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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0705; Directorate Identifier 2013–NM–052–AD; Amendment 39–17742; AD 2014–03–05]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model BD–700–1A10 airplanes. This AD was prompted by a report that the manufacturer has determined that some completion centers used the heater/brake monitoring unit (HBMU) logic circuit to control the line voltage of the drain mast heaters. Since the drain mast heaters are connected in parallel with the number 2 pitot static (PS) probe heater circuit, a number 2 PS probe heater failure may not be detected by the fault monitoring capabilities of the HBMU. This AD requires modification of the air data probes and sensors. We are issuing this AD to detect and correct an unannunciated failure of two PS probe heaters, which could affect controllability of the airplane in icing conditions.

DATES: This AD becomes effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0705;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com*; Internet *http://www.bombardier.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228–7301; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model BD–700–1A10 airplanes. The NPRM published in the **Federal Register** on September 11, 2013 (78 FR 55660). The NPRM was prompted by a report that the manufacturer has determined that some completion centers used the heater/brake monitoring unit (HBMU) logic circuit to control the line voltage of the drain mast heaters. Since the drain mast heaters are connected in parallel with the number 2 pitot static (PS) probe heater circuit, a number 2 PS probe heater failure may not be detected by the fault monitoring capabilities of the HBMU. The NPRM proposed to require modification of the air data probes and sensors. We are issuing this AD to detect and correct an unannunciated failure of two PS probe heaters, which could affect controllability of the airplane in icing conditions.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2012–32, dated December 13, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The aeroplane manufacturer has determined that some completion centers used the Heater/Brake Monitoring Unit (HBMU) logic circuit to control the line voltage of the drain mast heaters. This same logic circuit is also used to control the line voltage of the number 2 pitot static (PS) probe heater. Since the drain mast heaters are connected in parallel with the number 2 PS probe heater circuit, a number 2 PS probe heater failure may not be detected by the fault monitoring capabilities of the HBMU.
>
> The unannunciated failure of two PS probe heaters could adversely affect the aeroplane's flight characteristics in icing conditions.
>
> This [Canadian] AD mandates a modification to the existing drain mast heater wiring to correct the fault-monitoring capabilities of the HBMU and eliminate the potential dormant failure of the number 2 PS probe heater.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0705-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 55660, September 11, 2013) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 55660, September 11, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 55660, September 11, 2013).

Costs of Compliance

We estimate that this AD affects 32 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	35 work-hours × $85 per hour =	$0	$2,975	$95,200

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0705;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–03–05 Bombardier, Inc.: Amendment 39–17742. Docket No. FAA–2013–0705; Directorate Identifier 2013–NM–052–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to Bombardier, Inc. Model BD–700–1A10 airplanes, certificated in any category, equipped with any electrical wiring heater current/brake temperature monitor unit (HBMU) installed in accordance with any FAA supplemental type certificate specified in table 1 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(2) For airplanes on which the applicable service request for product support action (SRPSA) specified in table 3 and table 4 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012, has been incorporated, the requirements of this AD have been met.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

(e) Reason

This AD was prompted by a report that the manufacturer has determined that some completion centers used the HBMU logic circuit to control the line voltage of the drain mast heaters. This same logic circuit is also used to control the line voltage of the number 2 pitot static (PS) probe heater. Since the drain mast heaters are connected in parallel with the number 2 PS probe heater circuit, a number 2 PS probe heater failure may not be detected by the fault monitoring capabilities of the HBMU. We are issuing this AD to detect and correct an unannunciated failure of two PS probe heaters, which could affect controllability of the airplane in icing conditions.

(f) Compliance

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

(g) Modification

Within 800 flight hours or 15 months after the effective date of this AD, whichever occurs first: Modify the air data probes and sensors, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–30–021, dated August 28, 2012, which is not incorporated by reference in this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority

(or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2012–32, dated December 13, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0705-0002*.

(2) Service information identified in this AD that is not incorporated by reference may be viewed at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on January 22, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02523 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0035; Directorate Identifier 2013–SW–036–AD; Amendment 39–17734; AD 2014–02–06]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model AB412 helicopters. This AD requires visually inspecting the main rotor swashplate outer ring (outer ring) for a crack and replacing that outer ring if a crack exists. This AD is prompted by two cases of cracks caused by fatigue on certain outer rings. These actions are intended to prevent the failure of the outer ring, which would lead to loss of main rotor blade pitch control and subsequently loss of helicopter control.

DATES: This AD becomes effective March 12, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of March 12, 2014.

We must receive comments on this AD by April 28, 2014.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39–0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins*. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2013–0152–E, dated July 17, 2013, to correct an unsafe condition for the Agusta Model AB412 helicopter. EASA advises

that two cases of cracks were reported in the outer ring, part number (P/N) 412–010–407–105. A subsequent investigation revealed that ''fatigue failure'' caused the cracks. EASA states that ''this condition, if not detected and corrected, could lead to the loss of main rotor blade pitch control, possibly resulting in loss of control of the helicopter.'' EASA calls for repetitive inspections of the affected outer rings for a crack and replacing the outer ring with an improved outer ring, P/N 412–010–107–117, if a crack is found. If the outer ring has not been replaced, the AD requires replacing each outer ring, P/N 412–010–407–105, with an improved outer ring, P/N 412–010–107–117, within 300 flight hours or 8 months, whichever occurs first. Replacement with an improved outer ring is terminating action for the repetitive inspections, EASA states.

FAA's Determination

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

Related Service Information

AgustaWestland S.p.A. issued Alert Bollettino Tecnico No. 412–134 on July 15, 2013 (BT), to warn that two cases of cracking in the outer ring, P/N 412–010–407–105, have been reported, both attributed to fatigue failure. The BT calls for visually inspecting the outer ring for a crack with a 5X magnifying glass and a bright light. The BT added that the inspection must occur within 5 flight hours from when the BT was issued and within intervals of 25 flight hours thereafter until the outer ring is replaced. The deadline to replace the outer ring with outer ring, P/N 412–010–407–117, is 300 flight hours or no later than April 15, 2014, whichever comes first. Outer ring, P/N 412–010–407–105, was not to be used after April 15, 2014, the BT stated.

AD Requirements

This AD requires:

- Within 5 hours time-in-service (TIS), and thereafter at intervals not to exceed 25 hours TIS, visually inspecting the swashplate outer ring, P/N 412–010–407–105, for cracks, using a 5X magnifying glass and a bright light. If a crack exists, before further flight, removing the swashplate outer ring from service.
- Within 300 hours TIS or 8 months, whichever occurs first, removing the swashplate outer ring, P/N 412–010–407–105, from service.
- Not installing a swashplate outer ring, P/N 412–010–407–105, on any helicopter.

Differences Between This AD and the EASA AD

This AD prohibits installation of a swashplate outer ring, P/N 412–010–407–105, while the EASA AD allows installation of this part under certain conditions.

Costs of Compliance

There are no costs of compliance with this AD because there are no helicopters with this type certificate on the U.S. Registry.

FAA's Justification and Determination of the Effective Date

There are no helicopters with this type certificate on the U.S. Registry. Therefore, we believe it is unlikely that we will receive any adverse comments or useful information about this AD from U.S. Operators.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are unnecessary because there are none of these products on the U.S. Registry and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–02–06 Agusta S.p.A.: Amendment 39–17734; Docket No. FAA–2014–0035; Directorate Identifier 2013–SW–036–AD.

(a) Applicability

This AD applies to Agusta S.p.A. Model AB412 helicopters with a swashplate outer ring part number (P/N) 412–010–407–105 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in the main rotor swashplate outer ring. This condition could result in the loss of main rotor blade pitch control and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective March 12, 2014.

(d) Compliance

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

(e) Required Actions

(1) Within 5 hours time in service (TIS), and thereafter at intervals not to exceed 25 hours TIS, visually inspect the swashplate outer ring, P/N 412–010–407–105, for a crack, using a 5X or higher power magnifying glass and a bright light and referring to Figures 1 and 2 in AgustaWestland S.p.A. Alert Bollettino Tecnico No. 412–134, dated July 15, 2013. If a crack exists, before further flight, remove the swashplate outer ring from service.

(2) Within 300 hours TIS or 8 months, whichever occurs first, remove the swashplate outer ring, P/N 412–010–407–105, from service.

(3) Do not install a swashplate outer ring, P/N 412–010–407–105, on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov*.

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

(g) Additional Information

The subject of this AD is addressed in the European Aviation Safety Agency (EASA) AD No. 2013–0152–E, dated July 17, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0035.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6230, Main Rotor Mast/Swashplate.

(i) Material Incorporated by Reference

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

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

(i) AgustaWestland S.p.A. Alert Bollettino Tecnico No. 412–134, dated July 15, 2013.

(ii) Reserved.

(3) For AgustaWestland service information identified in this AD, contact AgustaWestland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39- 0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins*.

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

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

Issued in Fort Worth, Texas, on January 16, 2014.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate,

Aircraft Certification Service.

[FR Doc. 2014–01956 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0699; Directorate Identifier 2012–NM–198–AD; Amendment 39–17751; AD 2014–03–13]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. This AD was prompted by three reports of cracking in the rear pressure bulkhead (RPBH) web. This AD requires inspecting the RPBH web for cracking, and repairing if necessary. We are issuing this AD to detect and correct cracking of the RPBH web, which could result in in-flight decompression of the airplane and possible injury to the occupants.

DATES: This AD becomes effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 1, 2014.

ADDRESSES: You may examine the AD on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0699;* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. The NPRM published in the **Federal Register** on August 23, 2013 (78 FR 52465). The NPRM was prompted by three reports of cracking in the rear pressure bulkhead (RPBH) web. The NPRM proposed to require inspecting the RPBH web for cracking, and repairing if necessary. We are issuing this AD to detect and correct cracking of the RPBH web, which could result in in-flight decompression of the airplane and possible injury to the occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0219, dated October 19, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Three reports have been received of a crack in the rear pressure bulkhead (RPBH) web, just below the horizontal beam XI between buttock lines BL425L and BL425R, in the centre web bay below the pressure relief valves.
>
> This condition, if not detected and corrected, could result in an exponential crack growth rate, possibly leading to failure of the affected RPBH web, resulting in in-flight decompression of the aeroplane and possible injury to occupants.
>
> A repetitive inspection requirement has been published in issue 10 of Fokker Services [Airworthiness Limitations Section] ALS Report SE–623 under task number 534106–00–05. The threshold to start this ALS-task is 30,000 [total] flight cycles (FC). However, it is known that many aeroplanes have already exceeded this threshold.

For the reasons described above, this [EASA] AD requires a one-time inspection [detailed visual or high frequency eddy current inspection] of the affected RPBH web for cracks and, depending on findings, accomplishment of a repair. The repair can also be applied at any time as a modification, thereby exempting the aeroplane from (further) repetitive ALS task 534106–00–05 inspections.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0699-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 52465, August 23, 2013) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 52465, August 23, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 52465, August 23, 2013).

Costs of Compliance

We estimate that this AD affects 4 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours X $85 per hour = $425	$0	$425	$1,700

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
On-condition inspection and repair	16 work-hours × $85 per hour = $1,360	$0	$1,360

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0699*; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the MCAI, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–03–13 Fokker Services B.V.: Amendment 39–17751. Docket No. FAA–2013–0699; Directorate Identifier 2012–NM–198–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes, certificated in any category, as identified in Fokker Service Bulletin SBF100–53–120, dated May 15, 2012.

(d) Subject

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

(e) Reason

This AD was prompted by three reports of cracking in the rear pressure bulkhead (RPBH) web. We are issuing this AD to detect and correct cracking of the RPBH web, which could result in in-flight decompression of the airplane and possible injury to the occupants.

(f) Compliance

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

(g) Inspection

Before the accumulation of 30,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later: Do the actions specified in paragraph (g)(1) or (g)(2) of this AD.

(1) Do a detailed inspection for cracking of the rear side of the RPBH web below beam XI between buttock line (BL) 425L and BL 425R, in accordance with PART 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–120, dated May 15, 2012.

(2) Do a high frequency eddy current (HFEC) inspection for cracking of the forward side of the RPBH web below beam XI between BL 425L and BL 425R, in accordance with PART 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–120, dated May 15, 2012.

Note 1 to paragraph (g) of this AD: Fokker Services All Operators Message AOF100.176, dated May 15, 2012; and AOF100.178, dated September 10, 2012; provide additional information concerning the subject addressed by this AD.

(h) On-Condition Inspection and Repair

(1) If any cracking is found during the inspections specified in paragraph (g)(1) or (g)(2) of this AD: Before further flight, repair the cracking, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–121, dated May 15, 2012.

(2) For any airplane inspected as specified in paragraph (g)(1) of this AD and no cracking was found: Within 12 months after that inspection, do the HFEC inspection specified in PART 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–120, dated May 15, 2012. If any cracking is found: Before further flight, repair the cracking, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–121, dated May 15, 2012.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2012–0219, dated October 19, 2012, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0699-0002.*

(k) Material Incorporated by Reference

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

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

(i) Fokker Service Bulletin SBF100–53–120, dated May 15, 2012.

(ii) Fokker Service Bulletin SBF100–53–121, dated May 15, 2012.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com.*

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

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

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

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–02782 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0670; Directorate Identifier 2013–NM–081–AD; Amendment 39–17756; AD 2014–03–19]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–600, –700, –800, –900, and –900ER series airplanes modified by particular supplemental type certificates (STCs). This AD was prompted by reports of cracks found during inspections of the in-flight entertainment system radome assembly. This AD requires repetitive detailed inspections for cracks in the radome assembly, and replacement of the radome if necessary. We are issuing this AD to detect and correct cracks in the in-flight entertainment system radome assembly, which could result in the radome (or pieces) separating from the airplane and striking the tail, and consequently reducing the controllability of the airplane.

DATES: This AD is effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2014.

ADDRESSES: For service information identified in this AD, contact Live TV, 8900 Hangar Boulevard, Orlando, FL 32827; phone: 407–812–2600; fax: 407–812–2526; Internet *http://www.livetv.net.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2013–0670; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Barry Culler, Aerospace Engineer, Airframe Branch, ACE–117A, FAA, Atlanta Aircraft Certification Office (ACO), 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5546; fax: 404–474–5605; email: *william.culler@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain the Boeing Company Model 737–600, –700, –800, –900, and –900ER series airplanes modified by particular supplemental type certificates (STCs). The NPRM published in the **Federal Register** on August 5, 2013 (78 FR 47233). The NPRM was prompted by reports of cracks found during inspections of the in-flight entertainment system radome assembly. The NPRM proposed to require repetitive detailed inspections for cracks in the radome assembly, and replacement of the radome if necessary. We are issuing this AD to detect and correct cracks in the in-flight entertainment system radome assembly, which could result in the radome (or pieces) separating from the airplane and striking the tail, and consequently reducing the controllability of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 47233, August 5, 2013) and the FAA's response to each comment.

Boeing stated that it does not have sufficient information regarding the supplemental type certificates (STCs) referenced in the NPRM (78 FR 47233, August 5, 2013); therefore, it has no comment.

Aviation Partners Boeing stated that the installation of winglets per STC ST00830SE (*http://rgl.faa.gov/Regulatory;_and_Guidance_Library/rgstc.nsf/0/DA95C4900090 6C7086257BE8004 4D3D9?OpenDocument&High light=st00830se*) does not affect the accomplishment of the manufacturer's service instructions.

Request To Remove Reporting Requirement

United Air Lines (UAL) requested that the FAA and Live TV re-evaluate the need for the reporting requirement proposed in paragraph (h) of the NPRM (78 FR 47233, August 5, 2013), and remove this proposed requirement. UAL questioned why operators would be required to fill out the service bulletin reporting form provided in Live TV Service Bulletin B737–53–0011, dated March 29, 2013, mentioned in paragraph (h) of the NPRM, and send it to Live TV every time cracking is found on a radome. UAL stated that any radome with cracking would be sent back to the manufacturer with an unserviceable tag attached and that the information on the tag would be the same information requested on the service bulletin reporting form. UAL also noted that the information requested on the reporting form is redundant because the reporting form states that when cracking is found on a radome, the technician has to record his or her name, service work order, and location of accomplishment.

We do not agree to remove the reporting requirement from this final rule. For this AD, Live TV is the STC design approval holder (DAH) and is gathering information reported by operators and reporting this information to the FAA. There is no regulatory requirement for an operator to return a part to a manufacturer. Regarding this final rule, we agree that an operator may voluntarily provide a cracked radome to Live TV, the STC DAH; however, if a reporting requirement was not mandated by this AD, an operator might elect to repair a cracked radome itself, or send it to another facility for repair, instead of sending it to Live TV, so the information requested in the reporting requirement might not be shared with Live TV. We have not changed this final rule in this regard.

Request for Reporting Guidance

UAL noted that the NPRM (78 FR 47233, August 5, 2013) proposed to require operators to record and report the serial number of any cracked radome. UAL stated that numerous times it has discovered that the radome data plate, which has the serial number specified on it, is missing. UAL commented that it can be difficult to use an operator's record keeping system to determine the serial number of a radome because the radome could have been rotated among airplanes. UAL requested guidance regarding what to do if the data plate is missing from a radome.

We agree that the serial number is an important piece of information for the reporting requirement of this final rule. However, this final rule does not require an operator to identify the radome's serial number prior to inspection. The reporting requirement is only required if cracking is found in the radome during the inspection. If cracking is found during the inspection an operator has 30 days to provide the report. This timeframe should be sufficient for operators to identify the radome's serial number by looking at the data plate or the searching the operator's tracking system. The reporting requirement is meant to help Live TV and the FAA trace back to the fabrication records for potential causes of cracking in the radome.

Based on review and consideration during Weibull Analysis, we believe that rotating radomes among airplanes is not a common occurrence. It is ultimately the operator's responsibility to maintain its airplane configurations and subsequently provide the required serial number information. We have not changed this final rule in this regard.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 47233, August 5, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 47233, August 5, 2013).

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

Costs of Compliance

We estimate that this AD affects 165 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	1 work-hour × $85 per hour = $85, per inspection cycle.	N/A	$85, per inspection cycle	$14,025, per inspection cycle

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	8 work-hours × $85 per hour = $680	$23,000	$23,680

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–03–19 the Boeing Company: Amendment 39–17756; Docket No. FAA–2013–0670; Directorate Identifier 2013–NM–081–AD.

(a) Effective Date

This AD is effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Boeing Company Model 737–600, –700, –800, –900, and –900ER series airplanes, certificated in any category, with Live TV radomes having part number 5063–100–V3 or 5063–101–V2 and a serial number in the range of 001 through 497 inclusive, and modified by the applicable supplemental type certificate (STC) identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) ST00284BO (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/3ecc2e5e5f408bc1862579b30048ed60/$FILE/ST00284BO.pdf).*

(2) ST02887AT (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/9bf85b85ea3e295d8625735600721055/$FILE/ST02887AT.pdf).*

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracks found during inspections of the radome assembly. We are issuing this AD to detect and correct cracks in the in-flight entertainment system radome assembly, which could result in the radome (or pieces) separating from the airplane and striking the tail, and consequently reducing the controllability of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions

Within 1,250 flight hours after the effective date of this AD: Perform a detailed inspection for cracks of the radome assembly, in accordance with the Accomplishment Instructions of Live TV Service Bulletin B737–53–0011, dated March 29, 2013. Repeat the inspection thereafter at intervals not to exceed 1,250 flight hours. If any crack is found during any inspection required by this paragraph, before further flight, replace the radome, in accordance with the Accomplishment Instructions of Live TV Service Bulletin B737–53–0011, dated March 29, 2013.

(h) Reporting Requirement

If any crack is found during any inspection required by paragraph (g) of this AD, submit a report of the findings to Live TV, 8900 Hangar Boulevard, Orlando, FL 32827; phone: 407–812–2600; fax: 407–812–2526; email *JaneAnne.Webb@livetv.net;* at the applicable time specified in paragraph (h)(1) or (h)(2) of this AD. The report must include the information specified in the service bulletin reporting form provided in Live TV Service Bulletin B737–53–0011, dated March 29, 2013.

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

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

(i) Special Flight Permit

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

(j) Paperwork Reduction Act Burden Statement

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

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l) of this AD.

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

(3) If the service information contains steps that are labeled as RC (Required for Compliance), those steps must be done to comply with this AD; any steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the specified service information without obtaining approval of an AMOC, provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC require approval of an AMOC.

(l) Related Information

For more information about this AD, contact Barry Culler, Aerospace Engineer, Airframe Branch, ACE–117A, FAA, Atlanta Aircraft Certification Office (ACO), 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5546; fax: 404–474–5605; email: *william.culler@faa.gov*.

(m) Material Incorporated by Reference

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

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

(i) Live TV Service Bulletin B737–53–0011, dated March 29, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Live TV, 8900 Hangar Boulevard, Orlando, FL 32827; phone: 407–812–2600; fax: 407–812–2526; Internet *http://www.livetv.net.*

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

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

Issued in Renton, Washington, on February 5, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–03033 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0924; Directorate Identifier 2013–CE–032–AD; Amendment 39–17755; AD 2014–03–18]

RIN 2120–AA64

Airworthiness Directives; B–N Group Ltd. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for B–N Group Ltd. Models BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as damage of the cable sliding end assembly and installation of the incorrect end fitting on engine control cable assemblies. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 1, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0924; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Britten-Norman Aircraft Limited, Commodore House,

Mountbatten Business Centre, Millbrook Road East, Southampton SO15 1HY, United Kingdom; telephone: +44 20 3371 4000; fax: +44 20 3371 4001; email: *info@bnaircraft.com;* Internet: *http://www.britten-norman.com/customer-support/*. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Taylor Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4138; fax: (816) 329–4090; email: *taylor.martin@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to B–N Group Ltd. Models BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 airplanes. That NPRM was published in the **Federal Register** on October 30, 2013 (78 FR 64894). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> Britten-Norman Aircraft Limited has been made aware of two occurrences where a failure of engine control cable assemblies has caused engine control difficulties. In both reported cases, the cable sliding end assemblies were in poor condition and in both cases, an incorrect end-fitting was installed which may have contributed to the failures.
>
> This condition, if not detected and corrected, could result in reduced engine control, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Britten-Norman Aircraft have issued Service Bulletin (SB) 334 to provide inspection instructions.
>
> For the reason described above, this AD requires a one-time inspection and functional test of the engine control cables and, depending on findings, replacement of the cables.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0924-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 64894, October 30, 2013) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 64894, October 30, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 64894, October 30, 2013).

Costs of Compliance

We estimate that this AD will affect 101 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $8,585, or $85 per product.

In addition, we estimate that any necessary follow-on actions will take about 10 work-hours and require parts costing $4,800 (4 per airplane), for a cost of $5,650 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0924; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–03–18 B–N Group Ltd.: Amendment 39–17755; Docket No. FAA–2013–0924; Directorate Identifier 2013–CE–032–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to B–N Group Ltd. Models BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–

6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 76: Engine Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as damage of the cable sliding end assembly and installation of the incorrect end fitting on engine control cable assemblies. We are issuing this AD to detect and correct damage of the cable sliding end assembly (cracking, distortion, corrosion) and incorrect end fittings on the engine control assemblies, which could lead to reduced engine control with consequent loss of control.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(4) of this AD:

(1) Within the next 6 months after April 1, 2014 (the effective date of this AD), do a one-time inspection of the engine control cable assemblies, part number (P/N) 137835, P/N 172449–1, P/N 17250, and P/N 172451, and surrounding areas for damage (cracking, distortion, corrosion) and correct cable end-fitting and to assure the wire locking is intact following Britten-Norman Aircraft Limited Service Bulletin No. SB 334, Issue 1, dated August 30, 2013.

(2) If no discrepancies are found during the inspection required in paragraph (f)(1) of this AD, inspect the control linkages for proper adjustment and, before further flight, make any necessary changes following Britten-Norman Aircraft Limited Service Bulletin No. SB 334, Issue 1, dated August 30, 2013.

(3) If any discrepancies are found during the inspection required in paragraph (f)(1) of this AD and/or the control linkages cannot be properly adjusted as specified in paragraph (f)(2) of this AD, before further flight, replace the engine control cable assembly with a serviceable unit following Britten-Norman Aircraft Limited Service Bulletin No. SB 334, Issue 1, dated August 30, 2013.

(4) After April 1, 2014 (the effective date of this AD), do not install on any airplane engine control cable assemblies, part number (P/N) 137835, P/N 172449–1, P/N 17250, and P/N 172451, unless they are new or have been inspected as required in paragraphs (f)(1) and (f)(2) of this AD and found free of any discrepancies and have proper adjustment.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Taylor Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4138; fax: (816) 329–4090; email: *taylor.martin@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2013–0215, dated September 16, 2013, for related information. You may examine the MCAI in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0924-0002*.

(i) Material Incorporated by Reference

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

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

(i) Britten-Norman Aircraft Limited Service Bulletin No. SB 334, Issue 1, dated August 30, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Britten-Norman Aircraft Limited, Commodore House, Mountbatten Business Centre, Millbrook Road East, Southampton SO15 1HY, United Kingdom; telephone: +44 20 3371 4000; fax: +44 20 3371 4001; email: *info@bnaircraft.com*; Internet: *http://www.britten-norman.com/customer-support/*.

(4) You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on February 6, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–03242 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0997; Directorate Identifier 2013–CE–044–AD; Amendment 39–17759; AD 2014–04–01]

RIN 2120–AA64

Airworthiness Directives; Slingsby Aviation Ltd. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Slingsby Aviation Ltd. Model T67M260 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracked horizontal stabilizer attachment brackets. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0997*; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Slingsby Advanced Composites, Ings Lane, Kirbymoorside, York, YO62 6EZ, United Kingdom, telephone: +44 (0) 1751 432474; fax +44 (0) 1751 433016, Internet: *www.marshall-slingsby.com*. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to all Slingsby Aviation Ltd. Model T67M260 airplanes. That NPRM was published in the **Federal Register** on November 21, 2013 (78 FR 69785). That NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

Several cases have been reported of cracked horizontal stabiliser attachment brackets on Slingsby T67 aeroplanes.

This condition, if not detected and corrected, could lead to separation of the horizontal stabiliser and consequent loss of control of the aeroplane.

Prompted by these reports, Slingsby issued Service Bulletin (SB) 179 to provide instructions for repetitive inspections. The CAA UK, the State of Design authority at the time, issued AD 001–12–2002,which was later superseded by AD G–2005–0004 (EASA approval 2005–564) to require repetitive inspections and, depending on findings, replacement of the affected brackets.

Since that AD was issued, Slingsby published SB 179 issue 4, which removed the Model T67M260–T3A from the Applicability (all aeroplanes of this Model are confirmed to have been scrapped) and clarified that replacement of the affected aluminum brackets with titanium brackets (Slingsby Modification M988A or B) constitutes terminating action for the repetitive inspections.

For the reasons described above, this AD retains the requirements of CAA UK AD G–2005–0004, which is superseded, removes the Model T67M260–T3A from the Applicability and confirms that installing titanium brackets constitutes terminating action for the repetitive inspection requirements of this AD.

The MCAI can be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0997-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 69785, November 21, 2013) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 69785, November 21, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 69785, November 21, 2013).

Costs of Compliance

We estimate that this AD will affect 11 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with the basic inspection of the aluminum horizontal stabilizer attachment brackets requirement of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $1,870, or $170 per product.

In addition, we estimate that any necessary follow-on actions will take about 8 work-hours and require parts costing $7,250 (for all four titanium horizontal stabilizer attachment brackets), for a cost of $7,930 per product, or parts costing $9,557 (for all four aluminum horizontal stabilizer attachment brackets), for a cost of $10,237. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0997; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–04–01 Slingsby Aviation Ltd.: Amendment 39–17759; Docket No. FAA–2013–0997; Directorate Identifier 2013–CE–044–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Slingsby Aviation Ltd. Model T67M260 airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracked horizontal stabilizer attachment brackets. We are issuing this AD to prevent separation of the horizontal stabilizer, which could result in loss of control.

(f) Actions and Compliance

Unless already done, do the actions specified in paragraphs (f)(1) through (f)(4) of this AD:

(1) Within the next 150 hours time-in-service (TIS) after April 1, 2014 (the effective date of this AD) or at the next annual inspection after April 1, 2014 (the effective date of this AD), whichever occurs later, and repetitively thereafter at intervals not to exceed 150 hours TIS, inspect the aluminum horizontal stabilizer attachment brackets for cracks. Do the inspections following the ACTION instructions in Slingsby Advanced Composites Ltd. Service Bulletin S.B. No: 179, Issue 4, dated March 15, 2007.

(2) If any cracks are found during any inspection required in paragraph (f)(1) of this AD, before further flight, replace the cracked bracket with a serviceable part. Do the replacement following the ACTION instructions in Slingsby Advanced Composites Ltd. Service Bulletin S.B. No: 179, Issue 4, dated March 15, 2007. If a serviceable aluminum horizontal stabilizer attachment bracket is used as a replacement part, repetitively inspect as specified in paragraph (f)(1) of this AD.

(3) To terminate the repetitive inspections required in paragraph (f)(1) of this AD, all four aluminum horizontal stabilizer attachment brackets must be replaced with titanium horizontal stabilizer attachment brackets.

(4) After installing titanium horizontal stabilizer attachment brackets, installing aluminum horizontal stabilizer attachment brackets is prohibited.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

(h) Related Information

Refer to European Aviation Safety Agency (EASA) AD No. 2012–0169, dated August 31, 2012, for related information. You may examine the MCAI on the Internet at at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0997-0002*.

(i) Material Incorporated by Reference

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

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

(i) Slingsby Advanced Composites Ltd. Service Bulletin S.B. No: 179, Issue 4, dated March 15, 2007.

(ii) Reserved.

(3) For Slingsby Aviation Ltd. service information identified in this AD, contact Slingsby Advanced Composites, Ings Lane, Kirbymoorside, York, YO62 6EZ, United Kingdom, telephone: +44 (0) 1751 432474; fax +44 (0) 1751 433016, Internet: *www.marshall-slingsby.com*.

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on February 10, 2014.

