
Comments: Off-site removal only; 367 sq. ft.; storage; 108 years old; secured area; contact Energy for more information

37 Shabbona Material Dev. Lab Property Number: 41201340003
Fermi National Accelerator Lab
37
Batavia IL 60510
Status: Excess
Comments: Off-site removal only; 1,097 sq. ft.; office; 44 yrs.-old; secured area; contact Energy for more info.

37a Shabbona-Component Storage Property Number: 41201340004
Fermi National Accelerator Laboratory
37A
Batavia IL 60510
Status: Excess
Comments: Off-site removal only; 2,079 sq. ft.; storage; 44 years old; secured area; contact Energy for more information

Site 50 Barn Property Number: 41201340005
Fermi National Accelerator Lab
8943
Fermilab IL 60510
Status: Excess
Comments: Off-site removal only; 2,952 sq. ft.; storage; 108 yrs.-old; secured area; contact Energy for more info.

33 Blackhark—Lab 8 House Property Number: 41201340006
Fermi National Accelerator Laboratory
33
Batavia IL 60510
Status: Excess
Comments: Off-site removal only; 1,092 sq. ft.; office; 50 years old; secured area; contact Energy for more information

Building 123
31a Blackhawk—Lab 8 North Property Number: 41201340007
Fermi National Accelerator Laboratory
Batavia IL 60510
Status: Excess
Comments: Off-site removal only; 1,650 sq. ft.; office; 43 years old; secured area; contact Energy for more information

31 Blackhawk—Lab 8 House Property Number: 41201340009
Fermi National Accelerator Laboratory
31

Batavia IL 60510
Status: Excess
Comments: Off-site removal only; 1,092 sq. ft.; office; 50 years old; secured area; contact Energy for more information

GSA

Alabama

Land

(Former) Huntsville Property Number: 54201340008
International Airport (HSV) Outer Market
1390 Browns Ferry Road
Madison AL 35758
Status: Excess
Comments: 0.6 acres; outer marker; property can be accessed from Browns Ferry Road; contact GSA for more information
GSA Number: 4–U–AL–0787AA

California

Building

Los Banos Field Office Property Number: 54201340006
745 West J Street
Los Banos CA 93635
Location: (Landholding-Agric.; Disposal & GSA) 2 Bldgs. 5,375 sq.; bldgs. sits on 0.41 acres
Status: Surplus
Comments: Significant fire damage to Admin. bldg.; bathroom; major repairs required; contamination; asbestos; contact GSA for more info.
GSA Number: 9–I–CA–0450–AC–3

Land

Delano Transmitting Station Property Number: 54201330005
1105 Melcher Rd.
Delano CA 93215
Location: Landholding Agency: Broadcasting Board of Governors Disposal Agency: GSA
Status: Excess
Comments: 800 acres; mostly land and some bldgs.; unavailable due to Federal interest; transmitting station; vacant since 2007; access can be gain by appt. only; contact GSA for more info.
GSA Number: 9–X–CA–1671

New York

Building

GSA
Former TSG Harold Lockwood US Property Number: 54201340007
Army Reserves Center
111 Finney Boulevard
Malone NY 12953
Status: Excess
Comments: 29960 sq. ft.: office/administrative/garage; sits on 4.82+/−acres; age 1961–1983; entry by appointment with USAR/GSA; asbestos and lead based paint; contact GSA for more information
GSA Number: 1–D–NY–0966–AA

Washington

Former Seattle Branch of the Property Number: 54201340001
Federal Reserve Bank
1015 Second Ave.
Seattle WA 98104
Location: Previously reported as suitable/unavailable under 54201220007
Status: Excess
Comments: 85,873 sq. ft.; 67+ months vacant; extensive repairs/remediation needed to occupy; asbestos/lead; historic property; any renov. will need prior approval; contact GSA for more info.
GSA Number: 9–G–WA–1259

Wisconsin

Land

TACAN Annex Property Number: 54201320005
6400 Block of Lake Rd.
Windsor WI 53598
Status: Excess
Comments: 1 acre; moderate conditions
GSA Number: 1–D–WI–611

Interior

Arizona

Old Ehrenberg Office Property Number: 61201340009
49354 Ehrenberg-Poston Hwy.
Ehrenberg AZ
Status: Unutilized
Comments: Off-site removal only; no future agency need; 800 sq. ft.; office; significant water damage; repairs a must; asbestos/lead; contact Interior for more info.