Steven W. Thompson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–03421 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0090; Directorate Identifier 2014–CE–003–AD; Amendment 39–17761; AD 2014–04–03]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments

SUMMARY: We are adopting a new airworthiness directive (AD) for all Pacific Aerospace Limited Model 750XL airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as broken control column attachment bolts. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective February 25, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 25, 2014.

We must receive comments on this AD by April 11, 2014.

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

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

For service information identified in this AD, contact Pacific Aerospace

Limited, Hamilton Airport, Private Bag 3027 Hamilton 3240, New Zealand; telephone: +64 7 843 6144; fax: +64 7 843 6134; email: *pacific@aerospace.co.nz;* Internet: *http://www.aerospace.co.nz/.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2014–0090; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for New Zealand, has issued AD DCA/750XL/15, dated January 29, 2014 (referred to after this as ''the MCAI''), to correct an unsafe condition for all Pacific Aerospace Limited Model 750XL airplanes. The MCAI states:

> This emergency AD with effective date 30 January 2014 is prompted by reports of finding broken control column attachment bolts on two 750 XL aircraft.
>
> Investigation revealed the bolt failures may be due to possible over-tightening of the control column attachment bolt to reduce control column play in the pivot fork (socket). Pacific Aerospace subsequently issued MSP PACSB/XL/070 issue 1, dated 24 January 24, 2014 to replace affected bolts, washers and nuts within the next 10 hours TIS, and to caution operators and maintainers that over-tightening may reduce the life of the bolt. This AD mandates the requirements in PACSB/XL/070 to prevent failure of the control column attachment bolt which could result in control column detachment and loss of aircraft control.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0090.

Relevant Service Information

Pacific Aerospace Limited has issued Mandatory Service Bulletin PACSB/XL/070, Issue 1, dated January 24, 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of this AD

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

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because failure of the control column attachment bolt could result in control column detachment, which could cause loss of control. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0090; Directorate Identifier 2014–CE–003–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of 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 we receive about this AD.

Costs of Compliance

We estimate that this AD will affect 17 products of U.S. registry. We also estimate that it will take about 1.5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $100 per product.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $3,867.50, or $227.50 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–04–03 Pacific Aerospace Limited: Amendment 39–17761; Docket No. FAA–2014–0090; Directorate Identifier 2014–CE–003–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective February 25, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as broken control column attachment bolts. We are issuing this AD to prevent failure of the control column attachment bolt, which could result in control column detachment and cause loss of control.

(f) Actions and Compliance

Unless already done, within the next 10 hours time-in-service after February 25, 2014 (the effective date of this AD), replace the left hand and the right hand control column attachment bolts following the Accomplishment Instructions in Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/070, Issue 1, dated January 24, 2014.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(h) Related Information

Refer to MCAI Civil Aviation Authority (CAA) AD DCA/750XL/15, dated January 29, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0090.

(i) Material Incorporated by Reference

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

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

(i) Pacific Aerospace Limited Mandatory Service Bulletin PACSB/XL/070, Issue 1, dated January 24, 2014.

(ii) Reserved.

(3) For Pacific Aerospace Limited service information identified in this AD, contact Pacific Aerospace Limited, Hamilton Airport, Private Bag 3027 Hamilton 3240, New Zealand; telephone: +64 7 843 6144; fax: +64 7 843 6134; email: *pacific@aerospace.co.nz;* Internet: *http://www.aerospace.co.nz/.*

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri on February 10, 2014.

Steven W. Thompson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–03422 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0964; Directorate Identifier 2013–CE–035–AD; Amendment 39–17757; AD 2014–03–20]

RIN 2120–AA64

Airworthiness Directives; Piaggio Aero Industries S.P.A Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Piaggio Aero Industries S.P.A Model P–180 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as insufficient clearance between one of the horizontal stabilizer end ribs and the corresponding elevator horn. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 1, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0964; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Piaggio Aero Industries S.p.A—Airworthiness Office, Via Luigi Cibrario, 4–16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: *airworthiness@piaggioaero.it;* Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support.* You may view this referenced service information

at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT:

Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Piaggio Aero Industries S.P.A Model P–180 airplanes. That NPRM was published in the **Federal Register** on November 20, 2013 (78 FR 69600). That NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> Insufficient clearance between one of the horizontal stabilizer end rib and the corresponding elevator horn was found on an in-service aeroplane.
>
> This condition, if not detected and corrected, could lead to interference between the elevator and horizontal stabilizer surfaces, resulting in restricted elevator control and consequent reduced control of the aeroplane.
>
> To address this potential unsafe condition, Piaggio Aero Industries (PAI) issued Service Bulletin (SB) 80–0381 to provide inspection instructions.
>
> For the reasons described above, this AD requires accomplishment of a one-time measurement of the actual clearance between the elevator horn and the horizontal stabilizer tip rib, and depending on findings, restoration of the required minimum clearance value. This AD also requires reporting of the inspection result to PAI.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0964-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 69600, November 20, 2013) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 69600, November 20, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 69600, November 20, 2013).

Costs of Compliance

We estimate that this AD will affect 112 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $9,520, or $85 per product.

In addition, we estimate that any necessary follow-on actions will take about 5 work-hours and require parts costing $50, for a cost of $475 per product. We have no way of determining the number of products that may need these actions.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0964; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–03–20 Piaggio Aero Industries S.P.A: Amendment 39–17757; Docket No. FAA–2013–0964; Directorate Identifier 2013–CE–035–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piaggio Aero Industries S.P.A Model P–180 airplanes, manufacturer serial numbers 1002 and 1004 through 1231, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as insufficient clearance between one of the horizontal stabilizer end ribs and the corresponding elevator horn. We are issuing this AD to detect and correct insufficient clearance between one of the horizontal stabilizer end rib and the corresponding elevator horn, which could result in interference between the elevator and horizontal stabilizer surfaces, consequently resulting in restricted elevator control and reduced control of the airplane.

(f) Actions and Compliance

Unless already done, do the following actions as specified in paragraphs (f)(1) through (f)(3) of this AD:

(1) Within the next 200 hours time-in service (TIS) after April 1, 2014 (the effective date of this AD) or within the next 12 months after April 1, 2014 (the effective date of this AD), whichever occurs first, measure the clearances between the horns of the elevator and the end ribs of the horizontal stabilizer (HS) on left-hand (LH) and right-hand (RH) sides following Part A of the Accomplishment Instructions in Piaggio Aero Industries S.P.A. Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 2, 2013.

(2) If the clearance is less than 5 mm on the HS LH or RH side during the measurement as required by paragraph (f)(1) of this AD, before further flight, rework the affected elevator to restore the required minimum clearance between the horn of the elevator and the end rib of the horizontal stabilizer following Part B of the Accomplishment Instructions in Piaggio Aero Industries S.P.A. Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 2, 2013.

(3) Within 30 days after accomplishment of the measurement as required by paragraph (f)(1) of this AD, report the results to Piaggio Aero Industries S.P.A. following Part C of the Accomplishment Instructions in Piaggio Aero Industries S.P.A. Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 2, 2013.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2013–0239, dated September 30, 2013, for related information. The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D= FAA-2013-0964-0002.*

(i) Material Incorporated by Reference

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

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

(i) Piaggio Aero Industries S.P.A. Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 2, 2013.

(ii) Reserved.

(3) For Piaggio Aero Industries S.P.A service information identified in this AD, contact Piaggio Aero Industries S.p.A—Airworthiness Office, Via Luigi Cibrario, 4 16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: *airworthiness@piaggioaero.it;* Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support.*

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on February 7, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–03243 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0962; Directorate Identifier 2013–CE–028–AD; Amendment 39–17760; AD 2014–04–02]

RIN 2120–AA64

Airworthiness Directives; DORNIER LUFTFAHRT GmbH Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for DORNIER LUFTFAHRT GmbH Model 228–212 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as main landing gear axle failure caused by initial fatigue cracking and small pre-damage by corrosion. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 1, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0962; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Germany; telephone: +49–(0)8153–30–2280; fax: +49–(0)8153–30–3030; Internet: *http://www.ruag.com/en/Aviation/Aviation_Home*. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to add an AD that would apply to DORNIER LUFTFAHRT GmbH Model 228–212 airplanes. That NPRM was published in the **Federal Register** on November 19, 2013 (78 FR 69320). That NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> An event of a main landing gear (MLG) axle break during touchdown has been reported. The results of the subsequent technical investigation indicated that improper restoration of corrosion protection was the likely cause of the initial fatigue cracking.
>
> This condition, if not detected and corrected, could lead to failure of the main landing gear axle, possibly resulting in a runway excursion with consequent damage to the aeroplane and injury to the occupants.
>
> To address this potential unsafe condition, RUAG Aerospace Services GmbH issued Service Bulletin (SB) SB–228–300, Rev. 1.
>
> For the reason described above, this AD requires a one-time inspection of the MLG axle and, depending on findings, accomplishment of applicable corrective actions.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0962-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 69320, November 19, 2013) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 69320, November 19, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 69320, November 19, 2013).

Costs of Compliance

We estimate that this AD would affect 2 products of U.S. registry. We also estimate that it would take about 160 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $27,200, or $13,600 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0962; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM (78 FR 69320, November 19, 2013), the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–04–02 Dornier Luftfahrt GmbH: Amendment 39–17760; Docket No. FAA–2013–0962; Directorate Identifier 2013–CE–028–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to DORNIER LUFTFAHRT GmbH Model 228–212 airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as improper restoration of corrosion protection as the likely cause of initial fatigue cracking of the main landing gear (MLG) axle. We are issuing this AD to detect and correct possible corrosion and cracking of the MLG axle, which could lead to failure of the MLG axle resulting in a runway excursion with consequent damage to the airplane and injury to the occupants.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) and (f)(2) of this AD:

(1) Inspect the MLG axle following the Accomplishment Instructions in RUAG Aerospace Services GmbH Dornier 228 Service Bulletin No. SB–228–300, Revision 1, dated April 25, 2013, at the time specified in paragraphs (f)(1)(i) or (f)(1)(ii) of this AD.

(i) If, as of April 1, 2014 (the effective date of this AD), the main landing gear (MLG) has 6,000 or more hours time-in-service (TIS) since new or is 10 years old or is more than 10 years old: Within the next 400 hours TIS after April 1, 2014 (the effective date of this AD) or within the next 6 months after April 1, 2014 (the effective date of this AD), whichever occurs first.

(ii) If, as of April 1, 2014 (the effective date of this AD), the MLG has less than 6,000 hours TIS since new or is between 5 to 10 years old: Before or upon accumulating 6,400 hours TIS or within 6 months after April 1, 2014 (the effective date of this AD), whichever occurs first.

(2) If, during the inspection required in paragraph (f)(1) of this AD, any discrepancies are found outside the limits specified in RUAG Aerospace Services GmbH Dornier 228 Service Bulletin No. SB–228–300, Revision 1, dated April 25, 2013, before further flight, make all necessary corrective actions following the Accomplishment Instructions in RUAG Aerospace Services GmbH Dornier 228 Service Bulletin No. SB–228–300, Revision 1, dated April 25, 2013.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2013–0209, dated September 10, 2013, for related information. The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0962-0002*.

(i) Material Incorporated by Reference

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

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

(i) RUAG Aerospace Services GmbH Dornier 228 Service Bulletin No. SB–228–300, Revision 1, dated April 25, 2013.

(ii) Reserved.

(3) For RUAG Aerospace Services GmbH service information identified in this AD, contact RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Germany; telephone: +49–(0)8153–30–2280; fax: +49–(0)8153–30–3030; Internet: *http://www.ruag.com/en/Aviation/Aviation_Home*.

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on February 10, 2014.

Steven W. Thompson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–03424 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0831; Directorate Identifier 2013–NM–125–AD; Amendment 39–17763; AD 2014–04–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by reports of chaffing, arcing, and burning damage to the control cabin overhead wiring and ducting with smoke and fire caused by metal clamps installed on certain hoses. This AD requires inspecting for the presence of metal clamps, replacing metal clamps installed on the hoses to the air conditioning temperature sensor, gasper air outlet, and diffuser on the left side of the control cabin with plastic tie straps, and inspecting for and repairing damaged wire bundles. We are issuing this AD to prevent damage to wire bundles, which could cause electrical arcing that could result in a fire or smoke in the control cabin of the airplane.

DATES: This AD is effective April 1, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2014.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0831; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on September 26, 2013 (78 FR 59304). The NPRM was prompted by reports of chaffing, arcing, and burning damage to the control cabin overhead wiring and ducting with smoke and fire caused by metal clamps installed on certain hoses. The NPRM proposed to require inspecting for the presence of metal clamps, replacing metal clamps installed on the hoses to the air conditioning temperature sensor, gasper air outlet, and diffuser on the left side of the control cabin with plastic tie straps, and inspecting for and repairing damaged wire bundles. We are issuing this AD to correct incorrectly installed metal clamps, which could cause wire bundle damage and electrical arcing that could result in a fire or smoke in the control cabin of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the proposal (78 FR 59304, September 26, 2013) and the FAA's response to that comment.

Statement of Supplemental Type Certificate (STC) Effect on Applicability

Aviation Partners Boeing stated that the installation of winglets per STC ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se*) does not affect the accomplishment of the proposed requirements.

We have re-designated paragraph (c) of the NPRM (78 FR 59304, September 26, 2013) as paragraph (c)(1) in this final rule and added new paragraph (c)(2) to this final rule to state that installation of STC ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 59304, September 26, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 59304, September 26, 2013).

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

Costs of Compliance

We estimate that this AD affects 426 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and Replacement.	2 work-hours × $85 per hour = $170 per replacement.	$0	$170 per replacement	$72,420

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–04–05 The Boeing Company: Amendment 39–17763 ; Docket No. FAA–2013–0831; Directorate Identifier 2013–NM–125–AD.

(a) Effective Date

This AD is effective April 1, 2014.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Service Bulletin 737–21–1186, dated April 17, 2012.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Unsafe Condition

This AD was prompted by reports of chaffing, arcing, and burning damage to the control cabin overhead wiring and ducting with smoke and fire caused by metal clamps installed on certain hoses. We are issuing this AD to prevent damage to wire bundles, which could cause electrical arcing that could result in a fire or smoke in the control cabin of the airplane.

(f) Compliance

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

(g) Inspection, Replacement, and Repair

For airplanes identified in Groups 1 and 2 in Boeing Service Bulletin 737–21–1186, dated April 17, 2012: Within 60 months after the effective date of this AD, do the actions in (g)(1) and (g)(2) of this AD.

(1) Do a general visual inspection to determine if any metal clamp is installed on the hoses to the air conditioning temperature sensor, gasper air outlet, and diffuser on the left side of the control cabin at station (STA) 259.5, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–21–1186, dated April 17, 2012. If any metal clamp is found installed, before further flight, replace each metal clamp with a plastic tie strap, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–21–1186, dated April 17, 2012.

(2) Do a general visual inspection for damage to the adjacent wire bundles and repair any damaged wire bundles, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–21–1186, dated April 17, 2012. Do all applicable repairs before further flight.

(h) Inspection, Replacement, and Repair

For airplanes identified in Group 3 in Boeing Service Bulletin 737–21–1186, dated April 17, 2012: Within 60 months after the effective date of this AD, replace any metal clamp installed on the hoses to the air conditioning temperature sensor, gasper air outlet, and diffuser on the left side of the control cabin at STA 259.5, and inspect adjacent wire bundles and repair any damage, before further flight, using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Parts Installation Prohibition

For all airplanes: As of the effective date of this AD, no person may install a metal clamp on the hoses to the air conditioning temperature sensor, gasper air outlet, and the diffuser on the left side of the control cabin at STA 259.5.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

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

(l) Material Incorporated by Reference

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

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

(i) Boeing Service Bulletin 737–21–1186, dated April 17, 2012.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on February 10, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–03610 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket No. FDA–1999–F–2405 (formerly 1999F–5522)]

Irradiation in the Production, Processing, and Handling of Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; denial of request for a stay of effective date and for a hearing; response to objections; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is responding to objections and is denying requests that it received for a hearing on the final rule that appeared in the **Federal Register** of August 22, 2008 (73 FR 49593), and that amended the food additive regulations to provide for the safe use of ionizing radiation for control of food-borne pathogens and extension of shelf life in fresh iceberg lettuce and fresh spinach. After reviewing objections to the final rule and requests for a hearing, we have concluded that the objections do not raise issues of material fact that justify a hearing or otherwise provide a basis for revoking or modifying the amendment to the regulation. We are denying the request for a stay of the effective date of the amendment to the food additive regulations. We are also confirming the effective date of August 22, 2008, for the final rule.

DATES: Effective date of final rule published in the **Federal Register** of August 22, 2008 (73 FR 49593) confirmed: August 22, 2008.

FOR FURTHER INFORMATION CONTACT: Teresa A. Croce, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1281.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of January 5, 2000 (65 FR 493), which was subsequently amended May 10, 2001 (66 FR 23943), we announced that a food additive petition (FAP 9M4697), had been filed by the National Food Processors Association (now merged into the Grocery Manufacturers Association) on behalf of The Food Irradiation Coalition, 1350 I St. NW., Suite 300, Washington, DC 20005 (petitioner). The petition proposed to amend the food additive regulations in part 179, *Irradiation in the Production, Processing and Handling of Food* (21 CFR part 179), to provide for the safe use of ionizing radiation for control of food-borne pathogens and extension of shelf life in a variety of human foods up to a maximum irradiation dose of 4.5 kiloGray (kGy) for non-frozen and non-dry products, and 10.0 kGy for frozen or dry products, including: (1) Pre-processed meat and poultry; (2) both raw and pre-processed vegetables, fruits, and other agricultural products of plant origin; (3) and certain multi-ingredient food products containing cooked or uncooked meat or poultry. Subsequently, in a letter dated December 4, 2007, the petitioner amended the petition to request a response to part of the original request while the remainder of the request would remain under review. Specifically, the petitioner requested a response regarding amending the food additive regulations to provide for the safe use of ionizing radiation for control of food-borne pathogens and extension of shelf life in fresh iceberg lettuce and fresh spinach up to a maximum dose of 4.0 kGy. In response to this request, we issued a final rule in the **Federal Register** of August 22, 2008 (73 FR 49593), permitting the irradiation of fresh iceberg lettuce and fresh spinach (hereafter referred to as ''fresh lettuce and fresh spinach'') for control of food-borne pathogens and extension of shelf life up to a maximum dose of 4.0 kGy. We based our decision on data in the petition and in our files. In the preamble to the final rule, we outlined the basis for our decision and stated that objections to the final rule and requests for a hearing were due within 30 days of the publication date (i.e., by September 22, 2008).

II. Objections, Requests for a Hearing, and Request for a Stay of Effective Date

Section 409(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(f)(1)) provides that, within 30 days after publication of an order relating to a food additive regulation, any person adversely affected by such order may file objections, ''specifying with particularity the provisions of the order deemed objectionable, stating reasonable grounds therefor, and requesting a public hearing upon such objections.''

Under 21 CFR 171.110 of the food additive regulations, objections and requests for a hearing are governed by part 12 (21 CFR part 12) of FDA's regulations. Under § 12.22(a), each objection must meet the following conditions: (1) Must be submitted on or before the 30th day after the date of publication of the final rule; (2) must be separately numbered; (3) must specify with particularity the provision of the regulation or proposed order objected to; (4) must specifically state each objection on which a hearing is requested; failure to request a hearing on an objection constitutes a waiver of the right to a hearing on that objection; and (5) must include a detailed description and analysis of the factual information to be presented in support of the objection if a hearing is requested; failure to include a description and analysis for an objection constitutes a waiver of the right to a hearing on that objection.

Following publication of the final rule permitting the irradiation of fresh lettuce and fresh spinach for control of food-borne pathogens and extension of shelf life, we received numerous submissions with objections to the rule within the 30-day objection period. The majority of these submissions were form letters expressing concern regarding one or more of the following issues: (1) Labeling of produce being irradiated and (2) potential vitamin depletion resulting from irradiation. Many of the form letters also expressed general opposition to the final rule, or objected to the rule based on issues that are outside the rule's scope such as the regulation and management of the meat industry, the number of inspectors currently available to perform inspections, and the proximity of cattle farms to produce farms. Although most of these letters requested a hearing, no evidence was identified in support of any of these objections that could be considered in an evidentiary hearing (§ 12.22(a)(5)). Therefore, these objections do not justify a hearing.[1] We will not discuss these submissions further.

There were two submissions raising specific objections. One was a letter from the Center for Food Safety (CFS) (letter to Docket No. FDA–1999–F–2405; September 17, 2008) and the second was a letter from Food & Water Watch (FWW) (letter to Docket No. FDA–1999–F–2405; September 22, 2008). The letter from CFS sought revocation of the final rule pertaining to two areas, which were enumerated as five specific objections. CFS requested a hearing on the issues

[1] FDA also received letters after the close of the objection period that expressed general opposition to the fresh lettuce and fresh spinach irradiation rule. Tardy objections fail to satisfy the requirements of 21 U.S.C. 348(f)(1) and need not be considered by the Agency (see *ICMAD* v. *HEW,* 574 F.2d 553, 558 n.8 (D.C. Cir.), cert. denied, 439 U.S. 893 (1978)).

raised by each objection. The letter from FWW agreed with all objections raised in the letter from CFS, and requested a hearing and stay of effective date for one additional topic not described in the CFS letter. A more detailed response to both CFS' and FWW's objections is found in section IV. We also received two letters in support of the fresh lettuce and fresh spinach rule.

III. Standards for Granting a Hearing

Specific criteria for deciding whether to grant or deny a request for a hearing are set out in § 12.24(b). Under that regulation, a hearing will be granted if the material submitted by the requester shows, among other things, the following: (1) There is a genuine and substantial factual issue for resolution at a hearing; a hearing will not be granted on issues of policy or law; (2) the factual issue can be resolved by available and specifically identified reliable evidence; a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions; (3) the data and information submitted, if established at a hearing, would be adequate to justify resolution of the factual issue in the way sought by the requester; a hearing will be denied if the data and information submitted are insufficient to justify the factual determination urged, even if accurate; and (4) resolution of the factual issue in the way sought by the person is adequate to justify the action requested; a hearing will not be granted on factual issues that are not determinative with respect to the action requested (e.g., if the action would be the same even if the factual issue were resolved in the way sought).

A party seeking a hearing is required to meet a ''threshold burden of tendering evidence suggesting the need for a hearing'' (*Costle* v. *Pac. Legal Found.,* 445 U.S. 198, 214 (1980), reh. denied, 446 U.S. 947 (1980), citing *Weinberger* v. *Hynson, Westcott & Dunning, Inc.,* 412 U.S. 609, 620–21 (1973)). An allegation that a hearing is necessary to ''sharpen the issues'' or to ''fully develop the facts'' does not meet this test (*Georgia-Pacific Corp.* v. *U.S. EPA,* 671 F.2d 1235, 1241 (9th Cir. 1982)). In judicial proceedings, a court is authorized to issue summary judgment without an evidentiary hearing whenever it finds that there are no genuine issues of material fact in dispute and a party is entitled to judgment as a matter of law (see Fed. R. Civ. P. 56). The same principle applies in administrative proceedings (see § 12.24).

A hearing request must not only contain evidence, but that evidence should raise a material issue of fact ''concerning which a meaningful hearing might be held'' (*Pineapple Growers Ass'n* v. *FDA,* 673 F.2d 1083, 1085 (9th Cir. 1982)). Where the issues raised in the objection are, even if true, legally insufficient to alter the decision, we need not grant a hearing (see *Dyestuffs and Chemicals, Inc.* v. *Flemming,* 271 F.2d 281, 286 (8th Cir. 1959), cert. denied, 362 U.S. 911 (1960)). A hearing is justified only if the objections are made in good faith and if they ''draw in question in a material way the underpinnings of the regulation at issue'' (*Pactra Industries* v. *CPSC,* 555 F.2d 677, 684 (9th Cir. 1977)). A hearing need not be held to resolve questions of law or policy (see *Citizens for Allegan County, Inc.* v. *FPC,* 414 F.2d 1125, 1128 (D.C. Cir. 1969); *Sun Oil Co.* v. *FPC,* 256 F.2d 233, 240–41 (5th Cir. 1958), cert. denied, 358 U.S. 872 (1958)).

Even if the objections raise material issues of fact, we need not grant a hearing if those same issues were adequately raised and considered in an earlier proceeding. Once an issue has been so raised and considered, a party is estopped from raising that same issue in a later proceeding without new evidence. The various judicial doctrines dealing with finality, such as collateral estoppel, can be validly applied to the administrative process (see *Pac. Seafarers, Inc.* v. *Pac. Far East Line, Inc.,* 404 F.2d 804, 809 (D.C. Cir. 1968), cert. denied, 393 U.S. 1093 (1969)). In explaining why these principles ought to apply to an Agency proceeding, the U.S. Court of Appeals for the District of Columbia Circuit wrote: ''The underlying concept is as simple as this: Justice requires that a party have a fair chance to present his position. But overall interests of administration do not require or generally contemplate that he will be given more than one fair opportunity.'' (*Retail Clerks Union, Local 1401* v. *NLRB,* 463 F.2d 316, 322 (D.C. Cir. 1972).) (See *Costle* v. *Pac. Legal Found.,* 445 U.S. at 215–20. See also *Pac. Seafarers, Inc.* v. *Pac. Far East Line, Inc.,* 404 F.2d 804 (D.C. Cir. 1968), cert. denied, 393 U.S. 1093 (1969).)

In summary, a hearing request must present sufficient credible evidence to raise a material issue of fact, and the evidence must be adequate to resolve the issue as requested and to justify the action requested.

IV. Analysis of Objections and Response to Hearing Requests

The letter from CFS contains five numbered objections with requests for a hearing on each of them, and also appears to have two broad objections. FWW's letter agrees with all objections presented by CFS and presents one additional objection; they request a hearing and stay of effective date on each objection. We address CFS' two broad objections first, followed by the specific objections, as well as the evidence and information filed in support of each, comparing each objection and the information submitted in support of it to the standards for granting a hearing in § 12.24(b).

A. CFS' Broad Objections

Although CFS' letter was formatted as five numbered objections with requests for a hearing on each, CFS appears to have two broad objections to the final rule providing for the safe use of ionizing radiation for control of food-borne pathogens and extension of shelf life in fresh lettuce and fresh spinach. In brief, CFS claims that: (1) We have improperly relied on studies in other fruits and vegetables and (2) we have improperly relied on studies at doses below 4.0 kGy. CFS appears to raise these objections to attempt to call into question our assessment of the nutritional impact of the final rule and ultimately our determination that the irradiation of fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe.

We disagree that we have improperly relied on studies in other fruits and vegetables. We have consistently taken the position that various scientifically validated types of data may properly support a safety determination for a proposed use of a food additive (see 21 CFR 170.20(a)). Further, we have consistently taken the position that data obtained from specific foods irradiated under specific conditions may be extrapolated and generalized to draw conclusions regarding the safety of foods of a similar type irradiated under related conditions (see 62 FR 64107 at 64110; December 3, 1997, and 70 FR 48057 at 48059; August 16, 2005). Other scientific bodies have used this approach as well. As explained in our final rule permitting the irradiation of molluscan shellfish (70 FR 48057 at 48058), the World Health Organization, in its review of the safety data on irradiated food, found that safety data on one food type can be extrapolated to other foods of similar composition and that individual studies of irradiated foods can be integrated into one database (Ref. 1). In the fresh lettuce and fresh spinach final rule, we concluded that the body of data and information we considered in our review demonstrated the safety of fresh lettuce and fresh spinach irradiated up to a maximum dose of 4.0 kGy. CFS' suggestion that such information is not

sufficient to support a safety determination is unsupported by specific data or other factual information.

We also disagree that we improperly relied on studies at doses below 4.0 kGy. In analyzing the nutritional adequacy of irradiated fresh lettuce and fresh spinach, we evaluated the totality of evidence, which included studies of plant-based foods irradiated at a wide range of doses (i.e., doses above and below 4.0 kGy), information about the susceptibility of vitamins in lettuce and spinach to irradiation, information about the susceptibility of vitamins in plant matrices in general to irradiation, and estimates of the significance of fresh lettuce and fresh spinach as sources of these vitamins. For the assessment of the significance of fresh lettuce and fresh spinach as sources of vitamins, we considered the levels of the vitamins present in food, published information about the relative contribution of fresh lettuce and fresh spinach to the total dietary intake of these vitamins, and published studies and reviews summarizing the limited bioavailability of certain vitamins from green leafy vegetables. Importantly, we noted that folate, provitamin A carotenoids, and vitamin K all have limited bioavailability from green leafy vegetables; hence the contribution of these foods to overall intake of these vitamins is diminished, despite the presence of the vitamins in high amounts in foods such as spinach (Ref. 2).[2] For example, in 2001 the Institute of Medicine (IOM) concluded that provitamin A bioavailability from dietary sources (i.e., not supplemental forms) is half that previously thought (Ref. 3), and that very low bioavailability (<10 percent) is associated with raw green leafy vegetables (Ref. 4). Similar findings of limited bioavailability have been reported for folate and vitamin K from green leafy vegetables, particularly relative to supplements and other food sources, as discussed in our nutrition memorandum (Ref. 2).

We considered studies performed at doses ranging from 0.5 kGy to 56 kGy to ascertain the relative amount of vitamin loss at those doses. Specifically, we assessed studies performed at doses above 4.0 kGy for folate, provitamin A carotenoids, vitamin K, and vitamin C. As such, we did not rely solely on studies conducted below 4.0 kGy to perform the nutritional assessment; rather we considered all available data pertaining to potential nutrient loss for those vitamins. The available data included information on the levels of vitamins following treatment with doses below 4.0 kGy, information on the levels of vitamins following treatment with doses above 4.0 kGy, information on the limited bioavailability of certain vitamins and provitamins from green leafy vegetables, and information pertaining to the relative contribution of these sources to the total dietary intake of individual vitamins. Our assessment of the available data does not provide reason for a safety concern regarding potential vitamin loss from irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy. CFS provided no information to support its assertions that our reliance on studies in other fruits and vegetables and studies performed at doses below 4.0 kGy would call into question our assessment of the nutritional impact of the final rule and ultimately our determination that irradiated fresh lettuce and fresh spinach at 4.0 kGy is safe. A hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)). Therefore, we are denying CFS' objection and request for a hearing based on this objection.

B. First Numbered Objection: CFS' Contention That FDA Failed To Determine the Magnitude of Nutrient Losses at or Near the Maximum Permitted Dose of 4.0 kGy

The first objection raised by CFS contends that FDA ''fails to determine the magnitude of nutrient losses to be expected from irradiation of fresh spinach or iceberg lettuce at or near the upper limit approved in the rule: 4 kGy.'' They expound upon this objection by asserting that the majority of the studies cited in our nutrition memorandum (Ref. 2) were performed at doses below 2 kGy and on fruits and vegetables other than fresh spinach and fresh lettuce. The objection includes CFS' assertions regarding the following ''nutrients'': Carotenoids/vitamin A,[3] folate, vitamin K, and vitamin C. CFS' discussion for each nutrient contains additional objections.

CFS further contends that we failed to determine the magnitude of nutrient losses to be expected from irradiating fresh spinach and fresh lettuce at or near the petitioned maximum dose because we did not address the synergistic effects of irradiation and heating. According to CFS, we should have considered that ''irradiation-induced nutrient losses will be superadded to those from other industrial or home food processing methods.'' CFS' assertion that we failed to determine the magnitude of nutrient losses at or near the petitioned maximum dose ultimately attempts to call into question our determination that the irradiation of fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe.

Contrary to CFS' contention and, as demonstrated in our nutrition memorandum (Ref. 2), we evaluated both the extent of nutrient loss and the nutritional importance of any such losses resulting from irradiation of fresh lettuce and fresh spinach at doses up to 4.0 kGy. Our review of a large body of data relevant to the nutritional adequacy and wholesomeness of irradiated foods has demonstrated that irradiation does not significantly alter the macronutrients (i.e., proteins, fats, and carbohydrates) of the food at the petitioned doses. However, it has been shown that some vitamins are susceptible to irradiation. The susceptibility of a vitamin to irradiation depends on factors such as the chemical structure of the vitamin, the conditions of processing, the conditions and duration of storage, and the composition of food. To determine whether or not partial vitamin loss is significant, it is essential to consider the relative contribution of the vitamin from the irradiated food to the total dietary intake of the vitamin and the sensitivity of that vitamin to irradiation.

Therefore, our analysis focused primarily on vitamins that are present in relatively high amounts in fresh lettuce and/or fresh spinach, which were identified using the criteria for nutrient content claims (§ 101.54 (21 CFR 101.54)),[4] and that contribute more than a trivial amount to the total dietary intake of that vitamin (i.e., more than 1 to 2 percent). The nutrients which meet both criteria are: Vitamin A, vitamin K, and folate. Therefore, our discussion of the nutritional impact of the proposed conditions of irradiation on fresh lettuce and fresh spinach focused on these three nutrients.[5] For each of these

[2] Only vitamin K is present in high amounts in iceberg lettuce.

[3] We note that while CFS refers to these components as nutrients, not all carotenoids are vitamin A precursors and not all carotenoids have been shown to be essential to the human diet.

[4] In accordance with § 101.54(b), foods containing ≥ 20 percent of the Reference Daily Intake or Daily Reference Value per reference amount customarily consumed, the amount of food customarily consumed per eating occasion such as in one meal or snack, may be labeled as ''excellent source of,'' ''high in,'' or ''rich in'' a given nutrient.

[5] Spinach contains high levels of vitamin C, but the combined group of spinach and ''greens'' (e.g., kale, chard, chives) contributes less than 2 percent to the total dietary intake of vitamin C in the United

Continued

nutrients, we evaluated the dietary requirements, dietary sources, and susceptibility of vitamins to irradiation, and we found that there would be no significant impact on the dietary intake of those nutrients.

1. Provitamin A Carotenoids/Vitamin A

In the analysis specific to irradiation-induced loss of provitamin A, CFS objects to the use of six studies, five of which did not involve the irradiation of fresh lettuce or fresh spinach. We have reviewed a large body of data relevant to the safety of irradiated foods.[6] When evaluating the safety of a source of radiation to treat food intended for human consumption, we address three general areas: (1) Potential toxicity, (2) nutritional adequacy, and (3) effects on the microbiological profile of the treated food. We have consistently taken the position that various scientifically validated types of data may properly support a safety determination for a proposed use of a food additive. For example, in the case of food irradiation, we have taken advantage of the extensive research and large body of knowledge concerning the principles of radiation chemistry and the chemical composition of foods. CFS' suggestion that data and information derived from studies of analogous irradiated foods are not sufficient to support a determination that irradiated fresh lettuce and fresh spinach is safe is unsupported by specific data or other factual information.

Furthermore, vitamin A exists in food sources in two different forms: (1) Preformed vitamin A (retinol) and (2) provitamin A (carotenoids).[7] Preformed vitamin A is found in some animal-derived foods (e.g., organ meats, dairy products, eggs) and in fortified foods such as ready-to-eat cereals, whereas provitamin A carotenoids are found in foods such as dark-green vegetables, orange vegetables, orange fruits, and red palm oil (Ref. 3). There is a diverse set of foods that contributes to the total dietary intake of vitamin A in a balanced diet, including vitamin A-rich foods and provitamin A carotenoid-rich foods. Among the wide range of plant-based foods containing provitamin A carotenoids, fresh lettuce and fresh spinach are among the poorer dietary sources, due to limited bioavailability of carotenoids from these foods, as discussed earlier and reviewed by the IOM (Ref. 4). Hence, even for fresh spinach, which has a relatively high concentration of provitamin A, the actual contribution of this food to total vitamin A intake is minor due to limited bioavailability (Ref. 2). Therefore, considering the insensitivity of vitamin A and provitamin A carotenoids found in spinach to irradiation and the limited contribution of these particular foods to the total dietary intake of vitamin A, the small losses of vitamin A that might result from the irradiation of fresh lettuce or fresh spinach are not nutritionally significant (Ref. 2).

Additionally, CFS asserts that there is ''no discussion of the apparent discrepancy between no carotenoid loss in carrots at 2 kGy and 'low to moderate losses in beta and alpha-carotene' * * * in carrots irradiated at less than half that dose, 0.8 kGy.''[8] We were aware of the discrepancies between the two studies during our review. However, we concluded that differences in observed losses between the studies did not call into question our assessment of the nutritional impact of the final rule and determination that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe. The two studies differed in treatment dose but also other factors, including storage time, temperature during irradiation and storage, and analysis of total carotenoids (Ref. 8) versus individual carotenoids (Ref. 9), which could impact the reported levels of carotenoids. Despite differences in study design, losses of total carotenoids (alpha-carotene plus beta-carotene) were less than 20 percent in both studies. Losses of alpha-carotene (28 percent) were reported to be slightly higher than losses of beta-carotene (8 percent) in the Baraldi et al. paper (Ref. 9); however, it is important to note that alpha-carotene is present in lower amounts than beta-carotene in carrots and has half the retinol activity equivalence of beta-carotene (discussed further in this document). Further, alpha-carotene is not present in meaningful amounts in either spinach or iceberg lettuce; hence; this provitamin was not highlighted in the nutrition memorandum.

The nutritional significance of provitamin A carotenoids is that provitamin A carotenoids, including alpha and beta-carotenes, are precursors of vitamin A. Even at the highest observed losses in the cited studies (28 percent for alpha-carotene), one would not expect substantive losses of vitamin A in the total diet, in part due to inefficient conversion of alpha-carotene to retinol and the limited bioavailability of alpha-carotene from plant sources. In recognition of these limitations, the IOM has established a retinol activity equivalence of 24 micrograms of alpha-carotene (from food) to 1 microgram of retinol (meaning 24 micrograms of alpha-carotene in carrots yield only 1 microgram of retinol in the body). In contrast, the IOM estimates that 12 micrograms of food-borne beta-carotene yield one microgram of retinol in the body. Despite the relatively high concentration of beta-carotene in spinach, the bioavailability of beta-carotene from green leafy vegetables is generally considered to be low relative to other food sources of beta-carotene (even lower than raw carrot) due to inhibitory effects of the food matrix (i.e., the components of the food) on carotenoid release from food. Release of the carotenoids from the food matrix is a step that precedes the incorporation of carotenoids into mixed lipid micelles and their subsequent absorption (Refs. 4 and 10). This topic has been addressed in section IV.A and in an extensive review by the IOM (Ref. 3). Considering the limited bioavailability of provitamin A carotenoids from fresh lettuce and fresh spinach, the limited contribution

States (Ref. 5); hence, vitamin C was not an area of focus in the final rule, although it was addressed in the our nutrition memorandum.

[6] During the early 1980s, a joint Food and Agriculture Organization/International Atomic Energy Agency, World Health Organization (FAO/IAEA/WHO) Expert Committee evaluated the toxicological and microbiological safety and nutritional adequacy of irradiated foods. The Expert Committee concluded that irradiation of any food commodity at an average dose of up to 10 kGy presents no toxicological hazard (Ref. 6). In the 1990s, WHO reanalyzed the safety data on irradiated foods, including additional studies (see 51 FR 13376 at 13378, April 18, 1986) and concluded that the integrated toxicological database is sufficiently sensitive to evaluate safety and that no adverse toxicological effects due to irradiation were observed in the dose ranges tested (Ref. 1). Furthermore, our Bureau of Foods Irradiated Foods Committee assessed hundreds of toxicology studies in our files and determined that studies involving irradiated foods did not demonstrate adverse effects (Ref. 7). These studies, taken as a whole, serve as an independent method to assess toxicological safety. The studies considered in that evaluation include those that have been relied on by FDA in previous evaluations of the safety of irradiated foods, including lettuce, spinach, molluscan shellfish, shell eggs, meat, and poultry (see 73 FR 49593, August 22, 2008; 70 FR 48057, August 16, 2005; 65 FR 45280, July 21, 2000; 62 FR 64107, December 3, 1997; 55 FR 18538, May 2, 1990; and 51 FR 13376), along with additional data and information from our files and from other information available to us, including published reports regarding studies in which animals were fed a wide variety of foods irradiated at different doses.

[7] There are also two types of carotenoids: Provitamin A carotenoids that are vitamin A precursors, meaning that they contribute to vitamin A activity, and nonprovitamin A carotenoids that are not vitamin A precursors and, therefore, do not contribute to vitamin A activity.

[8] The studies to which CFS refers are the Hajare et al. study (Ref. 8) that looked at the loss in total carotenoids in carrots irradiated at 2.0 kGy and the Baraldi et al. study that was reviewed by Diehl (Ref. 9) and was conducted at 0.8 kGy showing low to moderate losses in beta- and alpha-carotene. Our nutrition memorandum (Ref. 2) notes that the study conducted at 0.8 kGy showing low to moderate losses in beta- and alpha-carotene was reviewed within the Diehl reference.

of these foods to the total dietary intake of vitamin A, and the relative radiation resistance of plant-based carotenoids, we determined that the loss of carotenoids would not be a safety concern. We also note that although provitamin A carotenoids are susceptible to partial losses due to irradiation, these losses are somewhat variable and can be minimized by control of various irradiation conditions (e.g., temperature, packaging, headspace gas). Therefore, while there were variable (but not extensive) losses observed in the two carrot studies, this apparent discrepancy does not call into question the outcome of this final rule. CFS' objection attempts to call into question our assessment of the nutritional impact of the final rule and implies that there is a safety issue due to a discrepancy in losses between the two cited studies; however, they do not provide any information or data to support their objection. We are therefore denying CFS' objection and request for a hearing because a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)).

Further, CFS asserts that we failed to determine the magnitude of nutrient losses from irradiating fresh lettuce and fresh spinach because the discussion of carotenoids was limited to total carotenoid levels as opposed to analyzing specific carotenoids with ''particular nutritional relevance,'' such as lutein and zeaxanthin. To support this objection, CFS cites a study performed by Semba and Dagnelie (Ref. 11), that, according to CFS, demonstrates the nutritional relevance of lutein and zeaxanthin because ''[l]ow dietary intake and plasma levels of lutein and zeaxanthin have been associated with low macular pigment density and increased risk of age-related macular degeneration, and on this basis these carotenoids have been considered good candidates for designation as a [sic] 'conditionally essential' nutrients.'' CFS fails to note that the same journal article states that these carotenoids ''*may* play a role in the pathogenesis of age-related macular degeneration,'' that ''studies are *beginning to suggest* that they fit the criteria for conditionally essential nutrients'' and that ''[s]hould controlled clinical trials show lutein and/or zeaxanthin supplementation protects against the developments or progression of ARMD [age-related macular degeneration] and other eye diseases, then lutein and zeaxanthin *could be considered* as conditionally essential nutrients for humans'' (emphasis added) (Ref. 11). Thus, none of these statements supports CFS' claim that there currently is a scientific basis which would provide a substantial rationale for us to perform analysis on individual carotenoids. Furthermore, it should be noted that both lutein and zeaxanthin are nonprovitamin A carotenoids, meaning that neither contributes to vitamin A activity.

Additionally, in the most recently published report from the IOM on Dietary Reference Intakes (DRIs), which updated recommendations for the intake of vitamin C, vitamin E, selenium, and discussed carotenoids, the IOM stated: ''[a] large body of observational epidemiological evidence suggests that higher blood concentrations of β-carotene and other carotenoids obtained from foods are associated with lower risk of several chronic diseases. This evidence, although consistent, cannot be used to establish a requirement for β-carotene or carotenoid intake because the observed effects may be due to other substances found in carotenoid-rich food, or to other behavioral correlates of increased fruit and vegetable consumption * * * [a]lthough no DRIs are proposed for β-carotene or other carotenoids at the present time, existing recommendations for increased consumption of carotenoid-rich fruits and vegetables are supported . . .'' (Ref. 4).

After reviewing the relevant scientific studies, the IOM did not establish a requirement for carotenoid intake; therefore, unless the carotenoids contributed to vitamin A levels in the diet, we did not analyze specific carotenoids. For these reasons, there was no evidence that individual carotenoids needed to be analyzed when we made our safety decision on irradiation of fresh lettuce and fresh spinach at the petitioned doses. Accordingly, we are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

2. Folate

CFS offers three arguments to support their view that we erroneously concluded that irradiation-induced folate loss in fresh lettuce and fresh spinach is not nutritionally significant. First, CFS asserts that we did not consider any studies of irradiation-induced folate losses in iceberg lettuce. Second, CFS asserts that only one of the cited studies pertained specifically to fresh spinach. Third, CFS contends that we failed to discuss certain results from the study performed by Müller and Diehl (Ref. 12).

First, CFS asserts that ''though iceberg lettuce contains considerably less folate than spinach * * *, lettuces as a group supply a larger percentage of folate than the spinach/greens groups to the average American diet,'' and therefore we should have considered studies of irradiation-induced folate losses in iceberg lettuce. However, we note that iceberg lettuce is just one leafy vegetable within the category of ''lettuces'' (which includes Romaine, butterhead, green leaf, etc.); among the lettuces, iceberg lettuce contains the lowest concentration of folate. In our nutrition memorandum (Ref. 2), we explain that iceberg lettuce is not considered to be a ''good source'' of folate in accordance with § 101.54(c) and that enriched and fortified foods (e.g., cereal grains and grain-based products) make the greatest contribution to folate in the diet. Furthermore, the form of folate used for fortification is more bioavailable than naturally occurring food folates. While we did not provide an analysis for iceberg lettuce, we did analyze the potential folate loss in spinach, which is considered to contain relatively large amounts of folate. We concluded that irradiation of spinach at doses up to 4.0 kGy would not have a significant impact on the dietary intake of folate in the U.S. diet. It follows that iceberg lettuce, which does not meet the criteria for a ''good source'' of this nutrient, would not have a significant impact on the dietary intake of folate either. Therefore, the information provided by CFS that lettuces ''as a group'' supply a larger percentage of folate than the spinach/greens group is not sufficient to demonstrate that we should have considered irradiation-induced losses in iceberg lettuce. Accordingly, we are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

Second, CFS asserts that only one study was presented that considered irradiation-induced folate loss in fresh spinach. While we cited two studies considering folate loss, CFS asserts that only one study is relevant because it was performed in fresh spinach. In the final rule, we explained our position that many scientifically valid types of data may properly support a finding that a proposed use of a food additive is safe. CFS has not provided any evidence that our consideration of studies considering folate loss is inadequate to determine the magnitude of nutrient losses from irradiating fresh lettuce and fresh

spinach at the petitioned doses. CFS has also not provided any additional studies that we should have considered in assessing folate loss. We are therefore denying CFS' objection and request for a hearing because a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)).

Third, CFS contends that our discussion of the study performed by Müller and Diehl (Ref. 12) did not include certain results. CFS asserts that the study reported a 12 percent loss of folate in fresh spinach when irradiated at 2.5 kGy, but we did not discuss the 21 percent loss of folate in fresh spinach when irradiated at 5.0 kGy or the 13 percent loss of folate when dehydrated spinach was irradiated at 10 kGy. The Müller and Diehl study was included in the petition and was analyzed by FDA when we made our safety assessment. We acknowledge that a greater loss of folate was shown when fresh spinach was irradiated at a higher dose (i.e., 5.0 kGy) when compared to the lower dose of 2.5 kGy. The nutrition memorandum cited the 2.5 kGy result, since it was within the range of doses under consideration in the petition and highlighted the general stability of food folate. The 5.0 kGy dose, although greater than the dose under consideration in the petition, still shows that nearly 80 percent of folate is maintained, thus supporting the general stability of this vitamin to moderate doses of irradiation. In our review of the petition, we considered the health implications from folate loss in spinach at the maximum petitioned dose (4.0 kGy), and concluded that such folate loss is not nutritionally significant because: (1) Fresh lettuce and fresh spinach contribute minimally to the dietary intake of folate; and (2) folate is found to be consistently stable to irradiation under various conditions that have been detailed in published studies.

Therefore, the information provided by CFS that a greater loss of folate was shown when fresh spinach was irradiated at a higher dose does not call into question our assessment of the nutritional impact of the final rule and determination that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe. Accordingly, we are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

3. Vitamin K

CFS objects to the final rule based on our nutrition memorandum for vitamin K because CFS asserts that: (1) The Knapp and Tappel study (Ref. 13) cited in the nutrition memorandum involved the irradiation of pure vitamin K in an isooctane solution and not in a food matrix; (2) the Richardson et al. study (Ref. 14) cited in the nutrition memorandum involved indirect measurement of vitamin K activity in spinach and other vegetables after freezing, irradiation at 28 or 56 kGy, or heat-processing; (3) we ''failed to consider'' conflicting results in two studies (Richardson et al. (Ref. 15) and Metta et al. (Ref. 16)) from the same period as the Richardson et al. study (Ref. 14) cited in the nutrition memorandum; and (4) we failed to consider the 2007 study by Hirayama et al. (Ref. 17) that raises ''similar questions'' regarding the nutritional impact of irradiating fresh lettuce and fresh spinach.

First, CFS contends that the Knapp and Tappel study that involved the irradiation of pure vitamin K in an isooctane solution rather than a food matrix is of ''limited value for assessing irradiation-induced loss of Vitamin K in irradiated spinach or iceberg lettuce.'' We disagree with CFS' assessment. To the contrary, we maintain that this study establishes vitamin K as one of the least sensitive fat-soluble vitamins to irradiation, and therefore is relevant for assessing irradiation-induced losses. Even though the study was performed in an isooctane solution, the relative sensitivities of the vitamins to irradiation do not change; rather, the food matrix can offer protection to the vitamin, lessening the effects of irradiation because the radiation effects will be distributed to all components of the food, i.e., the principle of mutual protection (Ref. 18). We reviewed this study and found it to be adequate to determine comparative radiosensitivities under uniform conditions for vitamins A, D, E, K, as well as carotene. Therefore, the information provided by CFS that the Knapp and Tappel study involved the irradiation of vitamin K in an isooctane solution rather than a food matrix does not call into question the value of the Knapp and Tappel study in helping us assess the nutritional impact of the final rule. We are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

Second, CFS contends that the Richardson et al. study (Ref. 14) is of limited value because the study ''estimated'' the vitamin K content through indirect measurement of the prothrombin times of chick plasma, and the study reported ''anomalous results.'' According to CFS, the authors of the study reported an increase in vitamin K activity in irradiated spinach over time in addition to variability in the values obtained from different assays. CFS cites these findings to support its contention that we erroneously determined the magnitude of vitamin K loss from irradiation of fresh lettuce and fresh spinach under the petitioned conditions.

We disagree that the indirect measurement of vitamin K activity in spinach precludes this study from being useful in the assessment of potential nutrient losses. In our review of this study, we considered the prothrombin time measurement in the chick bioassay, even though indirect, to be relevant for assessing vitamin K activity in foods since the chick is sensitive to dietary vitamin K deprivation. Moreover, the prothrombin time measurement is a common parameter for measuring vitamin K status for clinical purposes (Refs. 3 and 19). Furthermore, we acknowledge the variability in the data cited by CFS; however, CFS' objection fails to note that the authors of the study in question concluded that ''regardless of the variability in results * * * there was no appreciable loss of vitamin K activity in the foods preserved by any process or when stored for 15 months'' (Ref. 14). Variability in results is not grounds for a study to be ignored; important information about general trends may still be gleaned from this study, which consistently found vitamin K activity was not reduced by irradiation relative to frozen or heat-processed controls. As part of their objection, CFS specifically notes that vitamin K activity after 15 months of storage was higher than directly after irradiation at both irradiation doses; however, it should be noted that irradiation may either accelerate or decelerate metabolic changes within the food, a factor which may account for differences observed following storage (Ref. 9). For example, it is known that vitamin K resides in the chloroplasts and has tight association with the thylakoid membranes. This tight association may account for the limited bioavailability of vitamin K from green leafy vegetables (Ref. 20). Processing techniques such as irradiation (particularly at high doses) may result in disruption of thylakoid membranes, an

effect which may become more evident after long term storage and may account at least in part for variability in observed vitamin K activity after storage. As such, the information provided by CFS that the Richardson et al. study involved indirect measurement of vitamin K activity does not call into question the value of the Richardson et al. study in helping us assess the nutritional impact of the final rule. We are therefore denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

Third, CFS contends that we failed to consider conflicting results from two studies cited by CFS: A study performed by Richardson et al. (Ref. 15); and a study performed by Metta et al. (Ref. 16). Although neither of these studies was cited in our nutrition memorandum, we were aware of both studies when evaluating the nutritional impact of irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy. We disagree with CFS' conclusions that the Richardson et al. study demonstrated that the ''Vitamin K activity of diets containing small quantities of Vitamin K was markedly decreased by irradiation with sterilizing doses of gamma rays.'' CFS' objection fails to note that, in the experimental report, the authors concluded that ''practically none of the vitamin K activity was lost by the irradiation process when vitamin K_1 was the source of the vitamin in the diet.'' The article also concluded that ''[s]ince the incidence of hemorrhage was higher in the chicks receiving the untreated spinach than it was in those receiving the irradiated spinach, it was concluded that no destruction of vitamin K occurred by the irradiation process.''

In addition, the Metta et al. study (Ref. 16) reported vitamin K deficiency in rats induced by the feeding of irradiated beef. However, we deemed the study irrelevant to the assessment of vitamin K loss in fresh lettuce and fresh spinach because the Metta et al. study assessed the vitamin K destruction of the more labile form of vitamin K found in meat (menaquinone). There are a number of different forms of vitamin K, including, but not limited to: Phylloquinone (vitamin K_1)—the only important molecular form found in plants, menaquinones (vitamin K_2)—which refers to a series of compounds produced by gut bacteria but also to a form of vitamin K_2, termed ''menaquinone-4'' that is produced in animal tissues from conversion of dietary vitamin K (K_1, K_3), and menadione (vitamin K_3), a synthetic form (Refs. 3, 21, and 22).

Phylloquinone is the form of vitamin K that is found in spinach and other leafy greens, whereas menaquinone, although present in minor amounts, is the dominant form found in beef along with lesser amounts of dietary phylloquinone. The radiosensitivities differ among various forms of vitamin K. For example, Richardson et al. reported menadione (vitamin K_3) is more readily destroyed by ionizing radiation than either phylloquinone (vitamin K_1) or vitamin K_5 (a vitamin K analog) (Ref. 15). The Metta et al. study assessed the destruction of vitamin K found in meat and the effect on rats fed a limited diet; the lability of vitamin K in beef[9] has been noted in numerous published reviews, including those of WHO (Ref. 23), Thayer et al. (Ref. 24); and Diehl et al. (Ref. 9). We determined that the Metta et al. study was not relevant to the assessment of potential irradiated-induced phylloquinone losses in fresh lettuce and fresh spinach, and did not highlight this reference in our nutrition memorandum.

We do not agree with CFS' contention that our nutritional assessment of irradiated fresh lettuce and fresh spinach is called into question by these studies. Neither of these studies includes any information or data that would call into question our findings regarding the nutritional impact of irradiation under the petitioned conditions. We are therefore denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

Lastly, CFS asserts that a study conducted by Hirayama et al. (Ref. 17) was not reviewed by FDA in the approval process to permit ionizing radiation to treat fresh lettuce and fresh spinach, and therefore calls into question our nutritional assessment and ultimately our safety conclusion. In the Hirayama et al. study, germ-free mice were fed pelleted, sterilized animal feed. According to CFS, vitamin K_3, a synthetic form of vitamin K, was eliminated when the pure compound was added to the feed and irradiated at 50 kGy. CFS notes that the study also showed that vitamin K_1, the form found in spinach, was reduced by approximately 68 percent after the pelleted feed was exposed to irradiation doses of 50 kGy. CFS objects to the final rule, asserting that this study demonstrates the need for more research to determine the ''differential sensitivities'' of the two forms of vitamin K. We do not agree that our nutritional assessment and the safety of irradiated fresh lettuce or fresh spinach up to a maximum dose of 4.0 kGy are called into question by this study.

As previously mentioned in this document, research has demonstrated that different forms of vitamin K have variable sensitivities to irradiation. For example, the Richardson et al. study (Ref. 15) cited by CFS investigated the effects of ionizing radiation on vitamin K when different sources were used (i.e., probing the ''differential sensitivities''). The sources of this vitamin were K_1, K_3, K_5, dehydrated alfalfa leaf meal, and fresh spinach. The authors concluded that menadione (K_3) was more readily destroyed by irradiation than either vitamin K_1 or K_5, and practically no destruction of vitamin K (phylloquinone) occurred when the dietary source was natural (i.e., from alfalfa leaf meal and spinach). Clearly, it is understood that different forms of vitamin K can have variable sensitivity to irradiation, and we were aware of this fact when evaluating the nutritional adequacy of irradiated lettuce and spinach (Ref. 25). In addition, the petition proposes to irradiate spinach in its natural form, and the Richardson et al. study, which provides the most pertinent results (Ref. 15), demonstrated that there was practically no destruction of vitamin K from this natural source. Furthermore, the WHO report we evaluated during review of the petition contained information regarding the varied properties of these different forms of vitamin K (Ref. 20). Therefore, the Hirayama et al. study raised by CFS does not call into question our assessment of the nutritional impact of the final rule; we continue to conclude from all of the available evidence that the irradiation of fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy will have no significant impact on the total dietary intake of vitamin K and is safe. We are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

4. Vitamin C

CFS asserts that the final rule does not provide an assessment of vitamin C loss from irradiation and further alleges that our assessment of irradiation-induced vitamin C loss in our nutrition memorandum is erroneous. CFS argues

[9] We note that although Metta et al. does not identify the form of vitamin K in beef tissue, other studies have reported menaquinone-4 as the predominant form of vitamin K in beef tissue.

that the studies we reviewed regarding irradiation-induced loss of vitamin C showed varied results and that one source of variation in that loss is whether ascorbic acid (AA) was measured or whether AA plus dehydroascorbic acid (DHAA) was measured. Measuring AA plus DHAA yields the total ascorbic acid (TAA). Specifically, CFS states that, in light of the divergent data, experiments for irradiation of fresh lettuce and fresh spinach should be conducted measuring TAA. CFS also contends that a source of variation in vitamin C can arise from ''differential Vitamin C loss in different fruits and vegetables.''

We evaluated the vitamin C loss in irradiated fresh lettuce and fresh spinach and the evaluation was provided in our nutrition memorandum (Ref. 2). However, because fresh lettuce and fresh spinach are not major contributors to vitamin C in the U.S. diet, the question of vitamin C loss from these foods was not discussed in the final rule. While spinach has a relatively high concentration of vitamin C, the combined food group of ''spinach/greens'' contributes less than 2 percent to the total intake of vitamin C in the diet. Other major food sources (e.g., citrus fruit, fortified juice drinks, tomatoes, peppers, potatoes, broccoli) provide the majority of vitamin C in the U.S. diet. We therefore determined that little if any reduction in intake of vitamin C in the U.S. diet is expected to result from irradiation of fresh lettuce and fresh spinach under the petitioned conditions of use.