California

Siphon Drop Caretaker's Reside Property Number: 61201340010
(RPUI #00350000600B)
Yuma Main Canal
Winterhaven CA
Status: Unutilized
Comments: Off-site removal only; no future agency USE; 1,014 sq. ft.; 108+ months vacant; extensive termite damage; asbestos; mold, lead; escort required; contact Interior for more info.

NASA

Texas

Building

Building 41 Property Number: 71201310003
2101 NASA Parkway
Houston TX 77058
Status: Unutilized
Comments: 671 sf.; office/shop; deteriorated conditions; remediation needed; restricted access; stringent accessibility reqs.; contact Sandra J. Tetley at *sandra.j.tetley@nasa.gov* for more info.

Navy

California

Building 1811 Property Number: 77201330008
Marine Corps Air Ground
Task Force Trng.
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal only; 5,050 sf.; storage; 59 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Building 5175 Property Number: 77201330009
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal only; 1,200 sf.; storage; 14 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Building 1303 Property Number: 77201330010
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal only; 4,040 sf.; storage; 49 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Building 1301 Property Number: 77201330011
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site moral only; 4,040 sf.; storage; 49 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

Building 1305 Property Number: 77201330012
Marine Corps Air Ground
Combat Ctr.
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal only; 4,040 sf.; storage; 49 yrs.-old; very poor conditions; secured area; contact Navy for accessibility and removal requirements

4 Buildings Property Number: 77201330030
Marine Corps Air Ground Combat
Twentynine Palms
San Bernardino CA 92278
Location: 5771 (2,046 sq. ft.); 2175 (756 sq. ft.); 5174 (1,200 sq.); 2175 (756 sq. ft.)
Status: Excess
Comments: Off-site removal only; 77–66 yrs.-old, extensive repairs needed; contamination; secured area; contact Navy for more info.

Bldg. 2172 Property Number: 77201340006
Marine Corps Air Ground Task
Force Trng. Command
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal only; 756 sq. ft.; stored targets; 66+ yrs.-old; extensive exterior/interior wood damage; asbestos/lead; secured area; contact Navy for more info.

Bldg. 2175 Property Number: 77201340007
Marine Corps Air Ground Task
Force Trng. Command
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal only; 756 sq. ft.; stored targets; 66+ yrs.-old; extensive exterior/interior wood damage; asbestos/lead; secured area; contact Navy for more info.

Bldg. 5174 Property Number: 77201340008
Marine Corps Air Ground Task
Force Trng. Command
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal; 1,200 sq. ft.; 14+ yrs.-old; poor conditions; renovations needed; may contain asbestos; secured area; contact Navy for more info.

Bldg. 5771 Property Number: 77201340009

Marine Corps Air Ground Task
Force Trng. Command
Twentynine Palms CA 92278
Status: Excess
Comments: Off-site removal only; 2,046 sq. ft.; 7+ yrs.-old; good conditions; located w/ in airport runway clear zone; secured area; contact Navy for more info.

Illinois

Maryland

Building 930 Property Number: 77201330019
4323 Dry House Road
Indian Head MD 20640
Location: 930
Status: Excess
Comments: Off-site removal only; 480 sf., 20+ yrs vacant; chemical plant; contaminated; major renovations required for other use; secured area; contact Navy for accessibility removal reqs.

Building 930 Property Number: 77201330020
4323 Dry House Rd.
Indian Head MD 20640
Location: 930
Status: Excess
Comments: Off-site removal only; 480 sf., 20+ yrs vacant; chemical plant; contaminated; major renovations required for other use; secured area; contact Navy for accessibility removal reqs.

Building 931 Property Number: 77201330021
4325 Dry House Road
Indian Head MD 20640
Location: 931
Status: Excess
Comments: Off-site removal only; 480 sf., chemical plant; 20 + yrs. vacant; contaminated; major renovations needed for other use; secured aria contact Navy for accessibility/removal reqs.