We agree that the studies cited in our nutrition memorandum appear to report divergent results; however, for all these studies, we provided an explanation for each set of differences. For example, our nutrition memorandum states that, ''[m]any of the early studies of the effects of irradiation on vitamin C levels measured AA levels only and consequently reported artificially high decreases in vitamin C,'' and ''AA losses of irradiated foods relative to controls may be quite different depending on whether AA levels are recorded immediately after irradiation or after typical storage conditions.'' The memorandum also states that, ''[i]n the most recent studies conducted on spinach and iceberg lettuce, when irradiation has been conducted at doses reflective of those that would be practical for maintaining acceptable sensory properties, reported losses were minimal.'' Thus, the information provided by CFS, that the studies we reviewed regarding irradiation-induced loss of vitamin C showed varied results, does not call into question our assessment of the nutritional impact of the final rule or our conclusion that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe. We evaluated the totality of evidence and determined that the irradiation of fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy was safe. We are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

5. Synergistic Effects of Irradiation and Heating

CFS contends that we do not address the synergistic effects of irradiation and heating, stating that nutrient losses would be even greater for dual processing compared to irradiation alone. In support of this objection, CFS cites a table in ''Safety of Irradiated Foods'' by Diehl (Ref. 9) specifically showing synergistic losses of vitamin E. We are aware that synergistic losses have been noted for vitamin E and thiamin, two vitamins that are particularly sensitive to irradiation; however, synergistic effects have not been observed for all vitamins or in all food types (Ref. 24). To determine the potential impact of irradiation at levels up to 4.0 kGy on the nutritional value of fresh lettuce and fresh spinach, we considered all vitamins known to be present in these foods, and primarily focused on vitamins that are present in relatively high amounts in one or both of these foods and vitamins for which lettuce and spinach contribute more than a trivial amount to the total dietary intake of those vitamins (i.e., more than 1 to 2 percent). There are a number of commonly consumed foods that are substantial sources of vitamin E (e.g., certain nuts and oils, margarines) (Ref. 5); these foods are discussed in the reference cited by CFS. Substantial sources of thiamin include yeast breads, ready-to-eat cereals, pastas and grains, certain meats, and milk (Ref. 5). Neither of the two vitamins particularly sensitive to irradiation, vitamin E and thiamin, has been identified as being present in relatively high amounts in fresh lettuce and/or fresh spinach and as contributing more than a trivial amount to the total dietary intake of these vitamins. Therefore, the information provided by CFS, that synergistic losses have been found for vitamin E, does not call into question our assessment of the nutritional impact of the final rule and determination that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe. Accordingly, we are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

C. Second Numbered Objection: CFS' Assertion That FDA Underestimated the Nutritional Contribution of Fresh Spinach and Fresh Lettuce to the Diet

CFS also objects that we underestimated the nutritional contribution of fresh lettuce and fresh spinach to the diet. Specifically, CFS states that we failed to consider spinach's ''dramatically rising nutritional contribution'' to the average American diet over time and failed to consider subpopulations which rely more heavily on spinach for nutrition than the statistically average American. Thus, CFS attempts to call into question our assessment of the nutritional impact of the final rule and ultimately our determination that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe.

According to CFS, we employed two criteria to consider which nutrients were assessed: (1) Nutrients for which spinach/iceberg lettuce are an ''excellent source;'' and (2) nutrients for which spinach/iceberg lettuce contribute greater than 1 to 2 percent of the statistically average American's diet. CFS asserts that we should have provided a rationale for considering only nutrients for which spinach is an ''excellent source'' and should have considered vitamins for which spinach is also a ''good source.'' CFS has mischaracterized the criteria we used for our nutritional assessment, which was explained in our nutrition memorandum (Ref. 2). We explained in the nutrition memorandum that we considered all vitamins known to be present in lettuce and spinach in relatively high amounts (greater than or equal to 10 percent of the daily value for vitamins), including vitamins for which lettuce and/or spinach were ''good'' or ''excellent'' sources, and that contribute greater than 1 to 2 percent to the total dietary intake of those vitamins. Vitamins that did not meet these two criteria were not explicitly discussed in the nutrition memorandum. While fresh spinach is a ''good source'' of vitamin E, vitamin B_6, and riboflavin, fresh spinach did not contribute more than 1 to 2 percent to the total dietary intake of these vitamins. Therefore, we did not explicitly discuss these nutrients in the nutrition memorandum. CFS has not presented any evidence to call into question the criteria we used for our nutritional assessment. Therefore, we are denying CFS' objection and request

for a hearing because a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)).

In addition, CFS objects to our second criteria, asserting that we rely on a ''13-year old 'snapshot' that misses the growing importance of [spinach] to the nutritional adequacy of American diets.'' In support of this objection, CFS submitted a study performed by the Economic Research Service (ERS) of the United States Department of Agriculture (USDA) (Ref. 26). This study provides basic economic information about the market distribution of spinach in the United States. CFS points out that this study indicated an increase in the consumption of spinach from the 1970s through 2002. Table 1 of the ERS study presents ''per capita use'' [10] of spinach in the United States. The per capita use values for fresh market (i.e., fresh spinach) for 1994, 1995, and 1996 are 0.75, 0.67, and 0.63 pounds, respectively, and the corresponding per capita use values for total spinach are 1.71, 1.66, and 1.77 pounds, respectively. While CFS focused on the value for per capita use of total spinach, the fresh market value is more pertinent to this discussion, as fresh spinach is the subject of this regulation. The ERS study indicates that the total fresh market per capita value for spinach increased from 0.75 pounds in 1994 to 1.49 pounds in 2002. CFS asserts that we did not consider this increase in fresh spinach consumption in the nutritional assessment.

CFS further asserts that this rise in consumption of spinach could be used to provide a rough approximation of the dietary and nutritional contribution of spinach during these years (i.e., 1997 to 2002). CFS provides estimations for percent contribution of spinach to vitamin A and vitamin C intake and suggests that contributions of spinach to vitamin E, riboflavin, and vitamin B_6 intake may have increased to provide more than 1 to 2 percent of the percent daily value as well.

However, we note that our nutritional assessment included a key conservative assumption that compensates for the increase in fresh spinach consumption cited by the ERS study. Specifically, we assumed that all spinach and iceberg lettuce in the food supply would be irradiated (i.e., 100 percent commercial application). For the years of 1994, 1995, and 1996, we conservatively estimated 100 percent commercial application; values for total per capita use of spinach were 1.71, 1.66, and 1.77 pounds, respectively, during those years, and we assumed all spinach could be irradiated when evaluating the nutritional impact of irradiating fresh lettuce and fresh spinach. These values for total per capita use of spinach each exceed the value for fresh market consumption in 2002 and therefore, our assessment encompassed the increased per capita use of fresh spinach through use of this conservative approach. Since our approach did not underestimate fresh spinach consumption in our nutritional assessment, the data and information provided by CFS do not call into question our assessment of the nutritional impact of the final rule and determination that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe. Moreover, CFS' assertion that the rise in spinach consumption indicates increased contributions of spinach to the dietary intake of vitamins is not based on actual data. The estimates provided by CFS are purely speculative; the estimates do not account for recent changes in calculation of vitamin A equivalency and presume no other changes in the U.S. diet (during the same time period) related to intakes of other foods containing vitamin A and provitamin A and certain water-soluble vitamins listed by CFS. Because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)), and a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)), we are denying CFS' objection and request for a hearing.

CFS also objects to the final rule by alleging that we did not consider atypical consumers of spinach such as Asian women, women 60 years of age or older, and vegetarians. We are aware that there is variation in the amount of fresh spinach consumed by different U.S. subpopulations; however, CFS provided no evidence that spinach is a more significant source of certain vitamins for any particular subpopulation. Indeed, to establish the contribution and significance of spinach as a source of specific vitamins in the diet, the complete diet must be considered. For example, when assessing the relative contribution of spinach and other leafy greens to the vitamin A content of the diet, the dietary intake of other major contributors of vitamin A (including vitamin A rich foods such as organ meats and dairy products) and provitamin A rich foods (such as carrots, tomatoes, and fortified ready-to-eat cereals) should be included. In addition, according to the IOM, bioavailability of provitamin A carotenoids should be taken into account. In the absence of data on the complete diet, it is not possible to determine the percent contribution of spinach and lettuce to the dietary intake of vitamins for these population subgroups and whether the relative contribution of spinach and lettuce to the dietary intake of these vitamins varies for the subpopulations cited by CFS. While the ERS study indicates that Asian women and women 60 years of age or older consume a relatively greater amount of fresh spinach compared to statistically average Americans, CFS did not establish that the small losses of some vitamins that could result from the petitioned use of irradiation of fresh spinach would be nutritionally significant (i.e., exceed a trivial amount for the total diet) for any of these population subgroups. Thus, the information provided by CFS regarding certain subpopulations that consume more spinach is not sufficient to support CFS' assertion that we failed to protect ''atypical'' consumers and therefore underestimated the nutritional contribution of fresh lettuce and fresh spinach to the diet. We are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

D. Third Numbered Objection: CFS' Contention That FDA Failed To Conduct a Cumulative Assessment of Irradiation-Induced Nutrient Loss

CFS also objects that we ''failed to conduct a cumulative assessment of irradiation-induced nutrient losses in fresh spinach and iceberg lettuce in combination with irradiation-induced nutrient losses in other foods already approved for irradiation * * *.'' CFS contends that by ''breaking out'' fresh lettuce and fresh spinach from the original petition, the nutritional impact will appear lessened, even if the impact of irradiating all the foods covered in the original petition is significant. Accordingly, CFS believes that we should conservatively assume that the entire supply of any given food will be irradiated at the maximum permitted dose when approving a petition. CFS'

[10] ''Per capita use'' was calculated using two major datasets on food consumption in the United States: (1) Food disappearance data, which measures the flow of raw and semi-processed food commodities through the U.S. marketing system, and (2) the Continuing Survey of Food Intakes by Individuals, which records food intake over a specific period and collects demographic information, information on where a food item was purchased, how it was prepared, and where it was eaten (Ref. 26).

contention therefore attempts to call into question our assessment of the nutritional impact of the final rule and our determination that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe.

We explained in the final rule our criteria for evaluating whether irradiation of fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy would have an adverse effect on the nutritional quality of the diet. Our analysis focused on the effects of irradiation on those nutrients for which at least one of these foods may be identified as an ''excellent source'' or a ''good source'' and for which they contribute more than a trivial amount to the total dietary intake (i.e., the nutrients that had the potential to impact the diet). We based our decision on both the data and information submitted in the petition, as well as other data and information in our files. We determined that, based on the available data and information, the effects of irradiation on nutrient levels in fresh lettuce and fresh spinach treated under the proposed conditions will be insignificant and will not adversely affect the nutritional quality of the overall U.S. diet.

CFS alleges that ''breaking out'' fresh lettuce and fresh spinach from the foods covered in the original petition lessens the apparent overall nutritional impact of irradiated foods. However, the vitamin loss resulting from this regulation is negligible and therefore will not affect any cumulative assessment. CFS also asserts that we should conservatively assume that the entire supply of any given food will be irradiated at the maximum permitted dose during the approval of a petition. We agree with CFS and have chosen to employ this approach when assessing nutritional losses induced by irradiation. The nutrition memorandum notes that we, in our reviews and analysis of nutritional data, operate under the assumption that the entire supply of a given food may be irradiated at the maximum permitted dose. Contrary to what CFS appears to assert, the discussion of data at lower doses in the nutrition memorandum does not negate this assumption; rather, it reflects a review of published data on irradiation of various plant foods at both lower and higher doses. CFS has not submitted sufficient information to support the conclusion that nutrient loss in fresh lettuce or fresh spinach irradiated under the petitioned conditions, in combination with nutrient losses in other foods already approved for irradiation, would call into question our assessment of the nutritional impact of the final rule and would be a safety concern. Accordingly, we are denying CFS' objection and request for a hearing because a hearing will not be held on the basis of mere allegations or denials or general descriptions of positions or contentions (§ 12.24(b)(2)).

E. Fourth Numbered Objection: CFS' Assertion That FDA Failed To Determine Risk of Food-Borne Disease From Radiation Resistant Pathogens

In another overall objection to the final rule, CFS objects to our safety evaluation of irradiated fresh lettuce and fresh spinach, stating that ''FDA has failed to determine whether irradiation of fresh spinach and iceberg lettuce . . . will increase the risk of food-borne disease from radiation-insensitive pathogens such as *Clostridium botulinum*. . . .'' Specifically, CFS asserts that our analysis did not adequately address the possibility that the suppression of radiation-sensitive bacteria by irradiation might offer enhanced growth conditions for pathogens that are more resistant to irradiation, such as *C. botulinum* (the bacterium that produces the toxin which causes the disease botulism). CFS presents three arguments to support this objection: (1) We did not provide a discussion of radiation-insensitive pathogens other than *C. botulinum;* (2) the study by Petran et al. (Ref. 27), which we cited to support our conclusion that irradiation will not increase the risk of botulism, did not involve irradiation of fresh lettuce or fresh spinach; and (3) the microbiology memorandum (Ref. 28) contained contradictory statements. We will address each argument in this document.

First, CFS asserts that we erred by not evaluating irradiation's potential effect on radiation-insensitive pathogens other than *C. botulinum.* Historically, it has been our practice to evaluate microbiological pathogens that have been identified as a potential hazard for a specific type of food and which are also of public health significance (see, for example, 70 FR 48057, August 16, 2005 (amending the food additive regulations to provide for the safe use of ionizing radiation for control of *Vibrio* species and other food-borne pathogens in fresh or frozen molluscan shellfish); 65 FR 64605, October 30, 2000 (amending the food additive regulations to provide for the safe use of ionizing radiation to control microbial pathogens in seeds for sprouting); 65 FR 45280, July 21, 2000 (amending the food additive regulations to provide for the safe use of ionizing radiation for the reduction of *Salmonella* in fresh shell eggs); 62 FR 64107, December 3, 1997 (amending the food additive regulations to provide for the safe use of a source of radiation to treat refrigerated or frozen uncooked meat, meat byproducts, and certain meat food products to control food-borne pathogens and extend product shelf life); 55 FR 18538, May 2, 1990 (amending the food additive regulations to provide for the safe use of sources of ionizing radiation for the control of food-borne pathogens in poultry); and 50 FR 29658, July 22, 1985 (amending the food additive regulations to permit gamma radiation treatment of pork to control *Trichinella spiralis*)). In the microbiology memorandum, we provide a discussion of the food-borne disease outbreaks and pertinent pathogens most commonly associated with the consumption of fresh lettuce and fresh spinach. The microbiology memorandum identifies *Escherichia coli* O157:H7, *Listeria monocytogenes,* and *Salmonella enterica* serovars as pathogens of public health significance, and discussed these pathogens in detail. We also discuss *C. botulinum* in the microbiology memorandum and in the final rule, not because *C. botulinum* has been identified as a reasonable hazard for either fresh lettuce or fresh spinach, but because this pathogen has been identified as being both radiation-insensitive and of public health significance, and to demonstrate the impact that elimination of native microflora may have on the ability of this type of pathogen to proliferate and elaborate toxin. However, it is not our burden to discuss possibly irrelevant pathogens. CFS does not provide information related to additional radiation-insensitive pathogens of public health significance that may be present in fresh lettuce or fresh spinach that we have not considered, and the objection contains no information that would cause us to change our safety determination. We are therefore denying CFS' objection and request for a hearing because a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)).

Second, CFS asserts that the Petran et al. study (Ref. 27), which we cited in support of our conclusion that irradiation will not increase the risk of botulism, did not involve irradiation of fresh lettuce or fresh spinach, and therefore, did not address the safety concern that irradiation may provide enhanced growing conditions for radiation-insensitive pathogens due to the ''elimination'' of spoilage and other

bacteria. CFS also objects to the final rule based on this study because *C. botulinum* multiplies more rapidly on shredded cabbage than romaine lettuce, asserting that this observation demonstrates that pathogens can have markedly different growth patterns on different vegetables, underscoring the illegitimacy of extrapolating from data on one vegetable to another.

The Petran et al. study (Ref. 27) assesses the potential for growth and toxin production of heat-shocked *C. botulinum* spores in fresh-cut romaine lettuce and shredded cabbage. While the produce was not irradiated, the study was chosen because it offers a non-competitive environment for *C. botulinum* elaboration, reflecting conditions that would be generated if produce were irradiated in the presence of *C. botulinum* spores. *C. botulinum* is a Gram-positive anaerobic sporeformer, and this study examined the potential for outgrowth and toxin production under conditions of temperature abuse in both aerobic and anaerobic conditions. As stated in our microbiology memorandum, there was no toxin production detected in either the vented or non-vented packaging at 12.7 °C (~55 °F) or lower after 28 days. Toxin was produced only under conditions of extreme temperature abuse after all samples became unmistakably inedible, i.e., after 14 days at 21 °C (~70 °F). The study demonstrated that even under ideal growth conditions for *C. botulinum* where the levels of native microflora were greatly reduced, toxin production was not elaborated until after the produce was clearly inedible. Moreover, CFS has not presented evidence or a rationale that changes our conclusion that the ''growth and toxin expression by Gram-positive anaerobic sporeformers would not present a likely additional hazard in this application of irradiation.''

CFS also objects to the use of the Petran et al. study because it did not involve fresh lettuce or fresh spinach; rather, the study explored the potential for growth and toxin production by *C. botulinum* in samples of romaine lettuce and cabbage packaged in aerobic and anaerobic conditions exposed to temperature abuse, which represent ideal conditions for growth and toxin production by *C. botulinum*. CFS uses the example of *C. botulinum* multiplying more rapidly on shredded cabbage than on romaine lettuce as evidence that one cannot extrapolate from data on one type of leafy green vegetable to draw conclusions about other leafy green vegetables (i.e., fresh lettuce and fresh spinach). We recognize that in the study, toxin was produced in the non-vented cabbage sample after 7 days of storage at 21 °C (nearly 70 °F), a timeframe that was shorter than the timeframe for toxin production in romaine lettuce. However, we do not agree that these results indicate the illegitimacy of extrapolating data from one type of leafy green vegetable to another leafy green vegetable. CFS fails to note that all of the samples for which toxin production was observed were clearly inedible prior to toxin production, and that toxin was not produced for at least 28 days in any of the samples that were vented. Indeed, the study demonstrated that it is extremely unlikely for an anaerobic sporeformer to grow and produce toxin in lettuce products that are handled properly (i.e., not stored at 70 °F for 7 days) and are of acceptable quality for consumption. Furthermore, all leafy green vegetables (e.g., iceberg lettuce, spinach, romaine lettuce, and cabbage) are grown and harvested under similar conditions and therefore the probability of contamination with *C. botulinum* is similar. As stated in the microbiology memorandum, this type of contamination is unlikely. CFS did not provide any data to demonstrate that *C. botulinum* has been identified as a hazard in green leafy vegetables or that the likelihood of toxin production would be greater for either fresh lettuce or fresh spinach than it is in romaine lettuce or cabbage. CFS' objection did not include any new information or data that would call into question our findings about this study. Accordingly, the information provided by CFS, that the Petran et al. study did not involve the irradiation of fresh lettuce or fresh spinach, is not sufficient to call into question our determination that irradiating fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is safe. We are therefore denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

Further, it is important to note that the standards of microbiological safety of fresh lettuce and fresh spinach are independent of the final rule permitting the irradiation of fresh lettuce and fresh spinach. Irradiation is just one potential control contributing to the mitigation of food-borne pathogens, and its intended technical effect is to reduce, not eliminate, spoilage and pathogenic bacteria. Therefore, the final rule is not predicated on irradiation, by itself, resulting in fresh lettuce and fresh spinach that are pathogen-free.

The final portion of the CFS objection contends that the our microbiology memorandum contains contradictory statements, and therefore, the question of whether the growth of *C. botulinum* or other radiation-insensitive pathogens present on irradiated fresh lettuce or fresh spinach would be enhanced by the suppression of competing bacteria remains unanswered. CFS asserts that when discussing the Petran et al. study, the microbiology memorandum states that the spoilage microorganisms ''attain previous levels within days of treatment,'' but when discussing the Zhang et al. study (2006) (Ref. 29), the memorandum states that ''relative reductions [in numbers of viable bacteria during 9 days of storage] persisted . . .'' CFS contends that these statements are contradictory and that our conclusion that spoilage microorganisms ''attain previous levels within days of treatment'' is erroneous.

CFS' objection implies that both statements cannot be true and that we misinterpreted the Zhang et al. study. However, we disagree that either statement is false. The Zhang et al. study (Ref. 29) reported substantially lower total bacterial counts for the irradiated samples as compared to the unirradiated control on the same day. Our microbiology memorandum's statement that ''relative reductions [in numbers of viable bacteria during 9 days of storage] persisted . . .'' is, therefore, correct. However, while these lower levels of bacteria persisted, the native microflora was also recovering as evidenced through the increase in total bacterial counts over the storage period. In the case of the 0.5 kGy and 1.0 kGy irradiation trials, bacterial counts attained initial levels (i.e., the control level on day zero) within days of treatment. For the 1.5 kGy sample, the total bacterial counts did not reach the control level by the end of the 9-day storage period, but the total bacterial counts increased as storage time increased. The results of the 1.5 kGy sample therefore demonstrate the veracity of both of the memorandum's statements: The native microflora was able to recover and the substantially lower bacterial counts persisted throughout the 9-day storage period. At the end of the 9-day storage period, the unirradiated control was reported to have 7.60 Log CFU/g [11] or approximately 4 million colony forming units per gram, which resulted in the spoilage of tissue. On the same day, the

[11] The data were obtained by calculating the log of the colony forming units per gram (LogCFU/g). Therefore, any whole number reported is indicative of magnitude.

sample irradiated at 1.5 kGy contained approximately 50 thousand colony forming units per gram, which was lower than the unirradiated control, but significantly larger than the nearly 200 colony forming units that were present immediately following irradiation. Thus, the statements in the microbiology memorandum are both correct, and we maintain that the memorandum accurately and reliably reflects the information in the cited publication. Accordingly, we are denying CFS' objection and request for a hearing because the data and information submitted by CFS are insufficient to justify the factual determination urged, even if accurate (§ 12.24(b)(3)).

F. Fifth Numbered Objection: CFS' Contention That FDA Failed To Consider Alternatives to Irradiation of Fresh Lettuce and Fresh Spinach

CFS' final objection contends that we have failed to consider alternatives to irradiation of fresh lettuce and fresh spinach. However, we evaluate a particular food additive only for its safety. Section 409(c)(1) of the FD&C Act requires FDA to establish a regulation prescribing, with respect to one or more proposed uses of the food additive involved, the conditions under which such additive may be safely used. The FD&C Act does not require us to consider alternatives as a factor in deciding whether to grant a food additive petition. We evaluated the safety of irradiating fresh lettuce and fresh spinach at a maximum dose not to exceed 4.0 kGy based on three appropriate areas relevant to safety: (1) Potential toxicity; (2) nutritional adequacy; and (3) effects on the microbiological profile of the treated food. Based on the data and studies submitted in the petition and other information in our files, we properly concluded that the proposed use of irradiation to treat fresh lettuce and fresh spinach with absorbed doses that will not exceed 4.0 kGy is safe. Therefore, we are denying CFS' objection and request for a hearing because CFS raises a factual issue that is not determinative with respect to the action requested (e.g., the action would be the same even if the factual issue were resolved in the way sought) (§ 12.24(b)(4)).

G. FWW's Assertion That FDA Failed To Address Potential Organoleptic Degradation

FWW submitted objections to the final rule in a letter dated September 22, 2008, which concurred with objections put forth by CFS, and included an additional objection. FWW asserts that there is a basis to stay the approval of the final rule and to convene a public evidentiary hearing on the issue of the quality of the irradiated produce at the dose levels approved and whether there is technology currently available to achieve the pathogen reduction desired while still preserving the organoleptic properties of the produce. FWW asserts that approval of this petition raises issues of safety and deception to the consumer under section 409 of the FD&C Act because irradiating fresh lettuce and fresh spinach at the petitioned doses may result in organoleptic degradation and may not achieve pathogen reduction.

In support of its objection, FWW cites a 2008 study by Gomes et al. (Ref. 30), which according to FWW, demonstrated that doses higher than 1 kGy were necessary to ensure elimination of food-borne pathogens from bagged spinach leaves. Additionally, FWW quotes Dr. Mike Doyle, Director of the Center for Produce Safety at the University of Georgia, who stated that, ''in a commercial processing plant, products are stacked in cartons for treatment, so the dose must be strong enough to irradiate every part of the package and that could lead to some products being 'overly treated,' which could render the product unappetizing.'' Thus, FWW asserts that pathogen reduction may require strong irradiation doses that will result in organoleptic degradation.

It appears from the objection that FWW has misinterpreted the intended technical effect from irradiation of fresh lettuce and fresh spinach to be the elimination of microbial contamination instead of the control of microbial contamination, as stated in the final rule. FWW provides no information to call into question our conclusions that the irradiation of fresh lettuce and fresh spinach is safe and will achieve the intended technical effect of controlling microbial contamination at doses not to exceed 4.0 kGy. In addition, we acknowledge that radiation-induced chemical changes, if sufficiently large, may cause changes in the organoleptic properties of the food. However, such organoleptic changes do not necessarily render the food unsafe, and FWW has not provided any evidence that would establish a link between organoleptic changes and the safety of irradiated foods. Moreover, food processors have an incentive to minimize the extent of the chemical changes in the food to avoid undesirable effects on taste, odor, color, or texture. Therefore, we are denying FWW's objection and request for a hearing because a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)).

FWW also asserted that irradiation is not effective against all food-borne pathogens (e.g., viruses) and could lead consumers to an incorrect conclusion that a product is safe even though it may still be contaminated. While we recognize that irradiation is not effective against viruses, the final rule permitting the irradiation of fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy is not predicated on the irradiation treatment eliminating all potential pathogens. In the final rule, we concluded that the use of irradiation up to a maximum dose of 4.0 kGy on fresh lettuce and fresh spinach was safe. During the review, we considered chemical, toxicological, nutritional, and microbiological effects resulting from the application of ionizing radiation to fresh lettuce and fresh spinach. It was demonstrated that the petitioned use of irradiation would not raise safety concerns and that the treatment achieved its intended technical effects (i.e., reduction of microorganisms and extension of shelf life). Therefore, we are denying FWW's objection and request for a hearing. FWW has not provided any evidence to demonstrate that the final rule would lead consumers to an incorrect conclusion that a product is safe even though it may still be contaminated; a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions (§ 12.24(b)(2)). In addition, FWW's assertion that irradiation is not effective against all food-borne pathogens is not determinative with respect to the action requested; a hearing will not be granted unless resolution of the factual issue in the way sought is adequate to justify the action requested (§ 12.24(b)(4)).

V. Summary and Conclusion

Section 409 of the FD&C Act requires that a food additive be shown to be safe before marketing. Under 21 CFR 170.3(i), a food additive is ''safe'' if ''there is a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.'' In our August 22, 2008, final rule approving the use of irradiation of fresh lettuce and fresh spinach up to a maximum dose of 4.0 kGy, we concluded, based on our evaluation of the data submitted in the petition and other relevant material, that the petitioned use of irradiation is safe for its intended use for the control of food-borne pathogens and extension of shelf life in fresh lettuce and fresh spinach.

The petitioner has the burden to demonstrate the safety of the additive to gain FDA approval. However, once we make a finding of safety in an approval document, the burden shifts to an objector, who must come forward with evidence that calls into question our conclusion (see section 409(f)(1) of the FD&C Act).

CFS and FWW have not established that we overlooked or misinterpreted significant information in the record to reach our conclusion that the use of irradiation up to a maximum dose of 4.0 kGy for control of food-borne pathogens and extension of shelf life in fresh lettuce and fresh spinach is safe. Therefore, we have determined that the final rule should not be modified or revoked based on the objections. We are also denying the requests for a hearing because the objections do not meet the standard for granting a hearing as discussed in this document. In addition, FWW's request for a stay of the effectiveness of the August 22, 2008, regulation until a hearing is held is moot because we are denying all hearing requests. Thus, we are confirming August 22, 2008, as the effective date of the regulation.

VI. References

The following sources are referred to in this document. References marked with an asterisk (*) have been placed on display at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, under Docket No. FDA–1999–F–2405 (formerly 1999F–5522) 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*. References without asterisks are not on display; they are available as published articles and books.

1. WHO, ''Safety and Nutritional Adequacy of Irradiated Food,'' World Health Organization, Geneva, 1994.
*2. Memorandum for FAP 9M4697 from A. Edwards, FDA, to L. Highbarger, FDA, dated July 16, 2008.
3. Institute of Medicine, *Dietary Reference Intakes for Vitamin A, Vitamin K, Arsenic, Boron, Chromium, Copper, Iodine, Iron, Manganese, Molybdenum, Nickel, Silicon, Vanadium, and Zinc,* National Academies Press, Washington, DC, 2001.
4. Institute of Medicine, *Dietary Reference Intakes for Vitamin C, Vitamin E, Selenium, and Carotenoids,* National Academies Press, DC, 2000.
*5. Cotton, P. A., A. F. Subar, J. E. Friday, et al., ''Dietary Sources of Nutrients Among U.S. Adults, 1994 to 1996,'' *Journal of the American Dietetic Association,* 104:921–930, 2004.
6. FAO/IAEA/WHO, ''Wholesomeness of Irradiated Food: Report of a Joint FAO/IAEA/WHO Expert Committee,'' *World Health Organization Technical Report Series,* No. 659, World Health Organization, Geneva, 1981.
*7. Memorandum to the file, FAP 4M4428, D. Hattan, Acting Director, Division of Health Effects Evaluation, dated November 20, 1997.
*8. Hajare, S. C., V. S. Dhokane, R. Shashidhar, et al., ''Radiation Processing of Minimally Processed Carrot (*Daucus carota*) and Cucumber (*Cucumis sativus*) to Ensure Safety: Effect on Nutritional and Sensory Quality,'' *Journal of Food Science,* 71(3):S198–S203, 2006.
9. Diehl, J. F., ''Nutritional Adequacy of Irradiated Foods,'' pp. 241–290 in *Safety of Irradiated Foods,* 2nd ed., Marcel Dekker, Inc., New York, 1995.
*10. Castenmiller, J. J. M., C. J. van de Poll, C. E. West, et al., ''Bioavailability of Folate From Processed Spinach in Humans,'' *Annals of Nutrition & Metabolism,* 44:163–169, 2000.
*11. Semba, R. D. and G. Dagnelie, ''Are Lutein and Zeaxanthin Conditionally Essential Nutrients for Eye Health?'' *Medical Hypotheses,* 61(4):465–472, 2003.
*12. Müller, H. and J. F. Diehl, ''Effect of Ionizing Radiation on Folates in Food,'' Lebenson Wiss Technology-Food Science and Technology, 29(1–2):187–190, 1996.
*13. Knapp, F. W. and A. L. Tappel, ''Comparison of the Radiosensitivities of the Fat-Soluble Vitamins by Gamma Irradiation,'' *Agriculture and Food Chemistry,* 9(6):430–433, 1961.
*14. Richardson, L. R., S. Wilkes, and S. J. Ritchey, ''Comparative Vitamin K Activity of Frozen, Irradiated and Heat-Processed Foods,'' *Journal of Nutrition,* 73:369–373, 1961.
*15. Richardson, L. R., P. Woodworth, and S. Coleman, ''Effect of Ionizing Radiation on Vitamin K,'' *Federation Proceedings,* 15(3):924–926, 1956.
*16. Metta, V. C., M. S. Mameesh, and B. C. Johnson, ''Vitamin K Deficiency in Rats Induced by Feeding of Irradiated Beef,'' *Journal of Nutrition,* 69:18–22, 1959.
*17. Hirayama, K., K. Uetsuka, Y. Kuwabara, et al., ''Vitamin K Deficiency of Germfree Mice Caused by Feeding Standard Purified Diet Sterilized by γ-Irradiation,'' *Experimental Animals,* 56(4):273–278, 2007.
18. Diehl, J. F., ''Chemical Effects of Ionizing Radiation,'' pp. 43–88 in *Safety of Irradiated Foods,* 2nd ed., Marcel Dekker, Inc., New York, 1995.
19. Combs, G. F. Jr., *The Vitamins.* 3rd ed. Burlington: Elsevier Academic Press, 2008.
20. FAO/WHO, ''Human Vitamin and Mineral Requirements,'' *Report of a Joint Food and Agriculture Organization/World Health Organization Expert Consultation, Bangkok, Thailand.* Rome: FAO/WHO, 2002.
*21. Booth, S. L. and J. W. Suttie, ''Dietary Intake and Adequacy of Vitamin K,'' *Journal of Nutrition,* 128:785–788, 1998.
22. WHO IARC, ''Vitamin K Substances,'' *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans,* vol. 76, World Health Organization, Lyon, France, 2001.
23. FAO/IAEA/WHO, ''High Dose Irradiation: Wholesomeness of Food Irradiated With Doses Above 10kGy: Report of a Joint FAO/IAEA/WHO Study Group,'' *World Health Organization Technical Report Series,* No. 890, World Health Organization, Geneva, pp. 9–37, 1999.
24. Thayer, D. W., J. B. Fox, Jr., and L. Lakritz, ''Effects of Ionizing Radiation on Vitamins.'' In: Thorne S., editor. *Food Irradiation.* London: Elsevier Applied Science; pp. 285–325, 1991.
25. Thomas, M. H., ''Use of Ionizing Radiation to Preserve Food.'' In: Karmas, E. and R.S. Harris, editors. *Nutritional Evaluation of Food Processing.* 3rd ed.: New York: Van Nostrand Reinhold; pp. 457–501, 1988.
*26. Lucier, G., J. Allshouse, and B.-H. Lin, ''Factors Affecting Spinach Consumption in the United States,'' *USDA Economic Research Service,* VGS–300–01, January 2004.
*27. Petran, R. L., W. H. Sperber, and A. B. Davis, ''*Clostridium botulinum* Toxin Formation in Romaine Lettuce and Shredded Cabbage: Effect of Storage and Packaging Conditions,'' *Journal of Food Protection,* 58(6):624–627, 1995.
*28. Memorandum for FAP 9M4697 from R. Merker, FDA, to L. Highbarger, FDA, dated June 11, 2008.
*29. Zhang, L., Z. Lu, F. Lu, et al., ''Effect of γ Irradiation on Quality-Maintaining of Fresh-Cut Lettuce,'' *Food Control,* 17:225–228, 2006.
*30. Gomes, C. D., R. G. Moreira, M. E. Castell-Perez, et al., ''E-Beam Irradiation of Bagged, Ready-to-Eat Spinach Leaves (*Spinacea oleracea*): An Engineering Approach,'' *Journal of Food Science,* 73(2):E95–E102, 2008.

Dated: February 19, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

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DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Parts 1010 and 1030

RIN 1506–AB14

Anti-Money Laundering Program and Suspicious Activity Report Filing Requirements for Housing Government Sponsored Enterprises

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Final rule.

SUMMARY: FinCEN, a bureau of the Department of the Treasury (''Treasury''), is issuing this Final Rule

defining certain housing government sponsored enterprises as financial institutions for the purpose of requiring them to establish anti-money laundering programs and report suspicious activities pursuant to the Bank Secrecy Act. The requirements to establish anti-money laundering programs and report suspicious activities are intended to help prevent fraud and other financial crimes.

DATES: *Effective Date:* This rule is effective April 28, 2014.

Compliance Date: The compliance date for 31 CFR 1030.210 is August 25, 2014.

FOR FURTHER INFORMATION CONTACT: FinCEN Resource Center at (800) 949–2732.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory and Regulatory Provisions

FinCEN exercises regulatory functions primarily under the Currency and Foreign Transactions Reporting Act of 1970, as amended by the USA PATRIOT Act of 2001 and other legislation, which legislative framework is commonly referred to as the ''Bank Secrecy Act'' (''BSA'').[1] The BSA authorizes the Secretary of the Treasury (''Secretary'') to require financial institutions to keep records and file reports that ''have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.'' [2] The Secretary has delegated to the Director of FinCEN the authority to implement, administer, and enforce compliance with the BSA and associated regulations.[3] FinCEN is authorized to promulgate anti-money laundering (''AML'') and suspicious activity report (''SAR'') filing requirements for financial institutions subject to the BSA.[4]

The AML program provisions of the BSA require financial institutions to establish programs that include, at a minimum: (1) The development of internal policies, procedures, and controls; (2) the designation of a compliance officer; (3) an ongoing employee training program; and (4) an independent audit function to test programs. When prescribing minimum standards for AML programs, FinCEN must ''consider the extent to which the requirements imposed under [the AML program requirement] are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.'' [5] The SAR filing provisions of the BSA authorize FinCEN to require any financial institution, and any director, officer, employee, or agent of any financial institution to report any suspicious transaction relevant to a possible violation of law or regulation, and under other specified circumstances described below.

FinCEN has promulgated AML program and SAR regulations for a number of financial institutions. These financial institutions include banks, casinos, money services businesses, brokers or dealers in securities, mutual funds, insurance companies, futures commission merchants, and introducing brokers in commodities and loan and finance companies.[6] The BSA's definition of ''financial institution'' includes specified categories of businesses and professions, as well as ''any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation, to be an activity which is similar to, related to, or a substitute for any activity in which any business described in [31 U.S.C. 5312(a)(2)(A)–(X)] is authorized to engage.'' [7] Thus, FinCEN may promulgate regulations for businesses and professions that are not listed in the statutory definition of financial institution.[8]

With this Final Rule, FinCEN establishes AML program and SAR requirements for the Federal National Mortgage Association (''Fannie Mae''), the Federal Home Loan Mortgage Corporation (''Freddie Mac''), and the Federal Home Loan Banks (''Banks'' or ''FHL Banks,'' collectively, the ''Housing GSEs''). FinCEN believes that the Final Rule will augment FinCEN's regulatory and strategic initiatives. The Housing GSEs are involved in providing financing to the residential mortgage market and thus are exposed to the risk of fraud. Although the business of the Banks differs in a number of respects from that of Fannie Mae and Freddie Mac, all of the Housing GSEs are involved in providing financing to the residential mortgage market and thus are vulnerable to fraud and other financial crimes. Also, both the primary and secondary residential mortgage markets are vulnerable to fraud and money laundering in terms of the proceeds of crime being invested in real property or securitized mortgages and related financial instruments. By purchasing mortgage loans, extending loans secured by mortgages and other real estate related collateral, and engaging in a variety of related financial activities, the Housing GSEs have access to, and are in a unique position to provide, information on suspected mortgage fraud and money laundering that has proven valuable to law enforcement and regulators in the investigation and prosecution of mortgage fraud and other financial crimes. While current fraud reporting by the Housing GSEs, discussed below, has value in combating fraud, the establishment of AML and SAR programs by the Housing GSEs will enable them to support broader regulatory and law enforcement efforts to combat mortgage fraud and related financial crimes consistent with the purposes of the BSA.

B. Establishment and Authority of the Federal Housing Finance Agency and the Housing GSEs

The Federal Housing Finance Regulatory Reform Act of 2008 (the ''Reform Act'') [9] created the Federal Housing Finance Agency (''FHFA'') as an independent agency of the Federal government. FHFA was established on the date of enactment of the Reform Act, July 30, 2008, to be the Federal regulator of the Housing GSEs.[10] FHFA has

[1] The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, 18 U.S.C. 1956, 18 U.S.C. 1957, 18 U.S.C. 1960, and 31 U.S.C. 5311–5314 and 5316–5332 and notes thereto, with implementing regulations at 31 CFR Chapter X. *See* 31 CFR 1010.100(e).

[2] 31 U.S.C. 5311.

[3] Treasury Order 180–01 (Sept. 26, 2002).

[4] 31 U.S.C. 5318(g)(1) and 5318(h)(2). 31 U.S.C. 5318(g) was added to the BSA by section 1517 of the Annunzio-Wylie Anti-Money Laundering Act, Title XV of the Housing and Community Development Act of 1992, Public Law 102–550; it was expanded by section 403 of the Money Laundering Suppression Act of 1994, Title IV of the Riegle Community Development and Regulatory Improvement Act of 1994, Public Law 103–325, to require designation of a single government recipient for reports of suspicious transactions.

[5] Public Law 107–56 sec. 352(c), 115 Stat. 322, codified at 31 U.S.C. 5318 note.

[6] 31 CFR 1020.210, 1020.320, 1021.210, 1021.320, 1022.210, 1022.320, 1023.210, 1023.320, 1024.210, 1024.320, 1025.210, 1025.320, 1026.210, 1026.320, 1029.210 and 1029.320.

[7] 31 U.S.C. 5312(a)(2)(Y).

[8] 31 U.S.C. 5312(a)(2).

[9] Division A of the Housing and Economic Recovery Act of 2008 (''HERA''), Public Law 110–289, 122 Stat. 2654 (2008). The Reform Act provided for the abolishment of the Office of Federal Housing Enterprise Oversight (''OFHEO'') and the Federal Housing Finance Board (''FHFB'') one year after the date of enactment. These agencies were the primary Federal regulators of Fannie Mae and Freddie Mac, and the Banks, respectively. The agencies, together with the Housing and Urban Development Government Sponsored Enterprise Mission Teams, were combined to establish FHFA.

[10] The authorities, powers, and responsibilities of FHFA are contained in the Federal Home Loan Bank Act, 12 U.S.C. 1421 et seq., as amended by Division A of HERA, and the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (''Safety and Soundness Act''), 12 U.S.C. 4501

regulatory authority over Fannie Mae, Freddie Mac, and the Banks (collectively referred to in FHFA regulations as the ''regulated entities''), and over the Office of Finance of the Federal Home Loan Bank System.[11] FHFA is responsible for ensuring that the Housing GSEs: (1) Operate in a safe and sound manner, including being capitalized adequately and maintaining internal controls; (2) carry out their public policy missions; and (3) engage in activities that foster liquid, efficient, competitive, and resilient national housing finance markets. Where FHFA has not acted with superseding regulations, the Housing GSEs continue to operate under regulations promulgated by the Office of Federal Housing Enterprise Oversight (''OFHEO'') and the Federal Housing Finance Board (''FHFB'').[12]

Congress chartered Fannie Mae and Freddie Mac primarily to establish secondary market facilities for residential mortgages to promote access to mortgage credit throughout the nation. Specifically, Congress established Fannie Mae and Freddie Mac to provide stability in the secondary market for residential mortgages, respond appropriately to the private capital market, and provide ongoing assistance to the secondary market for residential mortgages, including activities relating to mortgages on housing for low-and moderate-income families involving a reasonable economic return that may provide less of a return than Fannie Mae's and Freddie Mac's other activities.[13]

The Banks were organized under the Federal Home Loan Bank Act (''The Bank Act'').[14] The Banks are financial cooperatives; only members of a Bank may purchase the capital stock of a Bank, and only members, and certain eligible housing associates (such as State housing finance agencies), may obtain access to secured loans, known as advances, or other Bank products.[15] Each Bank is managed by its own board of directors and serves the public interest by enhancing the availability of residential mortgage and community lending credit though its member institutions.[16] Any eligible institution (generally a Federally-insured depository institution or State-regulated insurance company) may become a member of a Bank if it satisfies certain criteria and purchases a specified amount of the Bank's capital stock.[17] The Bank Act also requires each Bank to establish an affordable housing program and contribute a specified portion of its previous year's net income to support that program.[18]

On January 27, 2010, FHFA issued fraud reporting regulations, codified at 12 CFR part 1233, ''Reporting of Fraudulent Financial Instruments,'' to implement the provisions of the Safety and Soundness Act with respect to the discovery and reporting of fraud, in furtherance of the supervisory responsibilities of FHFA.[19] That regulation requires each Housing GSE to submit timely information on actual or possible fraud on all Housing GSE programs and products,[20] including, but not limited to a timely report to FHFA upon discovery that it has purchased or sold a fraudulent loan or financial instrument, or if the Housing GSE suspects a possible fraud relating to the purchase or sale of any loan or financial instrument. As discussed infra, certain parts of FHFA reporting format are based upon FinCEN's SAR format. The regulation, and associated guidance subsequently published by FHFA,[21] requires each Housing GSE to establish and maintain internal controls, policies, procedures, and operational training programs, and designate a fraud officer to oversee implementation and periodic monitoring (at least annually) of the fraud reporting program.

C. Summary of the Proposed Regulations

On November 8, 2011, FinCEN issued a Notice of Proposed Rulemaking (''NPRM'') to solicit comments on proposed AML and SAR regulations for the Housing GSEs.[22] The proposed rules contained standards and requirements that are substantially identical to those in FinCEN's AML and SAR regulations for banks, mortgage companies, and other financial institutions that offer retail consumer banking services and mortgage loans.

This Final Rule is based on the NPRM and adopts, without significant change, all of the regulatory provisions proposed in the NPRM. The AML regulation promulgates the four minimum requirements noted earlier. The SAR regulation requires reporting of suspicious activity in accordance with the standards and procedures specified in the NPRM and contained in all of FinCEN's SAR regulations.[23] The Final Rule does not require the Housing GSEs to comply with any other BSA reporting or recordkeeping regulations, such as currency transaction reporting.[24]

FinCEN believes that much of the effort necessary to meet these regulatory obligations, including information gathering, may be accomplished through business operations already undertaken as part of normal transaction negotiation, including due diligence and review of mortgage loans and related assets for purchase and securitization, and as collateral for advances and other investments, products, and services. As described in more detail below, the Housing GSEs have been filing SAR-like reports with FHFA for a number of years, and in other respects have supported the anti-fraud and anti-money laundering efforts of various law enforcement and regulatory agencies. FinCEN believes the Final Rule will enhance and strengthen the Housing GSEs' critical role in government and industry efforts to protect consumers, mortgage finance businesses, and the U.S. financial system from mortgage fraud, money laundering, and other financial crimes.

II. Notice of Proposed Rulemaking

The comment period on the NPRM ended on January 9, 2012. FinCEN received five comments. Comments were submitted by a Federal government agency (two letters), a trade association, representatives of some of the Housing GSEs, and a Federal government anti-fraud task force.[25] The

et seq., as amended by Division A of HERA. See Notice of Establishment, 73 FR 52356 (Sept. 9, 2008). *http://www.fhfa.gov/webfiles/160/FHFA_%20Notice_of_Establishment_-_73_FR_52356_(Sept_9%2c_2008).pdf.*

[11] The Housing GSEs are defined as ''regulated entities'' in the Safety and Soundness Act, as amended, 12 U.S.C. 4501 et seq., and implementing regulations at 12 CFR part 1233. The statutory definition of ''regulated entity'' provides ''[t]he term 'regulated entity' means—(A) the Federal National Mortgage Association and any affiliate thereof; (B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and (C) any Federal Home Loan Bank.'' 12 U.S.C. 4502(20).

[12] On September 6, 2008, FHFA appointed itself conservator of Fannie Mae and Freddie Mac, pursuant to 12 U.S.C. 4617. *http://www.fhfa.gov/webfiles/1858/NoticeregardingconservatorFNMA.pdf; http://www.fhfa.gov/webfiles/1857/NoticeregardingconservatorFHLMC.pdf.*

[13] 12 U.S.C. 1451, 1716.

[14] 12 U.S.C. 1423, 1432(a).

[15] 12 U.S.C. 1426(a)(4), 1430(a), 1430b.

[16] 12 U.S.C. 1427.

[17] 12 U.S.C. 1424; 12 CFR 1263.

[18] 12 U.S.C. 1430(j).

[19] 75 FR 4255 (Jan. 27, 2010).

[20] 75 FR 4255, 4258–4259.

[21] RPG–2011–001 (March 2011), *http://www.fhfa.gov/webfiles/20685/FHFAFraudReportingGuidance32011.pdf.*

[22] 76 FR 69204.

[23] *See, e.g.,* SAR regulations for non-bank residential mortgage lenders and originators at 31 CFR 1029.320. *http://www.fincen.gov/redirect.html?url=http://www.gpo.gov/fdsys/pkg/FR–2012–02–14/pdf/2012–3074.pdf.*

[24] 31 CFR 1010.310.

[25] In addition, FHFA's comment letter states that it ''encompasses issues relating to'' Freddie Mac

Continued

supporting comments emphasized the value of streamlining the current process under which SAR information from the Housing GSEs reaches FinCEN, and the substantial value of SARs predicted to cover a broader range of suspected financial crimes. FHFA has expressed strong support for FinCEN issuing AML and SAR regulations for the Housing GSEs. The public comments that expressed some opposition to the NPRM were based primarily on speculation that compliance costs and burdens would outweigh any potential benefits to law enforcement, and on the view that the current FHFA fraud reporting requirements are sufficient to support broad based government anti-fraud and anti-money laundering efforts.

A. Housing GSEs Defined as Financial Institutions

As noted in the NPRM, the BSA does not expressly identify any of the Housing GSEs in its definition of ''financial institution.'' The BSA's definition of financial institution lists numerous types of businesses, including commercial banks and other depository institutions.[26] The definition also includes a ''catch-all'' provision that authorizes the Secretary to include additional types of businesses if the Secretary determines, by regulation, that they engage in any activity ''similar to, related to, or a substitute for'' any activity of any of the listed businesses.[27]

The Housing GSEs work closely with other BSA-defined financial institutions; in fact, the majority of the Housing GSEs' counterparties and members are commercial banks, thrifts, credit unions, and insurance companies. Many of the products and services offered by the Housing GSEs can be viewed as substitutes for or related to products and services offered by commercial banks and nonbank financial institutions included in the BSA's definition of financial institution.

The main role of the Housing GSEs is to support the primary mortgage market and affordable housing through the purchase, guarantee, and securitization of mortgage loans and the extension of loans secured primarily by mortgage loans and real estate related assets. The Banks also provide grants or subsidies for affordable housing and community investment. Typically, a significant portion of these mortgage loans are made by commercial banks, credit unions, and savings and loan associations, which are already financial institutions under the BSA and subject to FinCEN's regulations.[28] Some of the Banks also have acquired member asset programs whereby they acquire fixed-rate, single-family mortgage loans from participating member institutions, which also are generally commercial banks or other depository institutions already included within the BSA's definition of financial institutions. Thus, FinCEN believes that the Housing GSEs engage in activities that are ''similar to, related to, or a substitute for'' financial services that are provided by other BSA-defined financial institutions. For this reason, FinCEN hereby exercises its authority under 31 U.S.C. 5312(a)(2)(Y) to define the Housing GSEs as financial institutions.

One commenter noted that Congress enacted Section 1115 of the Housing and Economic Recovery Act of 2008 (''HERA''),[29] which required FHFA to promulgate the fraud reporting regulations at 12 CFR 1233, without adding the Housing GSEs to the list of financial institutions in the BSA, or otherwise requiring the Housing GSEs to comply with FinCEN or FHFA regulations that would require AML and SAR programs. The commenter urged FinCEN to ''presume that Congress acted intentionally where it specifically adds language to one statute over another.'' The commenter further stated that ''[I]f Congress had intended for the [Housing] GSEs to be considered financial institutions under the BSA, then the statute would have been amended to specifically include the [Housing] GSEs. Rather, Congress enacted separate anti-fraud requirements in HERA that are unique to the FHLBank's wholesale business structure.''

FinCEN is not persuaded by the commenter's analysis regarding Congress's intent, or by the commenter's interpretation of the BSA. Rather, FinCEN believes that Congress enacted the ''catch-all'' provision at 31 U.S.C. 5312(b)(2)(Y) in order to give the Secretary and his delegate, FinCEN, the discretion, in future regulatory actions, to add businesses and professions to the statutory list of financial institutions, and thereby make them subject to certain provisions of the BSA.[30] FinCEN believes that neither Congress, nor any other legislative or regulatory body, would be able to list all of the types of businesses that may be vulnerable to money laundering for all time. As businesses evolve, so do the criminal schemes designed to exploit them for illegal financial gain. The ''catch-all'' provision implicitly recognizes this fact, and gives FinCEN discretion to determine the types of businesses that should become subject to regulations implementing the BSA.

The scope of the Final Rule is limited. It defines the Housing GSEs as ''financial institutions'' under 31 U.S.C. 5312(a)(2)(Y) for the purposes of requiring them to establish AML programs and report suspicious activities, as well as allow them to participate in special information sharing procedures to deter money laundering and terrorist activity. The term ''Housing government sponsored enterprise'' is added as a new defined term at 31 CFR 1010.100(mmm) for these purposes. Notably, the Final Rule does not amend the general definition of ''financial institution'' under FinCEN's regulations at 31 CFR 1010.100(t) because adding Housing GSEs to the general definition would trigger other recordkeeping and reporting requirements that FinCEN does not consider appropriate for the Housing GSEs at this time.

B. AML Program and SAR Filing Requirements

Under this Final Rule, the Housing GSEs are required to establish and maintain AML programs, and to file SARs directly with FinCEN, as of the regulatory compliance date. As emphasized in the NPRM, FinCEN does not expect the transition to compliance with the Final Rule to be unreasonably difficult or costly, primarily because the Housing GSEs already are required to have policies, management oversight, personnel training, and internal compliance review and various procedures and systems in place to comply with FHFA's current fraud reporting regulation and guidance.[31] These programmatic features are substantively very similar to those required in all AML regulations issued by FinCEN. Moreover, pursuant to the terms of a Memorandum of

and Fannie Mae, as well as FHFA's perspective as the regulator of the Housing GSEs.

[26] 31 U.S.C. 5312(a)(2) and (c)(1). The BSA definition includes financial institutions subject to the regulations of a Federal functional regulator, such as banks, savings associations, credit unions, securities broker-dealers, and futures commission merchants. The BSA definition also includes dealers in precious metals, stones, or jewels; money services businesses (such as money transmitters and currency exchanges); pawnbrokers; loan and finance companies; private bankers; insurance companies; travel agencies; telegraph companies; sellers of vehicles, including automobiles, airplanes, and boats; persons engaged in real estate closings and settlements; investment bankers; investment companies; and commodity pool operators and commodity trading advisors that are registered or required to register under the Commodity Exchange Act (7 U.S.C. 1, *et seq.*).

[27] 31 U.S.C. 5312(a)(2)(Y).

[28] 31 U.S.C. 5312(a)(2).

[29] *See* notes 9 and 10.

[30] *See* note 7.

[31] *See* notes 19, 20, and 21.

Understanding (''MOU'') between FinCEN and FHFA, the Housing GSEs have been filing separate reports with FHFA regarding suspicions of fraud, using technical specifications provided by FinCEN, in accordance with FHFA's guidance. FHFA, in turn, has provided this information to FinCEN in the form of SARs (albeit regarding a narrower range of suspicious activity than is covered in FinCEN's typical SAR regulations).[32] FHFA agrees that this indirect reporting structure should be restructured to better support the needs of law enforcement and extend the benefit of the BSA's ''safe harbor'' to the Housing GSEs. FHFA also agrees that a direct reporting structure from the Housing GSEs to FinCEN would be more streamlined than the current practice because direct reporting would, in part, eliminate the burden created by the significant effort FHFA devotes to providing information received from the Housing GSEs and filing to FinCEN as SARs.

The indirect reporting structure is inadequate to support the needs of law enforcement because reports are not available to law enforcement with the same speed they would be if they were filed directly. Additionally, law enforcement does not have the same ease of access to the records supporting any report filed by the Housing GSEs with FHFA as it would if the reports were filed directly with FinCEN under the obligations of the BSA. Direct filing by the Housing GSEs will result in a wider range of information made available to law enforcement more promptly. Finally, the indirect reporting structure does not allow the Housing GSEs to avail themselves of the BSA's ''safe harbor.'' The current reporting regime required by FHFA has its own ''safe harbor,'' but does not cover the same range of reporting as the BSA safe harbor, nor does it offer the same broad protection.

The comments on the NPRM primarily focused on the potential benefits, costs, and burdens of implementing the AML program and SAR filing requirements proposed in the NPRM. Three of the comments express the view that the Housing GSEs have limited access to useful SAR information about specific retail mortgage finance transactions. Two of these comments also stated that: (1) The current FHFA fraud reporting requirements are sufficient to support law enforcement, and any FinCEN SAR requirement would yield little, if any, additional useful information not already obtained by FHFA; (2) any new SAR requirement would result in duplicative SAR filings on the same suspicious activity, such as one report from a retail bank or non-bank mortgage company, and one report from the Housing GSE; and (3) any new AML and SAR regulations would require the Housing GSEs, particularly the Banks, to implement new detection, monitoring, and reporting practices, controls and systems, and possibly modify existing business models. In their view, the potential costs and burdens associated with any new AML or SAR regulations would not result in any corresponding substantial or justifiable benefit to law enforcement and regulators.

The three previously referenced comments cautioned that the Housing GSEs have limited interactions with parties to a primary market mortgage loan transaction (i.e., the lender, the borrower and various persons typically engaged in closing a primary purchase, refinance or home equity loan transaction) and, therefore, the Housing GSEs have limited access to information on the borrower's qualifications, the terms and circumstances regarding the loan, and other transaction-related information typically included in a SAR. Two of these comments also express the view that, due to the Banks' limited access to transactional information, extending AML and SAR requirements to the Housing GSEs, particularly the Banks, will not provide law enforcement with access to information on fraud related or non-fraud related money laundering or other financial crimes that FHFA does not already receive under the current FHFA reporting regime. These two comments further stated that the Banks, in particular, would likely need to restructure their current business practices, systems, and models to ''peer through'' their wholesale transactions and obtain information usually gathered at the origination stage to a greater extent than their current business practices and systems accomplish. The comments therefore urged that any new FinCEN AML or SAR requirements should not require the acquisition of transaction information that is not already obtained by the Housing GSEs in the ordinary course of business under current practices. One comment specifically requested that FinCEN confirm that any new AML and SAR rules will not require the Banks to establish new IT monitoring or data-mining systems of the kind adopted by higher risk institutions engaged in retail banking.

The comments further stated that the current FHFA fraud reporting regulations and guidance are sufficient to provide law enforcement and regulators with information necessary to investigate and prosecute mortgage fraud and fraud related money laundering and other financial crimes typically associated with residential mortgage transactions, and that FinCEN's AML and SAR program requirements therefore are unnecessary.

One comment stated that the rules proposed in the NPRM would require the Banks to duplicate the efforts of ''99 percent'' of the Banks' customer base (i.e., retail banks and other insured depository institutions, all of whom already have a SAR filing obligation under applicable FinCEN and Federal banking regulations), thus resulting in overlapping or duplicative SAR reports on the same suspicious activity. One of the comments that generally supported the NPRM nonetheless cautioned that the proposed rules could result in ''unintended consequences.'' The comment noted, as an example of an unintended consequence, the likelihood of duplicative, overlapping requirements and SAR filings. One comment concluded simply that the potential additional benefits to law enforcement ''appear to be minimal.''

The comments noted that the Banks already have expended significant time and resources on establishing and maintaining policies, procedures, systems and employee training to comply with FHFA's fraud reporting requirements. The comments concluded that FHFA requirements, and the programs established to comply with them, should be given time to ''mature.'' The comments expressed the view that any new rules should be issued only if it becomes evident that the current FHFA fraud reporting regime is determined to be inadequate. FinCEN believes the addition of the Housing GSEs within FinCEN's framework for SAR reporting will be the most efficient overall approach.

In the NPRM, FinCEN requested comment on whether it would be appropriate to include in a Final Rule any provisions that account for the differences in the business, operation, and mission of the Banks and Fannie Mae and Freddie Mac. Three comments

[32] The first MOU governing this separate fraud reporting arrangement was executed in May 2006 between FinCEN and FHFA's predecessor agency, OFHEO, which established the requirements applicable to Fannie Mae and Freddie Mac. A superseding MOU, with most of the same provisions, was executed by FinCEN and FHFA in July 2010, which established the requirements for Fannie Mae and Freddie Mac, as well as the 12 Federal Home Loan Banks. The Housing GSEs are required to use a data template that ''complies with the technical specifications set forth by FinCEN for the [SAR] report for depository institutions.'' *See* paragraph II.B.3. of FHFA's guidance on fraud reporting, referenced in note 21.

noted that the practices followed by Freddie Mac and Fannie Mae in connection with due diligence on loan pools, and related consideration of credit, interest rate, and operational risks, differ from those followed and considered by the Banks in connection with examination of loans and other assets as collateral for advances. Two comments stated that if FinCEN goes forward with final rules, FinCEN should take into account the differences in business models and practices of the Banks, on the one hand, and those of Fannie Mae and Freddie Mac, on the other. One comment urged that the requirements and standards in any final rules should be abbreviated and streamlined for the Banks, again arguing that the Banks generally do not obtain detailed borrower and transaction related information from their retail banking members in the ordinary course of business. Three comments, including one from FHFA, also urged that any final rules should be ''phased-in'' to give the Housing GSEs sufficient time to make changes to policies, procedures, systems, and business practices that would be deemed appropriate to comply with the Final Rule, and FinCEN's new uniform SAR requirements mandated on July 1, 2012.[33]

The comments that supported the NPRM expressed opinions and conclusions largely contrary to those expressed in the comments summarized above. The supporting comments highlight the following benefits, among others, of the rules proposed in the NPRM: (1) The new SAR rules, by requiring the Housing GSEs to file SARs directly with FinCEN, will enhance FinCEN's database, reduce burdens on government resources, and strengthen the mortgage fraud prevention programs and initiatives of the Housing GSEs and FinCEN; (2) the rules will give law enforcement and regulators quicker access to SAR information that is critical to investigations, and keep them better informed about evolving criminal schemes; (3) the rules will enhance coordination on analysis and investigations by FinCEN, FHFA, FHFA–OIG, and other law enforcement authorities on the Federal, State, and local levels that have access to FinCEN's BSA database; and (4) the AML rules will bolster HERA's reporting requirement, which likely will result in better information for investigations and enforcement actions. FinCEN finds these views persuasive and believes the Final Rules will support Administration and government efforts to combat mortgage fraud and other financial crimes.