Building 932 Property Number: 77201330022
4327 Dry House Road
Indian Head MD 20640
Location: 932
Status: Excess
Comments: Off-site removal only; 480 sf.; chemical plant contaminated; major renovations required for other use; secured area; contact Navy for more info. on accessibility/removal reqs.

Building 933 Property Number: 77201330023
4329 Dry House Road
Indian Head MD 20640
Location: 933
Status: Excess
Comments: Off-site removal only; 480 sf.; chemical plant 20+ yrs. vacant; contaminated; major renovations required for other use; contact Navy for accessibility removal reqs.

South Carolina

Land

Marine Corps Res. Trng. Ctr. Property Number: 77201330025
SW Corner of Redmont Rd & I–26
Charleston SC
Status: Excess
Comments: 5.59 acres; contamination; contact Navy for more information

Virginia

Building

5 Buildings Property Number: 77201310005
Marine Corps Base
Quantico VA 22134
Location: 3218, 27220, 3193, 24150, 2016
Status: Excess
Comments: Off-site removal only; sf. varies; misc. support; very poor conditions; contact Navy re: details on a specific property

6 Building Property Number: 77201330017
2100 Rowell Rd.
Marine Corps Base VA 22134
Location: 2102, 2102A, 2103, 5112, 5113, 5114
Status: Excess
Comments: Off-site removal only; 81,185 total sf., deteriorated conditions; asbestos; secured area; contact Navy for info. On accessibility/removal reqs.

6 Building Property Number: 77201330018
2100 Rowell Rd
Marine Corps Base VA 22134
Location: 2102, 2102A, 2103, 5112, 5113, 5114
Status: Excess
Comments: Off-site removal only; 81,185 total sf., deteriorated conditions; asbestos; secured area; contact Navy for info. On accessibility/removal reqs.

2 Buildings Property Number: 77201330024
Marine Corps Base
Quantico VA 22134
Location: 2201, 2205
Status: Excess
Comments: Off-site removal only; sf. varies; deteriorated; contact Navy for more information on a specific property and removal requirements

VA

New York

JJP Bronx VA Medical Ctr. Property Number: 97201310002
903 Avenue St. John
Bronx NY 10455
Status: Unutilized
Comments: UPDATED INFO. 700–1,000 usable square feet; residential; significant renovations needed; contact VA Real Property Service (*Amanda.Wehner@va.gov;* (202) 632–5676) for more info.

TITLE V PROPERTIES REPORTED IN YEAR 2013 WHICH ARE SUITABLE AND UNAVAILABLE

AGRICULTURE

Oregon

Building

Crescent Office-East Modulas, Property Number: 15201330016
Crescent Admin Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Lehman Building, FS Property Number: 15201330017
Crescent Admin Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Office, FS ID 2005 Property Number: 15201330018
Crescent Admin Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Office-BM Modulas, FS Property Number: 15201330019
Crescent Admin Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Wellness Building, FS Property Number: 15201330020
Crescent Admin Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent RS Bunkhouse, FS ID Property Number: 15201330021
Crescent Admin Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Fire Bunkhouse, FS ID Property Number: 15201330022
Crescent Admin Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Paint Storage, FS ID Property Number: 15201330023
Crescent Admin. Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Timber Storage, FS ID Property Number: 15201330024
Crescent Admin. Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Admin. Garage, FS ID Property Number: 15201330025
Crescent Admin. Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Storage (Pumphouse) Property Number: 15201330026
Crescent Admin. Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Crescent Office—South Modular Property Number: 15201330027
Crescent Admin. Site
Crescent OR
Status: Excess
Reason: Existing Federal need

Air Force

Oklahoma

24 Buildings Property Number: 18201310040
Tinker AFB
Tinker AFB OK 73145
Status: Excess
Reason: Federal need

Building 4008 Property Number: 18201320085
6285 Hilltop Rd.
Tinker AFB OK 73145
Status: Excess
Reason: Existing Federal need

Army

Arizona

Bldg. 22541 Property Number: 21200520078

Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied

Bldg. 22040 Property Number: 21200540076
Fort Huachuca
Cochise AZ 85613
Status: Excess
Reason: occupied

Colorado

Bldg. S6285 Property Number: 21200420176
Fort Carson
Ft. Carson Co: El Paso CO 80913
Status: Unutilized
Reason: In use