FinCEN believes that both the AML program and SAR filing requirements are necessary and appropriate for the Housing GSEs and other businesses involved in mortgage finance, in order to give law enforcement and regulatory agencies valuable, timely information on specific instances of suspected mortgage fraud and mortgage finance related money laundering, as well as provide insight into emerging patterns of regional and national criminal activity. The information from SARs and other BSA-related information assists law enforcement and regulators with the development of their strategic goals and policies, as well as with the deployment of valuable resources to high crime areas.

FHFA's fraud reporting program is important in that it allows FHFA to both monitor the Housing GSEs' success in identifying fraud and mitigate attendant risks, and assess the impact that involvement in such transactions may have on the Housing GSEs' operational risks and overall safety and soundness. FHFA's reporting system, however, was not designed to support the multi-jurisdictional and inter-governmental investigations, prosecutions, and trend analyses that rely on SAR data and other BSA-related information in FinCEN's databases. Only FinCEN, as the nation's financial intelligence unit and administrator of the BSA, has the authority and resources to collect, analyze, and disseminate this vast amount of information to its Federal, State, and local law enforcement and regulatory partners securely and confidentially. The BSA and FinCEN's implementing regulations also permit sharing of primary and secondary mortgage market transactional information, in a secure and confidential manner, among financial institutions that enroll in FinCEN's 314(b) program.[34] These functions cannot be accomplished by FHFA, or any other government agency, under current Federal and State laws and regulations. The faster that information from the Housing GSEs makes its way into the BSA database, the sooner FinCEN and other agencies will be able to access that information to support investigations and enforcement actions related to money laundering, fraud, and other financial crimes.

FinCEN expects there will be transactions involving the Housing GSEs with respect to which two or more SARs will be submitted to FinCEN concerning the same transaction or activity, and in this respect, the SARs arguably may be viewed as ''duplicative'' or ''overlapping.'' For example, one SAR may be submitted by the retail-level originator or lender, and one ''overlapping'' SAR by a Housing GSE regarding the same transaction or activity. Based on the SARs filed to date under the MOU between FinCEN and FHFA, FinCEN believes a number of these ''overlapping'' SARs likely will concern a specific loan or loan pool repurchased by the originating institution upon the request of the Housing GSE, pursuant to the terms of the Housing GSE's contract with the originating institution or servicer. For example, a contract may permit a Housing GSE to demand repurchase upon discovery by the Housing GSE, a loan servicer, the originating institution, or a combination of these or other financial professionals, of loan related fraud or delinquency, including payment default, borrower misrepresentation, or some irregularity or discrepancy in the appraisal or loan documentation. The SAR forms, however, also may contain non-overlapping information and—in any event—will reflect the unique perspective and analyses of the two, or more, SAR filers. The availability of different data presented from different business perspectives by organizations with different, but complementary, roles in mortgage finance may be useful for law enforcement to gain a more comprehensive understanding of the transaction and its circumstances. FinCEN views this consequence of the existence of parallel reporting requirements for banks, non-bank residential mortgage lenders and originators, and Housing GSEs as a significant potential advantage to law enforcement and regulators that justifies the relatively minor additional costs and burdens to be borne by the Housing GSEs. This view is further confirmed by FinCEN's broad experience in requiring SAR reporting from a range of financial institutions, a small percent of which may contain reporting of partially overlapping information, but which together add significant value.

FinCEN's issuance of final AML and SAR rules for non-bank residential mortgage lenders and originators emphasized the critical importance of institutions establishing an AML program and filing SARs in order to prevent and identify mortgage fraud and other financial crimes.[35] FinCEN

[33] 77 FR 12367 (Feb. 29, 2012).

[34] *See* discussion in section III.E. regarding FinCEN's special information sharing regulations applicable to the Housing GSEs and other financial institutions.

[35] 31 CFR part 1029; 77 FR 8148 (Feb. 14, 2012).

expressed its view that the establishment of a complete AML program is essential for institutions to have an effective SAR filing program. Each of the ''four pillars'' of an AML program is critical to holding up the overall structure of the program. It would be difficult to expect useful SAR reporting without the pillars of an AML program firmly in place. FinCEN's regulations are structured to ensure that financial institutions are knowledgeable of risks and vigilant against fraud and other crimes. All of FinCEN's AML regulations require covered institutions to implement risk-based programs that take into account the unique risks associated with that particular institution's products and services, as well as the institution's size, market, and other issues. Thus, each Housing GSE's AML program would necessarily be different than those of other Housing GSEs with different business models and practices, as well as different product, geographic, and other risks. As a result, FinCEN believes that the AML regulations in this Final Rule inherently recognize the differences in the business models and practices of the Banks, Fannie Mae, and Freddie Mac, and that separate regulatory requirements for the Banks, on the one hand, and Fannie Mae and Freddie Mac, on the other, are unnecessary.[36] Under a risk-based approach to implementation of the Final Rule, FinCEN expects prevention of money laundering and other financial crimes, such as mortgage fraud, to be key goals underlying the various policies and procedures in an effective AML program for each Housing GSE. Therefore, the AML regulation proposed in the NPRM is adopted in this Final Rule without significant changes.

FinCEN believes it is important to highlight the value of SARs that will be filed by the Housing GSEs. As one comment noted, law enforcement agencies have advised FinCEN and FHFA that SARs from the Housing GSEs under the present MOU procedures are very useful in the investigation and prosecution of financial crimes. Filing SARs directly with FinCEN will increase the speed and ease with which law enforcement and regulators can access and utilize the information contained in those valuable SARs. Finally, FinCEN's SAR database has been a ''one-stop'' integrated system for law enforcement and regulator access to valuable information on suspected financial crimes. It is appropriate, efficient, and consistent with FinCEN's statutory mandate to consolidate all suspicious activity reports from financial institutions in the database where they can be of the most value.[37]

As FinCEN explained in the NPRM, the new SAR regulations will require the reporting of a potentially broader range of financial crimes than under FHFA's fraud reporting regulations. This, along with the ability to share information among the Housing GSEs and with other financial institutions, may well result in the Housing GSEs filing more SARs than fraud reports filed pursuant to FHFA's regulations. FinCEN also acknowledges that limited access to transactional information of a residential mortgage loan may limit the ability of a Housing GSE to include in a SAR all of the information typically found in a SAR filed by a retail bank or mortgage company. FinCEN expects that some of the Housing GSEs may need to establish new, or modify existing, policies, procedures, systems, organizational controls, or employee training arrangements. Nonetheless, FinCEN believes that these changes, and any related investments, will not need to be as extensive as some of the comments suggest, and that a substantial part of the new suspicious activity reporting and AML program requirements of this Final Rule may be integrated into existing procedures, controls, systems, and training programs with relatively minor costs. FinCEN emphasizes that each Housing GSE already has established procedures, systems, and controls to submit reports to FHFA when a Housing GSE discovers it has purchased or sold a fraudulent loan or financial instrument (e.g., a mortgage-backed security), or suspects a possible fraud relating to the purchase or sale of any loan or financial instrument. Under FHFA's guidance and the MOU, FHFA then transmits some of these reports to FinCEN using a SAR.[38]

FinCEN believes that new investment in elaborate, expensive systems will not be necessary for the Banks, Freddie Mac, or Fannie Mae to comply with the Final Rule. For those Banks that anticipate the need to submit a relatively low number of SARs, they may establish procedures to submit individual SARs via FinCEN's established Web-based electronic system, which does not require acquisition of any new systems or modifications to systems used to comply with FHFA filing requirements. FinCEN and other agencies have issued substantial guidance on the development of risk-based AML and SAR reporting programs.[39] FinCEN believes the Housing GSEs may build on their existing risk management procedures and prudential business practices to ensure compliance with this Final Rule with minimal cost. In sum, FinCEN believes that the Final Rule does not impose significant costs on the Housing GSEs.

FinCEN also wishes to emphasize that, by the designation of the Housing GSEs as ''financial institutions'' under the BSA, the Housing GSEs, as well as their directors, officers, employees, and agents, are covered by the BSA's liability safe harbor for financial institutions that file SARs.[40] This safe harbor is intended to encourage financial institutions to report suspicious activities, even if, as here, the SAR regulation will likely require reporting of a wider range of suspected fraud, money laundering, and financial crimes related to the products and services offered by the Housing GSEs than those entities may currently be accustomed to report.

III. Section-by-Section Analysis

A. Definition of Housing Government Sponsored Enterprise

Section 1010.100(mmm) defines the key terms used in the Final Rule. The definitions reflect FinCEN's determination that AML program and SAR requirements should be applied to the Housing GSEs. The definition of ''Housing government sponsored enterprise'' includes: (1) The Federal National Mortgage Association; (2) the Federal Home Loan Mortgage Corporation; and (3) each Federal Home

[36] FHFA is required, when issuing any regulation or guidance, to consider differences between the Banks and the Enterprises (Fannie Mae and Freddie Mac). FHFA also acknowledged in its regulatory policy guidance (RPG–2011–001) that it expects fraud detection and reporting controls, ''should be more expansive when a financial instrument is owned or guaranteed versus when a financial instrument serves as collateral.'' III.A., p.9.

[37] 31 U.S.C. 310.

[38] *See* note 21 regarding FHFA Fraud Reporting Guidance, section II.B.3.

[39] *See, e.g.,* Guidance—Preparing a Complete and Sufficient Suspicious Activity Report Narrative (including related PowerPoint Presentation—Keys to Writing a Complete and Sufficient SAR Narrative), Nov. 2003, *http://www.fincen.gov/statutes_regs/guidance/html/narrativeguidance_webintro.html;* Guidance—Suggestions for Addressing Common Errors Noted in Suspicious Activity Reporting, Oct. 10, 2007, *http://www.fincen.gov/statutes_regs/guidance/html/SAR_Common_Errors_Web_Posting.html;* Guidance—Suspicious Activity Report Supporting Documentation, June 13, 2007 (FIN–2007–G003), *http://www.fincen.gov/statutes_regs/guidance/html/Supporting_Documentation_Guidance.html* The SAR Activity Review—Trends, Tips and Issues (Issue 16), Oct. 2009, Section 4, *Law Enforcement Suggestions When Preparing Suspicious Activity Reports,* p. 45., *http://www.fincen.gov/statutes_regs/guidance/html/narrativeguidance_webintro.html. See also NPRM, note 45.*

[40] 31 U.S.C. 5318(g)(3).

Loan Bank. The definition does not include any entity-affiliated party [41] of Fannie Mae, Freddie Mac, or any Bank, including the Office of Finance of the Federal Home Loan Bank System.

B. Compliance and Enforcement

Section 1010.810(b)(10) delegates authority to examine the Housing GSEs for compliance with the requirements of this Final Rule to FHFA. FHFA is the Federal regulator for the Housing GSEs and enforces its own statutes and regulations regarding safety and soundness. FHFA is FinCEN's delegate for examination for compliance with FinCEN's regulations. FinCEN will work with FHFA to coordinate and direct such delegated compliance examination activities. FinCEN retains enforcement authority under the BSA, including for the imposition of civil penalties for violations of these regulations.

C. Anti-Money Laundering Program

Section 1030.210(a) requires each Housing GSE to develop and implement an AML program reasonably designed to prevent the Housing GSE from being used to facilitate money laundering or the financing of terrorist activities, and other financial crimes, including mortgage fraud. The program must be in writing and must be approved by senior management. A Housing GSE's written program also must be made available to FinCEN upon request.

Section 1030.210(b) sets forth the minimum requirements of a Housing GSE's AML program. Beyond these minimum requirements, however, the Final Rule is intended to give Housing GSEs the flexibility to design their programs to mitigate their own specific risks. Section 1030.210(b)(1) requires the AML program to incorporate policies, procedures, and internal controls based upon the Housing GSE's assessment of the risks of money laundering, terrorism finance, and other financial crimes associated with its products, counterparties, distribution channels, and geographic locations. A Housing GSE's assessment of counterparty-related information is a key component to an effective AML program. Thus, a Housing GSE's AML program must ensure that the Housing GSE obtains the information necessary to make its AML program effective. Such information may, but is not required to, include relevant information on individual borrowers and the financial institutions that are the Housing GSE's counterparties or members. The specific means of obtaining such information is left to the discretion of the Housing GSE.

In the NPRM, FinCEN stated that it anticipated that the Housing GSEs may need to amend existing agreements to ensure that they receive necessary customer information. Upon consideration of the comments on the NPRM, FinCEN highlights that amendment of agreements may not be necessary, and FinCEN emphasizes that the Final Rule does not require such amendments. However, the determination whether agreements may need amendment is a matter that the Housing GSEs' management should consider in assessing risks associated with products and services subject to the AML and SAR requirements. The AML program requirement does not obligate the Housing GSEs to obtain information that they do not already receive in the ordinary course of business under current practices, particularly with regard to information on individual borrowers the Housing GSEs do not receive in the ordinary course of business. For purposes of making the required risk assessment, a Housing GSE must consider all relevant information that is currently available to them, including whether the retail financial institutions that are its customers are subject to AML program requirements under the BSA.

Policies, procedures, and internal controls also must be reasonably designed to ensure compliance with BSA requirements. Housing GSEs may conduct some of their operations through third parties. Some elements of the compliance program may best be performed by personnel of such third parties, in which case it is permissible for a Housing GSE to delegate contractually the implementation and operation of those aspects of its AML program to such an entity, and to rely on the compliance program of such third parties if the third parties are subject to an independent AML program requirement under the BSA. Any Housing GSE that delegates responsibility for aspects of its AML program to a third party, however, remains fully responsible for the effectiveness of the program, as well as ensuring that examiners are able to obtain information and records relating to the AML program.

Section 1030.210(b)(2) requires that a Housing GSE designate a compliance officer to be responsible for administering the AML program. The person should be competent and knowledgeable regarding BSA requirements and money laundering and fraud issues and risks, and should be empowered with full responsibility and authority to develop and enforce appropriate policies and procedures. The role of the compliance officer is to ensure that (1) the program is implemented effectively; (2) the program is updated as necessary; and (3) appropriate persons are trained and educated in accordance with section 1030.210(b)(3).

Section 1030.210(b)(3) requires that a Housing GSE provide for education and training of appropriate persons. Employee training is an integral part of any AML program. To carry out their responsibilities effectively, employees of a Housing GSE (and of any third party not already receiving training as part of another AML program requirement) with responsibility under the program must be trained in the requirements of the Final Rule and money laundering and fraud risks generally so that they can identify red flags associated with existing or potential customers and transactions. Such training may be conducted by outside or in-house seminars, and may include computer-based training. The nature, scope, and frequency of the education and training program of the Housing GSE will depend upon the employee functions performed. However, those with obligations under the AML program must be sufficiently trained to carry out their responsibilities effectively. Moreover, these employees should receive periodic updates and refreshers regarding the AML program.

Section 1030.210(b)(4) requires that a Housing GSE provide for independent testing of the program on a periodic basis to ensure that it complies with the requirements of the Final Rule and that the program functions as designed. An outside consultant or accountant need not perform the testing and review. The review may be conducted by an officer, employee or group of employees, so long as the reviewer is not the designated compliance officer and does not report directly to the compliance officer. The frequency of the independent testing will depend upon the Housing GSE's assessment of risks posed by its operations. Any recommendations resulting from such testing should be reviewed by senior management. A Housing GSE may also rely on the testing performed by third parties that are subject to an independent AML program requirement. Section 1030.210(c) states that compliance with the AML program requirements will be determined by FinCEN or its delegate.

D. Reports of Suspicious Transactions

Section 1030.320(a) contains the rules setting forth the obligation of Housing

[41] 12 U.S.C. 4502(11).

GSEs to report suspicious transactions that are conducted or attempted by, at, or through a Housing GSE and involve, independently or in the aggregate, at least $5,000 in funds or other assets. It is important to recognize that transactions are reportable under this Final Rule and 31 U.S.C. 5318(g) regardless of whether they involve currency. The $5,000 minimum amount is consistent with existing SAR filing requirements for other financial institutions.

Section 1030.320(a)(1) contains the general statement of the obligation to file reports of suspicious transactions. The obligation extends to transactions conducted or attempted by, at, or through a Housing GSE. The Final Rule also contains a provision in section 1030.320(a)(1) designed to encourage the reporting of transactions that appear relevant to violations of law or regulation, even in cases in which the Final Rule does not explicitly so require, such as in the case of a transaction falling below the $5,000 threshold.

Section 1030.320(a)(2) specifically describes the four categories of transactions that require reporting. A Housing GSE is required to report a transaction if it knows, suspects, or has reason to suspect that the transaction (or a pattern of transactions of which the transaction is a part): (i) Involves funds derived from illegal activity or is intended or conducted to hide or disguise funds or assets derived from illegal activity; (ii) is designed, whether through structuring or other means, to evade the requirements of the BSA; (iii) has no business or apparent lawful purpose, and the Housing GSE knows of no reasonable explanation for the transaction after examining the available facts; or (iv) involves the use of the Housing GSE to facilitate criminal activity.[42]

A determination as to whether a report is required must be based on all the facts, circumstances and information to which the Housing GSE has access, in the ordinary course of its business, relating to the transaction and customer of the Housing GSE in question. Different fact patterns and circumstances will require different judgments. Some examples of red flags associated with existing or potential customers are referenced in previous FinCEN reports and guidance on mortgage fraud and SAR filing. However, the means of commerce and the techniques of money laundering are continually evolving, and there is no way to provide an exhaustive list of suspicious transactions or red flags. FinCEN will continue to pursue a regulatory approach that involves a combination of guidance, training programs, and government-industry information exchange so that implementation of any new AML program and SAR reporting regulations can be accomplished in the most flexible and cost efficient way possible, while protecting the primary and secondary mortgage markets and the financial system as a whole from fraud, money laundering, and other financial crimes.

Section 1030.320(a)(3) provides that the obligation to identify and to report a suspicious transaction rests with the Housing GSE involved in the transaction. However, where more than one Housing GSE, or another financial institution with a separate suspicious activity reporting obligation, is involved in the same transaction (or related transactions), only one report is required to be filed, provided it contains all relevant information and each institution maintains a copy of the report and any supporting documentation related to the SAR. There is, however, no obligation for the Housing GSEs to notify each other or work together in such circumstances. Each Housing GSE must evaluate customer activity and relationships for fraud, money laundering, and other financial crime risks, and design a suspicious transaction monitoring and reporting program that is appropriate for the particular Housing GSE in light of such risks.

Section 1030.320(b) sets forth the filing procedures to be followed by Housing GSEs making reports of suspicious transactions. Within 30 days after a Housing GSE becomes aware of a suspicious transaction (or within 60 days if no suspect has been identified), it must report the transaction by completing a SAR and filing it with FinCEN. Supporting documentation relating to each SAR is to be collected and maintained separately by the Housing GSE and made available upon request by FinCEN, FHFA or any appropriate Federal, State, or local law enforcement agency, or any Federal regulatory authority that examines the Housing GSE for compliance with the BSA. FinCEN's SAR regulations provide that the documentation supporting a SAR that is maintained by the filer, is deemed to be filed with the SAR. Thus, supporting documentation may be disclosed to the authorities referenced above to whom a SAR form may be disclosed, consistent with the rules of construction, described below. For situations requiring immediate attention, Housing GSEs are to telephone the appropriate law enforcement authority in addition to filing a SAR.

Section 1030.320(c) provides that the filing Housing GSE must maintain copies of SARs and the underlying related documentation for a period of five years from the date of filing.[43] As indicated above, supporting documentation is to be made available to FinCEN and appropriate law enforcement and regulatory authorities, upon request.

Section 1030.320(d)(1) reinforces the statutory prohibition against the disclosure by a financial institution of a SAR (regardless of whether the report would be required by the Final Rule or is filed voluntarily).[44] The section requires that a SAR and information that would reveal the existence of that SAR (''SAR information'') be kept confidential and not be disclosed, except as authorized within the rules of construction. The regulation includes rules of construction that identify actions an institution may take that are not precluded by the confidentiality provision. These actions include the disclosure of SAR information to FinCEN, FHFA, or appropriate Federal, State, or local law enforcement agencies, or a Federal regulatory authority that examines the Housing GSE for compliance with the BSA. This confidentiality provision also does not prohibit the disclosure of the underlying facts, transactional information, and documents upon which a SAR is based, or the sharing of SAR information within the Housing GSE's corporate organizational structure for purposes consistent with Title II of the BSA, as determined by FinCEN in regulation or in guidance.[45]

Section 1030.320(d)(2) incorporates the statutory prohibition against disclosure of SAR information, other than in fulfillment of their official duties consistent with the BSA, by government users of SAR data. The section also clarifies that official duties

[42] The fourth reporting category has been added to the suspicious activity reporting rules promulgated since the passage of the USA PATRIOT Act to make it clear that the requirement to report suspicious activity encompasses the reporting of transactions involving fraud and those in which legally derived funds are used for criminal activity, such as the financing of terrorism.

[43] FinCEN notes that FHFA's guidance on fraud reporting, RPG–2011–001, also contains a five-year document retention requirement.

[44] 31 U.S.C. 5318(g)(2).

[45] On November 23, 2010, FinCEN issued updated guidance for the banking, securities, and futures industries authorizing the sharing of SAR information with parent companies, head offices, and under certain conditions, domestic affiliates. 75 FR 75607 (Dec. 3, 2010). No such guidance has been issued for the Housing GSEs.

do not include the disclosure of SAR information in response to a request for non-public information [46] or for use in a private legal proceeding, including a request under 31 CFR 1.11.[47]

Section 1030.320(e) provides protection from liability for making reports of suspicious transactions, and for nondisclosures of such a report, to the full extent provided by 31 U.S.C. 5318(g)(3). This statutory safe harbor, unlike that afforded to the Housing GSEs under FHFA regulations,[48] contains no express requirement that the report has been filed in ''good faith,'' and legal authority strongly supports the proposition that there is no implicit ''good faith'' limitation to this safe harbor.[49] One commenter nevertheless suggested that the difference between FHFA safe harbor and the BSA safe harbor could result in the Housing GSEs being subject to civil liability for making reports pursuant to the BSA. FinCEN disagrees with that assessment. Because this Final Rule defines the Housing GSEs as financial institutions under the BSA, a Housing GSE should be able to avail itself of the broader BSA safe harbor for reports it files pursuant to the BSA. Congress has made two safe harbors available to institutions under two separate statutes. These safe harbor provisions do not contradict, supersede, or conflict with one another. Nothing in the law implies that Congress intended to make only the narrower safe harbor applicable when an institution was on its face entitled to both. FinCEN thinks it more persuasive to consider both safe harbors to be applicable according to their terms.

Section 1030.320(f) notes that compliance with the obligation to report suspicious transactions will be examined by FinCEN or its delegates, and provides that failure to comply with the Final Rule may constitute a violation of the BSA and FinCEN's regulations.

Section 1030.320(g) provides that the new SAR requirement is effective when an anti-money laundering program required by the regulations is required to be implemented.

E. Special Information Procedures To Deter Money Laundering and Terrorist Activity

Section 1030.500 states that the Housing GSEs are covered by the special information procedures to detect money laundering and terrorist activity requirements set forth and cross referenced in sections 1030.520 (cross-referencing to 31 CFR 1010.520) and 1030.540 (cross-referencing to 31 CFR 1010.540). Sections 1010.520 and 1010.540 implement sections 314(a) and 314(b) [50] of the USA PATRIOT Act, respectively, and generally apply to any financial institution listed in 31 U.S.C. 5312(a)(2).[51] For the sake of clarity, the Final Rule adds subpart E to Part 1030 to confirm that the section 314 rules will continue to apply to the Housing GSEs.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). In this case, the Final Rule applies only to the Housing GSEs, none of which is a small entity for purposes of this requirement. Accordingly, FinCEN hereby certifies that this Final Rule will not have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act. Therefore, no analysis under the Regulatory Flexibility Act is required. *See* 5 U.S.C. 601(2) and 603(a).

V. Paperwork Reduction Act

This Final Rule pertains to the Housing GSEs. As a result, the Final Rule does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act. *See* 44 U.S.C. 3501 *et seq.*

VI. Executive Orders 13563 and 12866

Executive Orders 13563 and 12866 direct agencies to assess 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. It has been determined that this Final Rule is designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the Final Rule has been reviewed by the Office of Management and Budget.

VII. Unfunded Mandates Reform Act of 1995 Statement

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), Public Law 104–4 (March 22, 1995), requires that an agency prepare a budgetary impact statement before promulgating a rule that may result in expenditure by the State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 202 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. Taking into account the factors noted above and using conservative estimates of average labor costs in evaluating the cost of the burden imposed by the Final Rule, FinCEN has determined that it is not required to prepare a written statement under Section 202.

List of Subjects in 31 CFR Parts 1010 and 1030

Administrative practice and procedure, Banks, Banking, Brokers, Currency, Federal home loan banks, Foreign banking, Foreign currencies, Gambling, Investigations, Mortgages,

[46] For purposes of this rulemaking, ''non-public information'' refers to information that is exempt from disclosure under the Freedom of Information Act.

[47] 31 CFR 1.11 is the Department of the Treasury's information disclosure regulation. Generally, these regulations are known as ''Touhy regulations,'' after the Supreme Court's decision in *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951). In that case, the Supreme Court held that an agency employee could not be held in contempt for refusing to disclose agency records or information when following the instructions of his or her supervisor regarding the disclosure. An agency's Touhy regulations are the instructions agency employees must follow when those employees receive requests or demands to testify or otherwise disclose agency records or information.

[48] 12 CFR 1233.5.

[49] *See Stoutt* v. *Banco Popular de Puerto Rico,* 320 F.3d 26, 31 (1st Cir. 2003) (no good faith requirement), *Lee* v. *Bankers Trust,* 166 F.3d 540, 544 (2d Cir. 1999) (same), *Henry* v. *Bank of America,* 2010 U.S. Dist. LEXIS 14561 *11–13 (N.D.Cal., Feb. 2, 2010) (same), *Eyo* v. *United States,* 2007 U.S. Dist. LEXIS 88088 *15–16 (D.N.J., Nov. 29, 2007) (same), *Nieman* v. *Firstar Bank,* 2005 U.S. Dist. LEXIS 38959 *18 (N.D. Iowa, Sept. 26, 2005) (same). *But see Lopez* v. *First Union National Bank,* 129 F.3d 1186, 1992 (11th Cir. 1997) (regarding a good faith requirement).

[50] In addition to falling within the definition of ''financial institution'' found at 31 U.S.C. 5312(a)(2), participants in the 314(b) program also must be ''required . . . to establish and maintain an anti-money laundering program . . .'' 31 CFR 1010.540(a)(1).

[51] This Final Rule defines the Housing GSEs as financial institutions under section 31 U.S.C. 5312(a)(2)(Y).

Penalties, Reporting and recordkeeping requirements, Securities, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, Chapter X of Title 31 of the Code of Federal Regulations is amended as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314 and 5316–5332; title III, sec. 314 Pub. L. 107–56, 115 Stat. 307.

■ 2. Amend § 1010.100 by adding new paragraph (mmm) to read as follows:

§ 1010.100 General definitions.

* * * * *

(mmm) *Housing government sponsored enterprise.* (1) A ''housing government sponsored enterprise'' is one of the following ''Regulated Entities'' under 12 U.S.C. 4502(20) subject to the general supervision and regulation of the Federal Housing Finance Agency (FHFA):

(i) The Federal National Mortgage Association;

(ii) The Federal Home Loan Mortgage Corporation; or

(iii) Each Federal Home Loan Bank.

(2) The term ''housing government sponsored enterprise'' does not include any ''Entity-Affiliated Party,'' as defined in 12 U.S.C. 4502(11).

■ 3. Amend § 1010.810 by adding new paragraph (b)(10) to read as follows:

§ 1010.810 Enforcement.

* * * * *

(b) * * *

(10) To the Federal Housing Finance Agency with respect to the housing government sponsored enterprises, as defined in § 1010.100(mmm) of this part.

* * * * *

■ 4. New part 1030 is added to read as follows:

PART 1030—RULES FOR HOUSING GOVERNMENT SPONSORED ENTERPRISES

Subpart A—Definitions

Sec.
1030.100 Definitions.

Subpart B—Programs

1030.200 General.
1030.210 Anti-money laundering programs for housing government sponsored enterprises.

Subpart C—Reports Required To Be Made By Housing Government Sponsored Enterprises

1030.300 General.
1030.310–1030.315 [Reserved]
1030.320 Reports by housing government sponsored enterprises of suspicious transactions.
1030.330 Reports relating to currency in excess of $10,000 received in a trade or business.

Subpart D—Records Required To Be Maintained by Housing Government Sponsored Enterprises

1030.400 General.

Subpart E—Special Information Sharing Procedures To Deter Money Laundering and Terrorist Activity

1030.500 General.
1030.520 Special information sharing procedures to deter money laundering and terrorist activity for housing government sponsored enterprises.
1030.530 [Reserved]
1030.540 Voluntary information sharing among financial institutions.

Subpart F—Special Standards of Diligence; Prohibitions, and Special Measures for Housing Government Sponsored Enterprises

1030.600–1030.670 [Reserved]

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314 and 5316–5332; title III, sec. 314 Pub. L. 107–56, 115 Stat. 307.

Subpart A—Definitions

§ 1030.100 Definitions.

Refer to § 1010.100 of this chapter for general definitions not noted herein.

Subpart B—Programs

§ 1030.200 General.

Housing government sponsored enterprises are subject to the program requirements set forth and cross referenced in this subpart. Housing government sponsored enterprises should also refer to subpart B of part 1010 of this chapter for program requirements contained in that subpart that apply to housing government sponsored enterprises.

§ 1030.210 Anti-money laundering programs for housing government sponsored enterprises.

(a) *Anti-money laundering program requirements for housing government sponsored enterprises.* Each housing government sponsored enterprise shall develop and implement a written anti-money laundering program that is reasonably designed to prevent the housing government sponsored enterprise from being used to facilitate money laundering or the financing of terrorist activities. The program must be approved by senior management. A housing government sponsored enterprise shall make a copy of its anti-money laundering program available to the Financial Crimes Enforcement Network or its designee upon request.

(b) *Minimum requirements.* At a minimum, the anti-money laundering program shall:

(1) Incorporate policies, procedures, and internal controls based upon the housing government sponsored enterprise's assessment of the money laundering and terrorist financing risks associated with its products and services. Policies, procedures, and internal controls developed and implemented by a housing government sponsored enterprise under this section shall include provisions for complying with the applicable requirements of subchapter II of chapter 53 of title 31, United States Code and this part, and obtaining all relevant customer-related information necessary for an effective anti-money laundering program.

(2) Designate a compliance officer who will be responsible for ensuring that:

(i) The anti-money laundering program is implemented effectively;

(ii) The anti-money laundering program is updated as necessary; and

(iii) Appropriate persons are educated and trained in accordance with paragraph (b)(3) of this section.

(3) Provide for on-going training of appropriate persons concerning their responsibilities under the program. A housing government sponsored enterprise may satisfy this requirement by training such persons or verifying that such persons have received training by a competent third party with respect to the products and services offered by the housing government sponsored enterprise.

(4) Provide for independent testing to monitor and maintain an adequate program. The scope and frequency of the testing shall be commensurate with the risks posed by the housing government sponsored enterprise's products and services. Such testing may be conducted by a third party or by any officer or employee of the housing government sponsored enterprise, other than the person designated in paragraph (b)(2) of this section.

(c) *Compliance.* Compliance with this section shall be examined by FinCEN or its delegate, under the terms of the Bank Secrecy Act. Failure to comply with the requirements of this section may constitute a violation of the Bank Secrecy Act and of this chapter.

(d) *Compliance date.* A housing government sponsored enterprise must develop and implement an anti-money laundering program that complies with the requirements of this section on or before August 25, 2014.

Subpart C—Reports Required To Be Made by Housing Government Sponsored Enterprises

§ 1030.300 General.

Housing government sponsored enterprises are subject to the reporting requirements set forth and cross referenced in this subpart. Housing government sponsored enterprises should also refer to subpart C of part 1010 of this chapter for reporting requirements contained in that subpart that apply to housing government sponsored enterprises.

§§ 1030.310—1030.315 [Reserved]

§ 1030.320 Reports by housing government sponsored enterprises of suspicious transactions.

(a) *General*—(1) Every housing government sponsored enterprise shall file with FinCEN, to the extent and in the manner required by this section, a report of any suspicious transaction relevant to a possible violation of law or regulation. A housing government sponsored enterprise may also file with FinCEN a report of any suspicious transaction that it believes is relevant to the possible violation of any law or regulation, but whose reporting is not required by this section.

(2) A transaction requires reporting under this section if it is conducted or attempted by, at, or through a housing government sponsored enterprise, it involves or aggregates funds or other assets of at least $5,000, and the housing government sponsored enterprise knows, suspects, or has reason to suspect that the transaction (or a pattern of transactions of which the transaction is a part):

(i) Involves funds derived from illegal activity or is intended or conducted in order to hide or disguise funds or assets derived from illegal activity (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any Federal law or regulation or to avoid any transaction reporting requirement under Federal law or regulation;

(ii) Is designed, whether through structuring or other means, to evade any requirements of this chapter or any other regulations promulgated under the Bank Secrecy Act;

(iii) Has no business or apparent lawful purpose or is not the sort in which the particular housing government sponsored enterprise customer would normally be expected to engage, and the housing government sponsored enterprise knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction; or

(iv) Involves use of the housing government sponsored enterprise to facilitate criminal activity.

(3) More than one housing government sponsored enterprise may have an obligation to report the same transaction under this section, and financial institutions involved in that same transaction may have separate obligations to report suspicious activity with respect to that transaction pursuant to other provisions of this chapter. In those instances, no more than one report is required to be filed by the housing government sponsored enterprise(s) and any financial institution(s) involved in the transaction, provided that the report filed contains all relevant facts, including the name of each housing government sponsored enterprise or financial institution involved in the transaction, the report complies with all instructions applicable to joint filings, and each institution maintains a copy of the report filed, along with any supporting documentation.

(b) *Filing and notification procedures*—(1) *What to file.* A suspicious transaction shall be reported by completing a Suspicious Activity Report (''SAR''), and collecting and maintaining supporting documentation as required by paragraph (c) of this section.

(2) *Where to file.* The SAR shall be filed with FinCEN in accordance with the instructions to the SAR.

(3) *When to file.* A SAR shall be filed no later than 30 calendar days after the date of the initial detection by the reporting housing government sponsored enterprise of facts that may constitute a basis for filing a SAR under this section. If no suspect is identified on the date of such initial detection, a housing government sponsored enterprise may delay filing a SAR for an additional 30 calendar days to identify a suspect, but in no case shall reporting be delayed more than 60 calendar days after the date of such initial detection.

(4) *Mandatory notification to law enforcement.* In situations involving violations that require immediate attention, such as suspected terrorist financing or ongoing money laundering schemes, a housing government sponsored enterprise shall immediately notify by telephone an appropriate law enforcement authority in addition to filing timely a SAR.

(5) *Voluntary notification to FinCEN.* Any housing government sponsored enterprise wishing voluntarily to report suspicious transactions that may relate to terrorist activity may call FinCEN's Financial Institutions Hotline in addition to filing timely a SAR if required by this section.

(c) *Retention of records.* A housing government sponsored enterprise shall maintain a copy of any SAR filed by the housing government sponsored enterprise or on its behalf (including joint reports), and the original (or business record equivalent) of any supporting documentation concerning any SAR that it files (or is filed on its behalf), for a period of five years from the date of filing the SAR. Supporting documentation shall be identified as such and maintained by the housing government sponsored enterprise, and shall be deemed to have been filed with the SAR. A housing government sponsored enterprise shall make all supporting documentation available to FinCEN or any Federal, State, or local law enforcement agency, or any Federal regulatory authority that examines the housing government sponsored enterprise for compliance with the Bank Secrecy Act, upon request.

(d) *Confidentiality of SARs.* A SAR, and any information that would reveal the existence of a SAR, are confidential and shall not be disclosed except as authorized in this paragraph (d). For purposes of this paragraph (d) only, a SAR shall include any suspicious activity report filed with FinCEN pursuant to any regulation in this chapter.

(1) *Prohibition on disclosures by housing government sponsored enterprises*—(i) *General rule.* No housing government sponsored enterprise, and no director, officer, employee, or agent of any housing government sponsored enterprise, shall disclose a SAR or any information that would reveal the existence of a SAR. Any housing government sponsored enterprise, and any director, officer, employee, or agent of any housing government sponsored enterprise that is subpoenaed or otherwise requested to disclose a SAR or any information that would reveal the existence of a SAR, shall decline to produce the SAR or such information, citing this section and 31 U.S.C. 5318(g)(2)(A)(i), and shall notify FinCEN of any such request and the response thereto.

(ii) *Rules of construction.* Provided that no person involved in any reported suspicious transaction is notified that the transaction has been reported, this paragraph (d)(1) shall not be construed as prohibiting:

(A) The disclosure by a housing government sponsored enterprise, or any director, officer, employee, or agent of a housing government sponsored enterprise of:

(1) A SAR, or any information that would reveal the existence of a SAR, to FinCEN or any Federal, State, or local law enforcement agency, or any Federal regulatory authority that examines the housing government sponsored enterprise for compliance with the Bank Secrecy Act; or

(2) The underlying facts, transactions, and documents upon which a SAR is based, including but not limited to, disclosures to another housing government sponsored enterprise or a financial institution, or any director, officer, employee, or agent of a housing government sponsored enterprise or financial institution, for the preparation of a joint SAR; or

(B) The sharing by a housing government sponsored enterprise, or any director, officer, employee, or agent of the housing government sponsored enterprise, of a SAR, or any information that would reveal the existence of a SAR, within the housing government sponsored enterprise's corporate organizational structure for purposes consistent with Title II of the Bank Secrecy Act as determined by regulation or in guidance.

(2) *Prohibition on disclosures by government authorities.* A Federal, State, local, territorial, or tribal government authority, or any director, officer, employee, or agent of any of the foregoing, shall not disclose a SAR, or any information that would reveal the existence of a SAR, except as necessary to fulfill official duties consistent with Title II of the Bank Secrecy Act. For purposes of this section, ''official duties'' shall not include the disclosure of a SAR, or any information that would reveal the existence of a SAR, in response to a request for disclosure of non-public information or a request for use in a private legal proceeding, including a request pursuant to 31 CFR 1.11.

(e) *Limitation on liability.* A housing government sponsored enterprise, and any director, officer, employee, or agent of any housing government sponsored enterprise, that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this section or any other authority, including a disclosure made jointly with another institution, shall be protected from liability for any such disclosure, or for failure to provide notice of such disclosure to any person identified in the disclosure, or both, to the full extent provided by 31 U.S.C. 5318(g)(3).

(f) *Compliance.* Housing government sponsored enterprises shall be examined by FinCEN or its delegate for compliance with this section. Failure to satisfy the requirements of this section may be a violation of the Bank Secrecy Act and of this chapter.

(g) *Applicability date.* This section is effective when an anti-money laundering program required by § 1030.210 of this part is required to be implemented.

§ 1030.330 Reports relating to currency in excess of $10,000 received in a trade or business.

Refer to § 1010.330 of this chapter for rules regarding the filing of reports relating to currency in excess of $10,000 received by housing government sponsored enterprises.

Subpart D—Records Required To Be Maintained by Housing Government Sponsored Enterprises

§ 1030.400 General.

Housing government sponsored enterprises are subject to the recordkeeping requirements set forth and cross referenced in this subpart. Housing government sponsored enterprises should also refer to subpart D of part 1010 of this chapter for recordkeeping requirements contained in that subpart that apply to housing government sponsored enterprises.

Subpart E—Special Information Sharing Procedures To Deter Money Laundering and Terrorist Activity

§ 1030.500 General.

Housing government sponsored enterprises are subject to special information sharing procedures to deter money laundering and terrorist activity requirements set forth and cross referenced in this subpart. Housing government sponsored enterprises should also refer to subpart E of part 1010 of this chapter for special information sharing procedures to deter money laundering and terrorist activity contained in that subpart that apply to housing government sponsored enterprises.

§ 1030.520 Special information sharing procedures to deter money laundering and terrorist activity for housing government sponsored enterprises.

(a) Refer to § 1010.520 of this chapter.

(b) [Reserved]

§ 1030.530 [Reserved]

§ 1030.540 Voluntary information sharing among financial institutions.

(a) Refer to § 1010.540 of this chapter.

(b) [Reserved]

Subpart F—Special Standards of Diligence; Prohibitions, and Special Measures for Housing Government Sponsored Enterprises

§§ 1030.600–1030.670 [Reserved]

Dated: February 20, 2014.

Jennifer Shasky Calvery,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2014–04125 Filed 2–24–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2011–0927; FRL–9906–67–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter ($PM_{2.5}$)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Virginia State Implementation Plan (SIP), submitted by the Virginia Department of Environmental Quality (VADEQ) on August 25, 2011. The revisions pertaining to Virginia's Prevention of Significant Deterioration (PSD) program are being fully approved. EPA is granting limited approval to the revisions pertaining to Virginia's nonattainment New Source Review (NSR) program. In both cases, the revisions incorporate preconstruction permitting regulations for fine particulate matter ($PM_{2.5}$) into the Virginia SIP. In addition, EPA is approving these revisions and portions of other related submissions for the purpose of determining that Virginia has met its statutory obligations with respect to the infrastructure requirements of the Clean Air Act (CAA) which relate to Virginia's PSD permitting program and are necessary to implement, maintain, and enforce the 1997 8-hour ozone and $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS), the 2006 $PM_{2.5}$ NAAQS, and the 2008 lead NAAQS. EPA is approving these revisions in accordance with the requirements of the CAA. A previous PSD program approval of Virginia's Chapter 80, Article 8 regulations was provided to the Commonwealth as a ''limited approval'' for reasons that do not impact the

approval of the August 25, 2011 submission. A correction related to that prior limited approved is also included in this action.

DATES: This final rule is effective on March 27, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2011–0927. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (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 through *www.regulations.gov* or in hard copy for public inspection 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 Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: David Talley, (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 1, 2012 (77 FR 45523), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. In the NPR, EPA proposed approval of amendments to Virginia's major NSR permitting regulations under the Virginia Administrative Code (VAC) to incorporate requirements for $PM_{2.5}$. Additionally, EPA proposed to approve these revisions and portions of other related submissions for the purpose of determining that Virginia has met its statutory obligations with respect to the infrastructure requirements of CAA section 110(a) which relate to Virginia's PSD permitting program and are necessary to implement, maintain, and enforce the 1997 8-hour ozone and $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 2008 lead NAAQS. The formal SIP revision request was submitted by Virginia on August 25, 2011.

II. Summary of SIP Revision

Virginia's August 25, 2011 SIP submittal included revisions to the general definitions under Chapter 10 of 9VAC5 (specifically 9VAC5–10–30), as well as revisions to Articles 8 (PSD) and 9 (nonattainment NSR) under Chapter 80 of 9VAC5. The following regulations under Article 8 are revised: 9VAC5–80–1615 (Definitions); 9VAC5–80–1635 (Ambient Air Increments); 9VAC5–80–1695 (Exemptions); 9VAC5–80–1715 (Source Impact Analysis); and 9VAC5–80–1765 (Sources Affecting Federal Class I Areas—Additional Requirements). Under Article 9, the regulations at 9VAC5–80–2010 (Definitions) and 9VAC5–80–2120 (Offsets) are amended.

As discussed in the NPR, in light of litigation EPA proposed to take no action with regard to the Significant Impact Level (SIL) regulation at paragraph A(2) of 9VAC5–80–1715 (*See,* 77 FR 45523). On January 22, 2013, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *Sierra Club* v. *EPA* (705 F.3d 458, 469), issued a judgment that, *inter alia,* vacated and remanded the provisions at 40 CFR 51.166(k)(2), which were promulgated as part of the October 20, 2010 ''Prevention of Significant Deterioration for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentrations (SMC),'' (2010 PSD $PM_{2.5}$ Rule).[1] These provisions were the Federal counterparts to Virginia's $PM_{2.5}$ SIL regulations at paragraph A(2) of 9VAC5–80–1715. Additionally, the court vacated the provisions at section 51.166(i)(5)(i)(c), which were the Federal counterparts to Virginia's $PM_{2.5}$ SMC regulations at paragraph E(1) of 9VAC5–80–1695 (*See, Sierra Club* v. *EPA,* 705 F.3d at 469). EPA proposed approval of Virginia's $PM_{2.5}$ SMC provisions in our NPR. In light of the court's decision, by letter dated February 13, 2013, Virginia officially withdrew from the August 25, 2011 submittal the $PM_{2.5}$ SIL regulation at paragraph A(2) of 9VAC5–80–1715, and the portion of paragraph E(1) of 9VAC5–80–1695 pertaining to the $PM_{2.5}$ SMC. Accordingly, EPA is not finalizing approval of these provisions. Therefore, EPA's approval with respect to sections 5–80–1695 and 5–80–1715 is limited to the remaining revisions which were not impacted by the court decision.

Subsequent to publication of the NPR, on January 4, 2013, the D.C. Circuit, in *Natural Resources Defense Council* v. *EPA*,[2] issued a decision that remanded the EPA's 2007 and 2008 rules implementing the 1997 $PM_{2.5}$ NAAQS. The court's remand of EPA's 2008 implementation rule, ''Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)'' (referred to herein as ''the 2008 NSR $PM_{2.5}$ Rule''),[3] is relevant to this final rulemaking. This rule promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). The court found that EPA erred in implementing the $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of part D of title I of the CAA, rather than pursuant to the additional implementation provisions specific to particulate matter nonattainment areas in subpart 4. The court ordered the EPA to ''repromulgate these rules pursuant to Subpart 4 consistent with this opinion,'' (*Id.* at 437). Although the court declined to establish a deadline for EPA's response to the remand, EPA intends to promulgate new generally applicable implementation regulations for the $PM_{2.5}$ NAAQS in accordance with the requirements of subpart 4. In the interim, however, states and EPA still need to proceed with implementation of the $PM_{2.5}$ NAAQS in a timely and effective fashion in order to meet statutory obligations under the CAA and to assure the protection of public health intended by those NAAQS.

As discussed in the NPR, VADEQ's August 25, 2011 SIP submittal included revisions to Virginia's nonattainment NSR program consistent with the provisions promulgated in the 2008 NSR $PM_{2.5}$ Rule. Specifically, under Article 9, the state submitted amendments to the regulations at 9VAC5–80–2010 (Definitions) and 9VAC5–80–2120 (Offsets) for approval into the SIP, including the $PM_{2.5}$ significant emission rates (SERs), regulation of certain $PM_{2.5}$ precursors (SO_2 and NO_X), the regulation of PM_{10} and $PM_{2.5}$ condensable emissions, and the emissions offset requirements. In light of the D.C. Circuit's remand of the 2008 NSR $PM_{2.5}$ Rule and for the reasons explained below, EPA is not prepared at this time to grant full approval to VADEQ's August 25, 2011 submittal as to these elements.

EPA is in the process of evaluating the requirements of subpart 4 as they pertain to nonattainment NSR. In particular, subpart 4 includes section 189(e) of the CAA, which requires the control of major stationary sources of PM_{10} precursors (and hence under the court decision, $PM_{2.5}$ precursors) ''except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area.''

[1] See 75 FR 64864 (October 12, 2010).

[2] See 706 F.3d 428 (D.C. Cir. 2013).

[3] See 73 FR 28321 (May 16, 2008).

The evaluation of which precursors need to be controlled to achieve the standard in a particular area is typically conducted in the context of the state's preparing and the EPA's reviewing of an area's attainment plan SIP. In this case, there is only one designated $PM_{2.5}$ nonattainment area in the State, the Virginia portion of the Washington, DC-MD-VA nonattainment area for the 1997 annual $PM_{2.5}$ NAAQS. Virginia submitted an attainment plan for this area on April 4, 2008.

On January 12, 2009, EPA finalized a clean data determination for the area, (74 FR 1146), which suspended the requirement for the state to submit, among other things, an attainment plan SIP for the area. Accordingly, on January 23, 2012, Virginia withdrew the attainment plan SIP, and it is no longer before EPA. As EPA does not have before it the state's analysis as to which precursors need to be controlled in the area as contained in the attainment plan SIP, it cannot fully approve as complying with the CAA a nonattainment NSR SIP that only addresses a subset of the scientific $PM_{2.5}$ precursors recognized by EPA.

On the other hand, while VADEQ's submittal may not yet contain all of the elements necessary to satisfy the CAA requirements when evaluated under subpart 4, the revisions represent a considerable strengthening of Virginia's currently approved nonattainment NSR SIP which does not address $PM_{2.5}$ at all. Therefore, EPA is granting limited approval to the nonattainment NSR provisions in VADEQ's August 25, 2011 submittal.

For the reasons explained above, EPA is not evaluating at this time whether Virginia's submittal will require additional revisions to satisfy the subpart 4 requirements. Once EPA re-promulgates the Federal $PM_{2.5}$ regulations with respect to nonattainment NSR permitting in response to the court's remand, EPA will consider whether a limited disapproval should also be finalized. Moreover, Virginia has submitted a request to redesignate the nonattainment area, which, if granted, would absolve the State of any further obligation to comply with the subpart 4 requirements for nonattainment NSR as to this area. Alternatively, VADEQ can obtain full approval by, if necessary, revising its regulations accordingly to address EPA's revised regulations and submitting them to EPA as a formal SIP revision.

As previously discussed, VADEQ's August 25, 2011 SIP submittal also includes revisions to Virginia's PSD program consistent with the provisions promulgated in the 2008 NSR $PM_{2.5}$ Rule. Specifically, under Article 8, the following regulations are revised (with the previously noted exceptions): 9VAC5–80–1615 (Definitions); 9VAC5–80–1635 (Ambient Air Increments); 9VAC5–80–1695 (Exemptions); 9VAC5–80–1715 (Source Impact Analysis); and, 9VAC5–80–1765 (Sources Affecting Federal Class I Areas—Additional Requirements). As the requirements of subpart 4 only pertain to nonattainment areas, it is EPA's position that the portions of the 2008 NSR $PM_{2.5}$ Rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas are not affected by the D.C. Circuit's opinion in *NRDC* v. *EPA.* Moreover, 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, EPA's approval of Virginia's SIP as to the PSD requirements promulgated by the 2008 NSR $PM_{2.5}$ Rule does not conflict with the court's opinion.

Similarly, in the NPR, EPA also proposed to approve portions of related infrastructure (or CAA Section 110(a)(2)) SIP submissions, for the purpose of determining that Virginia has met its statutory obligations with respect to the PSD-related infrastructure requirements of CAA section 110(a) for the 1997 8-hour ozone and $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 2008 lead NAAQS. Virginia submitted the related infrastructure SIP revisions on the following dates: November 13, 2007, December 13, 2007, July 10, 2008, September 2, 2008, April 1, 2011, and March 9, 2012. For the reasons explained above, it is also EPA's position that EPA's approval of the portions of the above identified Virginia's infrastructure SIPs which relate to compliance with the PSD requirements set forth in Sections 110(a)(2)(C), (D)(i)(II), and (J) does not conflict with the court's remand of the 2008 NSR $PM_{2.5}$ Rule.[4]

In addition to the proposed approval of the PSD portions of section 110(a)(2)(D)(i)(II), EPA stated in the NPR that: ''Because Virginia has met its obligations with respect to the visibility requirements of section 110(a)(2)(D)(i)(II) by virtue of its regional haze SIP, which EPA took final action to approve on March 23, 2012 (77 FR 16397), EPA is also proposing to approve the portions of Virginia's previous infrastructure submittals related to the visibility requirements of section 110(a)(2)(D)(i)(II) for the 1997 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 lead NAAQS.''

As discussed in Section III, below, EPA has already taken separate and final action to approve the portions of these identified SIP submittals which relate to the section 110(a)(2)(D)(i)(II) visibility requirements for the 1997 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 lead NAAQS. Therefore, EPA is taking no action on the proposed approval of the visibility requirements for these identified SIP submittals.[5] EPA is only taking final action to approve the portions of the above identified infrastructure SIPs which relate to Virginia's PSD program.

Other specific requirements of Virginia's August 25, 2011 SIP submittal and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

III. EPA's Response to Comments Received on the Proposed Action

EPA received two sets of comments on the August 1, 2012 NPR. A full set of these comments is provided in the docket for today's final action. A summary of the comments and EPA's responses are provided herein.

Comment: The first commenter asserted simply that the Federal government should not be involved in state affairs.

EPA Response: As Congress has recognized, the regulation of air pollution in Virginia is not a ''state affair'' for which Virginia bears sole responsibility. The CAA establishes a partnership between state and Federal entities for the protection and improvement of the nation's air quality. Under CAA section 109, EPA is required to establish National Ambient Air Quality Standards (NAAQS) for the protection of public health and welfare. Subsequent to the promulgation (or revision) of a NAAQS, states are required by CAA section 110 to adopt and submit to EPA for approval, a SIP which provides for the implementation, maintenance, and enforcement of the NAAQS. Virginia's August 25, 2011 SIP

[4] The court's decision with respect to the nonattainment NSR requirements promulgated by the 2008 NSR $PM_{2.5}$ Rule also does not affect the EPA's proposed approval of the present infrastructure action. The EPA interprets the Act to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program, from infrastructure SIP submissions due 3 years after adoption or revision of a NAAQS. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which would be due by the dates statutorily prescribed under subpart 2 through 5 under part D, extending as far as 10 years following designations for some elements.

[5] EPA also notes there was an inadvertent, incorrect citation to the Virginia regional haze SIP approval in the NPR. The correct citation to EPA's approval of the Virginia regional haze SIP is 77 FR 35287 (June 13, 2012) (effective July 13, 2012).

submittal met that requirement. In addition, section 110(a)(2)(C) specifically requires that state plans include a PSD and nonattainment NSR permit program as required in parts C and D of Title I of the Clean Air Act. The action being finalized today consistent with EPA's responsibilities under CAA section 110.

A second commenter submitted two substantive comments. First, the commenter raised concerns regarding EPA's determination that Virginia has met its obligations with respect to the visibility requirements of section 110(a)(2)(D)(i)(II) by virtue of its regional haze SIP. Second, the commenter raised several concerns about the legality of SILs and SMCs, as well as Virginia's adoption of them.

Comment 1: The commenter claimed that Virginia's regional haze SIP is insufficient to ensure compliance with visibility requirements under CAA section 110(a)(2)(D)(i)(II). The commenter stated that Virginia's regional haze SIP only received limited approval due to its reliance on the Clean Air Interstate Rule (CAIR) for best available retrofit technology (BART) for electric generating units. The commenter alleged that EPA cannot rely on Virginia's regional haze SIP for satisfying section 110(a)(2)(D)(i)(ii) because it did not receive full approval, because CAIR has been remanded by the D.C. Circuit, and because EPA provided no explanation for how the regional haze SIP meets the requirements of section 110(a)(2)(D)(i)(II) as they relate to the 1997 ozone NAAQS, the 1997 and 2006 $PM_{2.5}$ NAAQS, and the 2008 lead NAAQS. The commenter stated that EPA should either revoke its approval of the Virginia regional haze SIP or, at a minimum, provide an explanation for how the regional haze SIP ensures visibility will be protected for the aforementioned NAAQS.

Response 1: In the NPR for this rulemaking, EPA proposed to approve the following infrastructure SIP submittals as meeting the infrastructure requirements of section 110(a)(2)(D)(i)(II) (visibility protection): The November 13, 2007 Virginia submittal for the 1997 8-hour ozone and $PM_{2.5}$ NAAQS; the December 13, 2007 Virginia submittal for the 1997 8-hour ozone NAAQS; the July 10, 2008 and September 2, 2008 Virginia submittals for the 1997 p.m.2.5 NAAQS; the April 1, 2011 Virginia submittal for the 2006 p.m.2.5 NAAQS; and, the March 9, 2012 Virginia SIP submittal for the 2008 lead NAAQS. The August 2012 NPR was not the first or the most recent proposed rulemaking issued by EPA relating to Virginia's compliance with the visibility requirements set forth in Section 110(a)(2)(D)(i)(II).

On June 13, 2012, EPA issued a final rule granting limited approval to the Virginia regional haze SIP (*See,* 77 FR 35287). In that final rulemaking action, EPA also approved Virginia's regional haze SIP as satisfying the infrastructure requirements of CAA sections 110(a)(2)(D)(i)(II) and (J), as they relate to the 1997 8-hour ozone NAAQS and the 1997 and 2006 $PM_{2.5}$ NAAQS. Subsequently, on September 24, 2013, when acting upon Virginia's infrastructure SIP for the 2008 lead NAAQS, EPA approved that SIP as meeting the infrastructure requirements of sections 110(a)(2)(D)(i)(II) and (J). (*See,* 78 FR 58462 (Sept. 24, 2013)). Most recently, EPA has proposed to approve Virginia's infrastructure SIPs for the 2008 ozone and 2010 NO_2 NAAQS as meeting the infrastructure requirements in sections 110(a)(2)(D)(i)(II) and (J) (*See,* 78 FR 39651 (July 2, 2013) (2008 ozone NAAQS) and 78 FR 47264 (August 5, 2013) (2010 NO_2 NAAQS)).

Therefore, as part of the August 2012 NPR for this rulemaking, EPA inadvertently proposed to approve Virginia's previously submitted infrastructure SIPs as meeting the infrastructure requirements of section 110(a)(2)(D)(i)(II) for the 1997 8-hour ozone NAAQS, and the 1997 and 2006 $PM_{2.5}$ NAAQS. Since final action had been taken for this requirement during June 2012, further action was not required. As to EPA's approval of Virginia's compliance with the 110(a)(2) requirements for visibility (set forth in sections 110(a)(2)(D)(i)(II) and (J)) for the 2008 lead NAAQS, subsequent to the August 2012 NPR, EPA issued a final rulemaking on such requirements on September 24, 2013. Because EPA has already taken separate proposed and final rulemaking actions to approve these elements of the Virginia SIP, EPA is taking no further action on its proposed approval of the visibility requirements of section 110(a)(2)(D)(i)(II) as they relate to the aforementioned NAAQS.[6] Additionally, EPA received and responded to similar comments as part of some or all of these previous rulemakings. Therefore, EPA is not responding to the comment that Virginia's regional haze SIP is insufficient to ensure compliance with visibility requirements under CAA section 110(a)(2)(D)(i)(II), as we have already responded to similar comments in our other actions (*See,* 77 FR 35287; 78 FR 34970; 78 FR 39651; and 78 FR 47263). As a result, EPA sees no need for further action or response as part of this final rulemaking.

Comment 2: The same commenter argued that ''Virginia's regulations establishing SILs and SMCs are illegal under the CAA and should be disapproved by EPA'' (*See,* Sierra Club Comments at 4). Here the commenter took issue with both EPA's establishing SILs and SMCs generally, and with the $PM_{2.5}$ SILs proposed by Virginia specifically. First, citing to the litigation in *Sierra Club* v. *EPA* (D.C. Circuit, No. 10–1413), the commenter asserts that EPA lacks the authority to establish SILs and SMCs because they improperly allow sources to avoid otherwise applicable CAA requirements. The commenter asserted that, therefore, EPA should disapprove those portions of Virginia's SIP submittal pertaining to the $PM_{2.5}$ SILs and SMCs, rather than approving the SMCs and taking no action on the SILs, as proposed.

Secondly, the commenter asserted that the specific SILs at 9VAC5–80–1715A and B should be disapproved because they do not provide VADEQ with sufficient discretion to require a cumulative impact analysis regardless of whether a source's impact is below the SIL. In addition, the commenter asserts that the SIL values in paragraphs A(2) and B(1) of section 5–80–1715 are set at different levels and could lead to confusion. Moreover, the commenter asserted that the SIL values in paragraph 5–80–1715B(1) are not sufficiently protective of Class I areas because, unlike the SIL values in paragraph A, paragraph B does not distinguish different SIL values based on area classifications. Finally, the commenter asserts that the thresholds in paragraph 5–80–1715B(1) are improperly incorporated into Virginia's SIP because they have as their basis Appendix S of 40 CFR part 51, which applies in situations where EPA has not approved a state's preconstruction review program.