Georgia

Bldg. 5993 Property Number: 21200420041
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905
Status: Excess
Reason: In use

Bldg. 5994 Property Number: 21200420042
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905
Status: Excess
Reason: In use

Bldg. 5995 Property Number: 21200420043
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905
Status: Excess
Reason: In use

Louisiana

Bldgs. T406, T407, T411 Property Number: 21200540085
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied

Maryland

Bldg. 294 Property Number: 21200140081
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Reason: Occupied

Bldg. 1007 Property Number: 21200140085
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Reason: Occupied

Bldg. 2214 Property Number: 21200230054
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755
Status: Unutilized
Reason: Occupied

Bldg. 8608 Property Number: 21200410099
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied

Bldg. 8612 Property Number: 21200410101
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied

Bldg. 0001A Property Number: 21200520114
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldg. 0001C Property Number: 21200520115
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00032, 00H14, 00H24 Property Number: 21200520116
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00034, 00H016 Property Number: 21200520117
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00H10, 00H12 Property Number: 21200520118
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Missouri

Bldg. 1230 Property Number: 21200340087
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 1621 Property Number: 21200340088
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760 Property Number: 21200410102
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5762 Property Number: 21200410103
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5763 Property Number: 21200410104
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5765 Property Number: 21200410105
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760 Property Number: 21200420059
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5762 Property Number: 21200420060
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5763 Property Number: 21200420061
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5765 Property Number: 21200420062
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 00467 Property Number: 21200530085
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743
Status: Unutilized
Reason: Occupied

New York

Bldgs. 1511–1518 Property Number: 21200320160
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1523–1526 Property Number: 21200320161
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1704–1705, 1721–1722 Property Number: 21200320162
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldg. 1723 Property Number: 21200320163
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1706–1709 Property Number: 21200320164
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1731–1735 Property Number: 21200320165
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Texas

Bldgs. 4219, 4227 Property Number: 21200220139
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldgs. 4229, 4230, 4231 Property Number: 21200220140
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldgs. 4244, 4246 Property Number: 21200220141

Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldg. 04335 Property Number: 21200440090
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04468 Property Number: 21200440096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 07002 Property Number: 21200440100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 57001 Property Number: 21200440105
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 125, 126 Property Number: 21200620075
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 02240 Property Number: 21200620078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04164 Property Number: 21200620079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 04218, 04228 Property Number: 21200620080
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04272 Property Number: 21200620081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Not Occupied

Bldg. 04415 Property Number: 21200620083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04493 Property Number: 21200620091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04494 Property Number: 21200620092
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04632 Property Number: 21200620093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04640 Property Number: 21200620094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04645 Property Number: 21200620095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 20121 Property Number: 21200620097
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 91052 Property Number: 21200620101
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 1345 Property Number: 21200740070
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 1348, 1941 Property Number: 21200740071
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1943 Property Number: 21200740073
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1946 Property Number: 21200740074
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4207 Property Number: 21200740076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4208 Property Number: 21200740077
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 4210, 4211, 4216 Property Number: 21200740078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4219A Property Number: 21200740079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04252 Property Number: 21200740081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04480 Property Number: 21200740083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04485 Property Number: 21200740084
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04489 Property Number: 21200740086
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Utilized

Bldgs. 4491, 4492 Property Number: 21200740087
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04914, 04915, 04916 Property Number: 21200740089
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20102 Property Number: 21200740091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20118 Property Number: 21200740092
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 29027 Property Number: 21200740093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56017 Property Number: 21200740094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56202 Property Number: 21200740095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56224 Property Number: 21200740096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56329 Property Number: 21200740100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92043 Property Number: 21200740102
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92072 Property Number: 21200740103
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92083 Property Number: 21200740104
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04213, 04227 Property Number: 21200740189
Fort Hood
Bell TX 76544

Status: Excess
Reason: Utilized

Bldg. 4404 Property Number: 21200740190
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56607 Property Number: 21200740191
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 91041 Property Number: 21200740192
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

5 Bldgs. Property Number: 21200740193
Fort Hood
93010, 93011, 93012, 93014
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 94031 Property Number: 21200740194
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Building 6924 Property Number: 21201240012
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Reason: Occupied

Virginia

Bldg. T2827 Property Number: 21200320172
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied

Bldg. T2841 Property Number: 21200320173
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied

Bldg. 01014 Property Number: 21200720067
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01063 Property Number: 21200720072
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 00215 Property Number: 21200720073
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Washington

U015A Property Number: 21199920273
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Reason: Occupied

GSA

Alabama

Anniston SSA Building Property Number: 54201330002
301 E. 13th St.
Anniston AL 36207
Status: Excess
GSA Number: 4–G–AL–0790AA
Reason: Expressions of interest received

Georgia

Land

Former GNK Outer Marker Property Number: 54201310008
Hunt Rd.
LaGrange GA 31909
Status: Excess
GSA Number: 4–U–GU–88AA
Reason: Advertised for Sale

Hawaii

Building

Bldg. 133 & Antenna Tower 133A Property Number: 54201320012
Kamehaine Dr., Waimanalo Ridge
Hawaii Kai HI 96825
Status: Surplus
GSA Number: 9–N–HI–811
Reason: Expression of Interest received

Illinois

Land

Three Contiguous Vacant Lots Property Number: 54201320021
5139 S. Mason Ave.
Chicago IL
Status: Surplus
GSA Number: 1–U–IL–803
Reason: Expression of Interest Received

Kentucky

Little Hurricane Island Access Property Number: 54201320024
Tract No. 819 & 816E, Newburgh
Locks & Dams
Owensboro KY 42301
Status: Excess
GSA Number: 4–D–KY–0629
Reason: Expression of Interest Received

Minnesota

Building

Noyes Land Port of Entry Property Number: 54201230007
SW Side of US Rte. 75
Noyes MN 56740
Status: Excess
GSA Number: 1–G–MN–0593
Reason: Advertised for sale

Mississippi

Land

Harrison County Farm Property Number: 54201320022
John Clark Rd.
Gulfport MS 39503
Status: Excess
GSA Number: 4–A–MS–0572
Reason: Expression of Interest Received

Nebraska

Building

Former Omaha Qtrs. Depot Property Number: 54201310005
2101 Woolworth Ave.
Omaha NE 68108
Status: Surplus
GSA Number: 7–D–NE–0530
Reason: Advertised for sale

Nevada

2 Buildings Property Number: 54201240012
Military Circle
Tonopah NV
Status: Surplus
GSA Number: 9–I–NV–514–AK
Reason: Expression of Interest received

New Jersey

Former SSA Trust Fund Bldg. Property Number: 54201310004
396 Bloomfield Ave.
Montclair NJ 07042
Status: Surplus
GSA Number: 1–G–NJ–0676
Reason: Expression of Interest received

Portion of Former Sievers—Property Number: 54201320015
Sandberg US Army Reserves Center—Tract 1
NW Side of Artillery Ave. at Rte. 130
Oldmans NJ 08067
Status: Surplus
GSA Number: 1–D–NJ–0662–AA
Reason: Expression of interest received

Portion of former Sievers—Property Number: 54201320003
Sandberg US Army Reserves Center (Camp Pedric)
Artillery Ave at Garrison St.
Oldmans NJ 08067
Location: On the north side of Rte. 130, between Perkintown Road (Rte. 644) and Pennsgove-Pedricktown Rd (Rte. 642)
Status: Surplus
Reason: Expression of Interest
GSA Number: 1–D–NJ–0662–AB

New York

Building 606 Property Number: 54201310009
1 Amsterdam Rd.
Scotia NY 12301
Status: Surplus
GSA Number: NY–0975
Reason: Expression of interest received

Former Leso-Leano US Army Property Number: 54201320004
Reserve Center
500 Massey St. South
Watertown NY 13601
Location: On Massey St So, corner of Pine St and Ten Eyck St W.
Status: Surplus
Reason: Expression of Interest
GSA Number: 1–D–NY–0698

Building 240 Property Number: 54201320007
Hill Rd, AFRL Rome Research Site
Rom NY 13441
Status: Excess
GSA Number: ny0938
Reason: Advertised for sale

Portion of GSA Binghamton Property Number: 54201320008
''Hillcrest'' Depot—Tract 2
1151 Hoyt Avenue
Fenton NY 13901
Status: Surplus
GSA Number: 1–G–NY0670–AD
Reason: Expression of interest received

Portion of GSA Binghamton Property Number: 54201320017
''Hillcrest'' Depot—Tract 1
1151 Hoyt Ave.
Fenton NY 13901
Status: Surplus
GSA Number: 1–G–NY0670–AC

Reason: Advertised for sale

Washington

Former Seattle Branch of the Property Number: 54201340001
Federal Reserve Bank
1015 Second Ave.
Seattle WA 98104
GSA Number: 9–G–WA–1259
Reason: Expression of interest

West Virginia

Appalachian Farming System Property Number: 54201340002
Research Ctr. Main Lab
1224 Airport Rd.
Beaver WV 25813
Location: Landholding Agency—US Forest Service
GSA Number: 4–A–WV–559AA
Reason: Expression of Interest

Land

Appalachian Farming System Property Number: 54201340003
Research Ctr. Peters Farms
227 Peters Ct.
Cool Ridge WV 25825
Location: Landholding Agency—US Forest Service
Disposal Agency—GSA
Status: Excess
GSA Number: 4–A–WV–559AD
Reason: Expression of Interest

Appalachian Farming System Property Number: 54201340004
Research School House Farm
4362 Pluto Rd.
Shady Springs WV 25918
Location: Landholding Agency—US Forest Service
Disposal Agency—GSA
Status: Excess
GSA Number: 4–A–WV–559AC
Reason: Expression of Interest

Appalachian Farming System Property Number: 54201340005
Research Ctr. Reba Plumley Farm
898 Country Rte. 27
Shady Springs WV 25918
Location: Landholding Agency—US Forest Service
Disposal Agency—GSA
Status: Excess
GSA Number: 4–A–WV–559AB
Reason: Expression of Interest

New York

FAA Radio Communication Link Property Number: 54201330001
Adjacent to Babcock Road
Colesville NY 13787
Status: Excess
GSA Number: 1–NY–0977–AA
Reason: Expression of Interest Received

Radio Communication Link Property Number: 54201330004
Repeater Site
5979 Wagner Hill Rd.
Wheeler NY 14809
Location: Landholding Agency: FAA; Disposal Agency: GSA
Status: Excess
Reason: Expression of Interest
GSA Number: 1–NY–0981–AA

South Carolina

Building

Former US Vegetable Lab Property Number: 54201310001
2875 Savannah Hwy
Charleston SC 29414
Status: Excess
GSA Number: 4–A–SC–0609AA
Reason: Expression of Interest Received

Tennessee

Land

Fort Campbell Army Garrison
U.S. Hwy 79
Woodlawn TN 37191
Status: Excess
GSA Number: 4–D–TN–586–2
Reason: Conveyance pending

Texas

Building

Former Navy & Marine Corps Res Property Number: 54201240013
5301 Ave. South
Galveston TX 77551
Status: Surplus
GSA Number: 7–D–TX–0549–9
Reason: Conveyance pending

Dallas Social Security Property Number: 54201330008
Admin. Bldg.
Dallas TX 75201
Status: Excess
GSA Number: 7–G–TX–1149
Reason: Advertised for sale

Virginia

Building 641 Property Number: 54201320006
216 Hunting Ave.
Hampton VA 23681
Status: Excess
GSA Number: 4–Z–VA–0602–A1
Reason: Expression of Interest

Washington

Old Bellingham Border Patrol Property Number: 54201310011
Station
2745 McLeod Rd.
Bellingham WA 98225
Location: Two buildings, an office & garage/storage facility; totaling approx. 4,320 sf.
Status: Excess
Reason: Advertised for sale
GSA Number: 9–Z–WA–1264

712 Records Center Printing & Property Number: 54201320025
Repro Plant 712B IRM
940 Northgate Dr.
Richland WA 99352
Status: Excess
GSA Number: 9–B–WA–1268
Reason: Expression of Interest Received

Land

1.8 Ac. of the Richland FB N. Property Number: 54201310002
Parking Lot
825 Jadwin Ave.
Richland WA 99723
Status: Excess
GSA Number: 9–G–WA–1263
Reason: Expression of Interest Received

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