EPA Response 2: As previously discussed, in light of the D.C. Circuit's vacatur of 40 CFR 51.166(k)(2) and (i)(5)(i)(c), Virginia has officially withdrawn the corresponding state rules with which the commenter takes issue from the August 25, 2011 SIP submittal. Thus, there is no need to further consider the commenter's assertion that EPA should disapprove those provisions in this rulemaking because Virginia no longer asks that EPA consider them for approval as part of its SIP.

[6] EPA also notes there was an inadvertent, incorrect citation to its approval of the Virginia regional haze SIP in the NPR. The correct citation to EPA's approval of the Virginia regional haze SIP is 77 FR 35287 (June 13, 2012) (effective July 13, 2012).

As to any apparent conflict between the two SIL provisions in Virginia's SIP submission, paragraph A(2) of 9VAC5–80–1715 has been withdrawn and thus the commenter's concern regarding any potential for confusion between the two provisions is addressed by withdrawal of one provision from the SIP submission.

As to the SILs in paragraph B(1), the commenter is incorrect in the claim that these SIL values were only intended to apply in states without an EPA-approved PSD program. While it is true that those SIL values are published in Appendix S of 40 CFR part 51, they are also published in section 51.165(b)(2). Section 51.165(b) implements section 110(a)(2)(D)(i) of the CAA and applies to sources or modifications locating in attainment or unclassifiable areas that would cause or contribute to a violation of any NAAQS in any area. This is the basis for their inclusion in Virginia's SIP. These SILs establish the threshold at or above which a new major stationary source or major modification will be considered to cause or contribute to a violation of an ambient air quality standard, and thus subject to the requirements in 40 CFR 51.165(b). EPA has recognized that the values in section 51.165(b)(2) may also be used in the PSD program to support the demonstration required by 40 CFR 51.165(k)(1) and section 165(a)(3) of the CAA that proposed construction will not cause or contribute to a violation of the NAAQS. However, contrary to the commenter's assertion, the Federal regulations set forth at section 51.165(b) do not impede a permitting authority's discretion to require a cumulative impact analysis to make the showing required by section 51.166(k)(1) and section 165(a)(3) of the CAA where the source's impact is below a SIL value in section 51.165(b). Similarly, the corresponding state regulation at 9VAC5–80–1715B(1) does not impede the state's permitting authority discretion. Both provisions address the threshold above which a source will be considered to cause or contribute to a NAAQS violation. However, the provisions do not preclude a determination that a source may be considered to cause and contribute to a NAAQS violation even when the impact is below a SIL value set forth in 40 CFR 51.165(b)(2) which is utilized by the permitting authority. In fact, the court in *Sierra Club* v. *EPA* (705 F.3d 458, 469), declined to vacate the $PM_{2.5}$ SIL value at section 51.165(b)(2) because the court explicitly found that, unlike section 51.166(k)(2), this provision does not improperly restrict permitting authorities' discretion (*See* 705 F.3d at 465–66). There is nothing in section 9VAC5–80–1715B(1) that would preclude VADEQ from imposing additional requirements on any sources necessary to show that a source does not cause or contribute to a NAAQS violation, including those sources impacting Class I areas. Therefore, except for the exceptions noted, EPA is finalizing the proposal to grant approval to Virginia's August 25, 2011 submittal.

IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.'' Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its PSD and nonattainment NSR programs consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

V. Final Action

EPA is approving Virginia's August 25, 2011 submittal as a revision to the Virginia SIP, with the exception of paragraph A(2) of 9VAC5–80–1715, and the portion of paragraph E(1) of 9VAC5–80–1695 pertaining to $PM_{2.5}$ which were withdrawn by Virginia on February 13, 2013. EPA is finalizing a limited approval of the amendments to the nonattainment NSR regulations set forth at 9VAC5–80–2010 (Definitions) and 9VAC5–80–2120 (Offsets). EPA is also approving the August 25, 2011 SIP submittal and the relevant portions of the above identified infrastructure SIP submittals which relate to the PSD requirements set forth in CAA sections

110(a)(2)(C), (D)(i)(II), and (J) for the 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 lead NAAQS. EPA is also approving the relevant portion of Virginia's infrastructure submittal relating to the PSD permit program pursuant to CAA section 110(a)(2)(D)(i)(II) for the 1997 ozone NAAQS. As previously discussed, EPA is not taking final action on its proposal to approve the portions of the Virginia infrastructure SIP submittals (which were identified in the NPR and are identified above) related to the visibility requirements of section 110(a)(2)(D)(i)(II) for the 1997 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2008 lead NAAQS, because a final rulemaking action has previously been taken.

Additionally, on December 20, 2012 (77 FR 75380), EPA approved revisions to Articles 8 and 9 of 9VAC5, chapter 80. Neither that action nor the current action removes the pre-existing limited approval status of Virginia's PSD and nonattainment programs (*See,* Section III: General Information Pertaining to SIP Submittals from the Commonwealth of Virginia, 77 FR 75380–81, and Section IV, herein). However, the December 20, 2012 revisions to the table in paragraph 52.2420(c) inadvertently omitted reference to the limited approval status. In the interest of clarity, EPA is correcting that omission in this action. EPA is also adding a citation for the revised 9VAC5–80–1935 to the table in paragraph 52.2420(c). This revision was discussed in both the proposed and final rulemaking actions, but was inadvertently omitted from the table itself.

VI. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 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 pertaining to Virginia's PSD and nonattainment NSR programs may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: January 28, 2014.

Shawn M. Garvin,

Regional Administrator, Region III.

40 CFR Part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for 40 CFR part 52 continues to read as follows:

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

Subpart VV—Virginia

■ 2. In § 52.2420:

■ a. The table in paragraph (c) is amended by revising the entries for Sections 5–10–30, 5–80–1615, 5–80–1625, 5–80–1635, 5–80–1695, 5–80–1715, 5–80–1765, 5–80–1915, 5–80–1925, 5–80–1935, 5–80–1945, 5–80–1955, 5–80–1965, 5–80–2010, 5–80–2020, 5–80–2120, 5–80–2140, 5–80–2195, 5–80–2200, 5–80–2210, 5–80–2220, 5–80–2230, and 5–80–2240.

■ b. The table in paragraph (e) is amended by revising the entries for section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS, section 110(a)(2) Infrastructure Requirements for the 1997 $PM_{2.5}$ NAAQS, section 110(a)(2) Infrastructure Requirements for the 2006 $PM_{2.5}$ NAAQS, and adding section 110(a)(2) Infrastructure Requirements for the 2008 Lead NAAQS immediately following the previous entries.

The amendments read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
9VAC5, Chapter 10	General Definitions [Part I]			
*	*	*	*	*
5–10–30	Abbreviations	8/17/11	2/25/14 [Insert page number where the document begins].	Revised.
*	*	*	*	*
9VAC5, Chapter 80	Permits for Stationary Sources [Part VIII]			
*	*	*	*	*
Article 8	Permits—Major Stationary Sources and Major Modifications Located in Prevention of Significant Deterioration Areas			
*	*	*	*	*
5–80–1615	Definitions	8/17/11	2/25/14 [Insert page number where the document begins].	Revised. Limited approval remains in effect.
5–80–1625	General	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–1635	Ambient Air Increments	8/17/11	2/25/14 [Insert page number where the document begins].	Revised. Limited approval remains in effect.
*	*	*	*	*
5–80–1695	Exemptions	8/17/11	2/25/14 [Insert page number where the document begins].	Revised. The portion of paragraph E(1) that relates to $PM_{2.5}$ is not in the SIP. Limited approval remains in effect.
*	*	*	*	*
5–80–1715 (Except paragraph A(2)).	Source impact analysis	8/17/11	2/25/14 [Insert page number where the document begins].	Revised. Paragraph A(2) is not in the SIP. Limited approval remains in effect.
*	*	*	*	*
5–80–1765	Sources affecting Federal class I areas—additional requirements.	8/17/11	2/25/14 [Insert page number where the document begins].	Revised. Limited approval remains in effect.
*	*	*	*	*
5–80–1915	Actions to combine permit terms and conditions.	7/23/09	12/20/12, 77 FR 75380	New. Limited approval.
5–80–1925	Actions to change permits.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–1935	Administrative permit amendments.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–1945	Minor permit amendments.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–1955	Significant amendment procedures.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–1965	Reopening for cause	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
*	*	*	*	*
Article 9	Permits—Major Stationary Sources and Major Modifications Located in Nonattainment Areas or the Ozone Transport Region			
*	*	*	*	*
5–80–2010	Definitions	8/17/11	2/25/14 [Insert page number where the document begins].	Revised. Limited approval of 9/1/06 and 8/17/11 amendments.
5–80–2020	General	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
*	*	*	*	*
5–80–2120	Offsets	8/17/11	2/25/14 [Insert page number where the document begins].	Revised. Limited approval of 9/1/06 and 8/17/11 amendments.

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
5–80–2140	Exemptions	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
*	*	*	*	*
5–80–2195	Actions to combine permit terms and conditions.	7/23/09	12/20/12, 77 FR 75380	New. Limited approval.
5–80–2200	Actions to change permits.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–2210	Administrative permit amendments.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–2220	Minor permit amendments.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–2230	Significant amendment procedures.	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
5–80–2240	Reopening for cause	7/23/09	12/20/12, 77 FR 75380	Revised. Limited approval remains in effect.
*	*	*	*	*

* * * * * (e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	12/10/07, 12/13/07, 6/8/10, 6/9/10	10/11/11; 76 FR 62635.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
		11/13/07, 12/13/07, 8/25/11	2/25/14 [Insert **Federal Register** page number where the document begins].	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(D)(i) (II).
Section 110(a)(2) Infrastructure Requirements for the 1997 $PM_{2.5}$ NAAQS.	Statewide	7/10/08, 9/2/08, 6/8/10, 6/9/10, 4/1/08	10/11/11; 76 FR 62635.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
		11/13/07, 7/10/08, 9/2/08, 8/25/11	2/25/14 [Insert **Federal Register** page number where the document begins].	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(C), (D)(i)(II), and (J).
Section 110(a)(2) Infrastructure Requirements for the 2006 $PM_{2.5}$ NAAQS.	Statewide	8/30/10, 4/1/11	10/11/11; 76 FR 62635.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
		4/1/11, 8/25/11	2/25/14 [Insert **Federal Register** page number where the document begins].	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(C), (D)(i)(II), and (J).
Section 110(a)(2) Infrastructure Requirements for the 2008 Lead NAAQS.	Statewide	3/9/12	9/24/13, 78 FR 58462.	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C) (for enforcement and regulation of minor sources), (D)(i)(I), (D)(i)(II) (for the visibility protection portion), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M).
		8/25/11	2/25/14 [Insert **Federal Register** page number where the document begins].	This action addresses the PSD related elements of the following CAA requirements: 110(a)(2)(C), (D)(i)(II), and (J).

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	*	*	*	* *

[FR Doc. 2014–03640 Filed 2–24–14; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2013–0414, EPA–R05–OAR–2013–0424, EPA–R05–OAR–2013–0425, EPA–R05–OAR–2013–0432; FRL–9906–50–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Allen, Greene, Vanderburgh, Warrick, and Vigo Counties; 1997 8-Hour Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving requests by Indiana to revise the 1997 8-hour ozone maintenance air quality state implementation plan (SIP) for Allen, Greene, Vanderburgh, Warrick, and Vigo Counties to replace onroad emissions inventories and motor vehicle emissions budgets (budgets) with inventories and budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) emissions model. Indiana submitted the SIP revision requests for Allen, Vigo, Vanderburgh, and Warrick Counties on July 2, 2013, and submitted the SIP revision request for Greene County on July 8, 2013.

DATES: This direct final rule will be effective April 28, 2014, unless EPA receives adverse comments by March 27, 2014. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Nos. EPA–R05–OAR–2013–0414 (Vanderburgh and Warrick Counties), EPA–R05–OAR–2013–0424 (Allen County), EPA–R05–OAR–2013–0425 (Greene County), EPA–R05–OAR–2013–0432 (Vigo County), by one of the following methods:

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

2. *Email: blakley.pamela@epa.gov.*

3. *Fax:* (312) 692–2450.

4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID Nos. EPA–R05–OAR–2013–0414, EPA–R05–OAR–2013–0424, EPA–R05–OAR–2013–0425, EPA–R05–OAR–2013–0432. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

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

I. What is EPA approving?
II. What is the background for this action?
a. SIP Budgets and Transportation Conformity.
b. Prior Approval of Budgets.
c. The MOVES Emissions Model.
d. Submission of New Budgets Based on MOVES2010a.
III. What are the criteria for approval?
IV. What is EPA's analysis of the State's submittals?
a. The Revised Inventories.
b. Approvability of the MOVES2010a-based Budgets.
c. Applicability of MOBILE6.2-based Budgets.
V. What action is EPA taking?
VI. Statutory and Executive Order Reviews.

I. What is EPA approving?

EPA is approving new MOVES2010a-based onroad emissions inventories and budgets for the Allen, Greene, Vanderburgh, Warrick, and Vigo Counties 1997 8-hour ozone maintenance areas that will replace

MOBILE-based inventories and budgets in the SIP. These areas were redesignated to attainment of the 1997 8-hour ozone standard, effective on the following dates: Allen County on February 12, 2007 (72 FR 1292), Greene County on December 29, 2005 (70 FR 69085), Vanderburgh and Warrick Counties on January 30, 2006 (70 FR 77026), and Vigo County on February 6, 2006 (71 FR 541). MOBILE6.2-based onroad emissions inventories and budgets were approved in those actions. Upon the effective date of this action, the MOVES-based budgets must be used in future transportation conformity analyses for these areas, as required by section 176(c) of the CAA. See the official release of the MOVES2010 emissions model (75 FR 9411–9414) for background, and section II.(c) below for details.

II. What is the background for this action?

a. SIP Budgets and Transportation Conformity

Under the CAA, states are required to submit, at various times, control strategy SIP revisions and maintenance plans for nonattainment and maintenance areas for a given national ambient air quality standard (NAAQS). These SIP revisions and maintenance plans include budgets of onroad mobile source emissions for criteria pollutants and/or their precursors. Transportation plans and projects ''conform'' to (i.e., are consistent with) the SIP when they will not cause or contribute to air quality violations, or delay timely attainment of the NAAQS or an interim milestone.

b. Prior Approval of Budgets

EPA previously approved MOBILE6.2-based budgets for the Allen, Greene, Vanderburgh, Warrick, and Vigo Counties 8-hour ozone maintenance areas for volatile organic compounds (VOCs) and nitrogen oxides (NO_X). The Allen County area's ozone maintenance plan established 2020 budgets. The Greene, Vanderburgh, Warrick, and Vigo Counties areas' ozone maintenance plans established 2015 budgets. These budgets demonstrated a reduction in emissions from the monitored attainment year.

c. The MOVES Emissions Model

The MOVES model is EPA's state of the art tool for estimating highway emissions. EPA announced the release of MOVES2010 in March 2010 (75 FR 9411). Use of the MOVES model is required for regional emissions analyses for transportation conformity determinations outside of California that begin after March 2, 2013.

The MOVES model was used to estimate emissions in the areas for the same milestone years as the original onroad emissions inventories and budgets in the SIP. The Indiana Department of Environmental Management (IDEM) is revising the onroad emissions inventories and budgets using the latest planning assumptions, including population and employment updates. In addition, newer vehicle registration data have been used to update the age distribution of the vehicle fleets. Since future demonstrations of conformity will use emissions estimates derived with MOVES, it is appropriate to establish benchmarks based on MOVES. The interagency consultation groups for these areas have had extensive consultation on the requirements and need for new budgets.

d. Submission of New Budgets Based on MOVES2010a

During the state public comment periods for these submittals, Indiana did not receive any comments for the Allen County, Vigo County, or Vanderburgh and Warrick Counties submittals. Indiana received comments requesting clarification on the Greene County submittal from concerned citizens and the Hoosier Environmental Council, and provided responses to the clarifications requested.

Indiana submitted final budgets to EPA, based on MOVES2010a, that cover the Allen County (submitted July 2, 2013), Greene County (submitted July 8, 2013), Vanderburgh and Warrick Counties (submitted July 2, 2013), and Vigo County (submitted July 2, 2013), Indiana areas.

For Allen County, the new MOVES2010a-based budgets are for the year 2020 for both VOCs and NO_X. For Greene, Vanderburgh, Warrick, and Vigo Counties, the new MOVES2010a based budgets are for the year 2015 for both VOCs and NO_X. The budgets for these areas are detailed later in this notice. Indiana also provided the areas' total emissions, including onroad mobile emissions inventories based on MOVES2010a, for the attainment year, the interim budget year, and the maintenance year. The combined emissions reduction from all sectors between the attainment year and the maintenance year for each area is shown as well. Total emissions include point, area, nonroad mobile and onroad mobile sources. The total emissions and combined emissions reduction from all sectors from the attainment year to the maintenance year for VOC and NO_X are shown for each area in tables 1 through 8.

TABLE 1—TOTAL VOC EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN ALLEN COUNTY, INDIANA

[tons per day]

Sector	2004 Attainment	2010 Interim	2020 Maintenance	Combined emissions reduction (2004–2020)
Point	9.33	7.91	9.74	.....
Area	18.99	20.00	22.17	.....
Onroad	14.86	8.97	3.93	.....
Nonroad	10.10	7.02	6.57	.....
Total	53.28	43.90	42.41	10.87

TABLE 2—TOTAL NO_X EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN ALLEN COUNTY, INDIANA

[tons per day]

Sector	2004 Attainment	2010 Interim	2020 Maintenance	Combined emissions reduction (2004–2020)
Point	4.88	4.69	4.78	.....
Area	3.89	4.09	4.33	.....
Onroad	37.95	22.09	8.45	.....
Nonroad	13.01	9.84	6.98	.....
Total	59.73	40.71	24.54	35.19

TABLE 3—TOTAL VOC EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN GREENE COUNTY, INDIANA

[tons per day]

Sector	2002 Attainment	2010 Interim	2015 Maintenance	Combined emissions reduction (2002–2015)
Point	0.51	0.59	0.64	.....
Area	3.73	4.33	4.74	.....
Onroad	1.92	1.16	0.78	.....
Nonroad	1.43	1.14	0.94	.....
Total	7.59	7.22	7.10	0.49

TABLE 4—TOTAL NO_X EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN GREENE COUNTY, INDIANA

[tons per day]

Sector	2002 Attainment	2010 Interim	2015 Maintenance	Combined emissions reduction (2002–2015)
Point	0.68	0.46	0.47	.....
Area	0.25	0.27	0.27	.....
Onroad	4.50	2.55	2.01	.....
Nonroad	1.61	1.37	1.22	.....
Total	7.04	4.65	3.97	3.07

TABLE 5—TOTAL VOC EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN VANDERBURGH AND WARRICK COUNTIES, INDIANA

[tons per day]

Sector	2002 Attainment	2010 Interim	2015 Maintenance	Combined emissions reduction (2002–2015)
Point	5.16	6.77	8.09	.....
Area	18.60	21.36	23.46	.....
Onroad	12.16	6.84	4.37	.....
Nonroad	6.16	4.42	3.80	.....
Total	42.08	39.39	39.72	2.36

TABLE 6—TOTAL NO_X EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN VANDERBURGH AND WARRICK COUNTIES, INDIANA

[tons per day]

Sector	2002 Attainment	2010 Interim	2015 Maintenance	Combined emissions reduction (2002–2015)
Point	70.19	30.18	31.43	.....
Area	2.95	3.20	3.27	.....

TABLE 6—TOTAL NO_X EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN VANDERBURGH AND WARRICK COUNTIES, INDIANA—Continued

[tons per day]

Sector	2002 Attainment	2010 Interim	2015 Maintenance	Combined emissions reduction (2002–2015)
Onroad	36.23	18.99	10.96	
Nonroad	5.88	4.52	3.23	
Total	115.25	56.89	48.89	66.36

TABLE 7—TOTAL VOC EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN VIGO COUNTY, INDIANA

[tons per day]

Sector	2002 Attainment	2010 Interim	2015 Maintenance	Combined emissions reduction (2002–2015)
Point	6.52	7.24	8.42	
Area	8.56	9.89	10.83	
Onroad	5.79	3.06	1.88	
Nonroad	2.80	1.93	1.67	
Total	23.67	22.12	22.80	0.87

TABLE 8—TOTAL NO_X EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN VIGO COUNTY, INDIANA

[tons per day]

Sector	2002 Attainment	2010 Interim	2015 Maintenance	Combined emissions reduction (2002–2015)
Point	33.63	12.91	12.93	
Area	1.30	1.40	1.43	
Onroad	14.87	7.49	4.41	
Nonroad	2.53	2.01	1.53	
Total	52.33	23.81	20.30	32.03

As shown in tables 1 through 8, the submittals demonstrate how the areas' emissions have declined from the attainment year to maintain the 1997 8-hour ozone standard.

No additional control measures were needed to maintain the 1997 8-hour ozone standard in Allen, Greene, Vanderburgh, Warrick, and Vigo Counties. An appropriate safety margin for NO_X and VOCs was selected by the interagency consultation groups for each area, which consist of representatives from the Federal Highway Administration, IDEM, Indiana Department of Transportation, and EPA. The submitted budgets for these areas and their safety margins are addressed later in this notice.

III. What are the criteria for approval?

EPA requires that revisions to existing SIPs and budgets continue to meet applicable requirements (e.g., reasonable further progress, attainment, or maintenance). The SIP must also meet any applicable SIP requirements under CAA section 110. In addition, adequacy criteria found at 40 CFR 93.118(e)(4) must be satisfied before EPA can find submitted budgets adequate and approve them for conformity purposes.

States can revise their budgets and inventories for specific areas using MOVES without revising their entire SIP if (1) the SIP continues to meet applicable requirements when the previous motor vehicle emissions inventories are replaced with MOVES base year and milestone, attainment, or maintenance year inventories, and (2) the state can document that growth and control strategy assumptions for non-motor vehicle sources continue to be valid and any minor updates do not change the overall effectiveness of the SIP. The submittals meet this requirement as described below in the next section.

For more information, see EPA's latest ''Policy Guidance on the Use of MOVES2010 for SIP Development, Transportation Conformity, and Other Purposes'' (April 2012), available online at: *www.epa.gov/otaq/stateresources/transconf/policy.htm#models.*

IV. What is EPA's analysis of the state's submittals?

a. The Revised Inventories

The SIP revision requests for these areas' 1997 ozone maintenance plans seek to revise only the onroad mobile source inventories. IDEM has certified that the control strategies for each area remain the same as in the original SIP, and that no other control strategies are necessary. IDEM has determined that growth and control strategy assumptions for non-mobile sources (i.e., area, nonroad, and point) have not changed significantly from the original submittals. This is confirmed by the monitoring data for the five areas, which

continue to monitor attainment for the 1997 8-hour ozone standard.

IDEM's submittals confirm that the total emissions in the revised SIP (which includes MOVES2010a emissions from mobile sources) as shown in tables 1 through 8 demonstrate that emissions in the areas continue to decline and remain below the attainment levels.

Indiana has submitted MOVES 2010a-based budgets for Allen, Greene, Vanderburgh, Warrick, and Vigo Counties that are clearly identified in the submittals. The budgets are displayed in tables 9 through 12. It should be noted that in tables 9 through 12, for onroad emissions of both VOC and NO_X, a 15% safety margin [1] has been applied to reach the values shown.

TABLE 9—MOTOR VEHICLE EMISSION BUDGETS (MOVES) FOR THE ALLEN COUNTY, INDIANA 1997 OZONE AREA

[In tons per day]

Year	2020
VOC	4.52
NO_X	9.72

TABLE 10—MOTOR VEHICLE EMISSION BUDGETS (MOVES) FOR THE GREENE COUNTY, INDIANA 1997 OZONE AREA

[In tons per day]

Year	2015
VOC	0.90
NO_X	2.31

TABLE 11—MOTOR VEHICLE EMISSION BUDGETS (MOVES) FOR THE VANDERBURGH AND WARRICK COUNTIES, INDIANA 1997 OZONE AREA

[In tons per day]

Year	2015
VOC	5.02
NO_X	12.61

TABLE 12—MOTOR VEHICLE EMISSION BUDGETS (MOVES) FOR THE VIGO COUNTY, INDIANA 1997 OZONE AREA

[In tons per day]

Year	2015
VOC	2.17
NO_X	5.07

b. Approvability of the MOVES2010a-based Budgets

EPA is approving the MOVES2010a-based budgets submitted by Indiana for use in determining transportation conformity in the Allen, Greene, Vanderburgh, Warrick, and Vigo Counties, Indiana 1997 ozone maintenance areas. EPA evaluated the MOVES-based budgets using the adequacy criteria found in 40 CFR 93.118(e)(4) and SIP requirements.

Before submitting the revised budgets, IDEM followed all necessary conformity procedures. The budgets are clearly identified and precisely quantified in the submittals. The budgets, when considered with other emissions sources, are consistent with continued maintenance of the 1997 ozone standard. The budgets are clearly related to the emissions inventories and control measures in the SIP. The changes from the previous budgets are clearly explained with the change in the model from MOBILE6.2 to MOVES2010a and the revised and updated planning assumptions. The inputs to the model are detailed in the Appendices to the submittals. EPA has reviewed the inputs to the MOVES2010a modeling and participated in the consultation process. The Federal Highway Administration and the Indiana Department of Transportation have taken a lead role in working with the areas' metropolitan planning organizations to provide accurate, timely information and inputs to the MOVES2010a model runs. The state has documented that growth and control strategy assumptions for non-motor vehicle sources (i.e. area, nonroad, and point) continue to be valid and any minor updates do not change the overall conclusions of the SIP.

Indiana's submissions confirm that the SIP continues to demonstrate maintenance of the 1997 ozone standard because the total emissions in the revised SIP (including MOVES2010a emissions for onroad mobile sources) continue to decrease from the attainment year to the final year of the maintenance plans for these areas, as shown in tables 1 through 8. As tables 1 through 12 show, the submitted budgets include an appropriate margin of safety while still maintaining total emissions below the attainment level.

Based on our review of the SIP and the new budgets provided, EPA has determined that the SIP will continue to meet the requirements if the revised motor vehicle emissions inventories are replaced with MOVES2010a inventories.

c. Applicability of MOBILE6.2-based Budgets

Upon the effective date of the approval of the revised budgets, the state's existing MOBILE6.2-based budgets for these areas will no longer be applicable for transportation conformity purposes.

V. What action is EPA taking?

EPA is approving the submitted onroad mobile source emissions inventories and the submitted budgets for the Allen County (submitted July 2, 2013), Greene County (submitted July 8, 2013), Vanderburgh and Warrick Counties (submitted July 2, 2013), and Vigo County (submitted July 2, 2013), Indiana 1997 ozone maintenance plans. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective April 28, 2014 without further notice unless we receive relevant adverse written comments by March 27, 2014. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective April 28, 2014.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the

[1] The safety margin is achieved by adding a certain percentage of emissions, in tons per day, onto the MOVES-based onroad emissions budgets. In this case, Indiana chose to add a 15% safety margin to its budgets for these areas. The safety margin cannot exceed the combined emissions reduction (shown in tables 1 through 8) for the area.

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: January 31, 2014.

Susan Hedman,

Regional Administrator, Region 5.

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.*

■ 2. In § 52.770 the table in paragraph (e) is amended by adding new entries in alphabetical order for ''Allen County 1997 8-hour ozone maintenance plan'', ''Greene County 1997 8-hour ozone maintenance plan'', ''Vanderburgh and Warrick Counties 1997 8-hour ozone maintenance plan'', and ''Vigo County 1997 8-hour ozone maintenance plan'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA Approval	Explanation
Allen County 1997 8-hour ozone maintenance plan.	.....	2/25/14, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	Revision to motor vehicle emission budgets.
* *	*	* *	* *
Greene County 1997 8-hour ozone maintenance plan.	.....	2/25/14, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	Revision to motor vehicle emission budgets.
* *	*	* *	* *
Vanderburgh and Warrick Counties 1997 8-hour ozone maintenance plan.	.....	2/25/14, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	Revision to motor vehicle emission budgets.
Vigo County 1997 8-hour ozone maintenance plan.	.....	2/25/14, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	Revision to motor vehicle emission budgets.
* *	*	* *	* *

■ 3. Section 52.777 is amended by:

■ a. Redesignating paragraphs (bb), (dd), (ee), and (ff) as paragraphs (bb)(1), (dd)(1), (ee)(1), and (ff)(1); and

■ b. Adding paragraphs (bb)(2), (dd)(2), (ee)(2), and (ff)(2).

The additions read as follows:

§ 52.777 Control strategy: photochemical oxidants (hydrocarbons).

* * * * *

(bb) * * *

(2) Approval—On July 8, 2013, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Greene County, Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 budgets for Greene County, Indiana are 0.90 tons per day VOC and 2.31 tons per day NO_X.

* * * * *

(dd) * * *

(2) Approval—On July 2, 2013, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Vigo County, Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 budgets for Vigo County, Indiana are 2.17 tons per day VOC and 5.07 tons per day NO_X.

(ee) * * *

(2) Approval—On July 2, 2013, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Vanderburgh and Warrick Counties, Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 budgets for Vanderburgh and Warrick Counties, Indiana are 5.02 tons per day VOC and 12.61 tons per day NO_X.

(ff) * * *

(2) Approval—On July 2, 2013, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Allen County, Indiana area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2020 budgets for Allen County, Indiana are 4.52 tons per day VOC and 9.72 tons per day NO_X.

* * * * *

[FR Doc. 2014–03170 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2014–0032; FRL–9906–80–OAR]

Finding of Failure To Submit State Implementation Plans Required for the 2008 Lead National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action finding that the Commonwealth of Pennsylvania has not submitted state implementation plans (SIPs) for three nonattainment areas in Berks and Beaver Counties to meet the requirements of the Clean Air Act (CAA) for attaining the 2008 Lead National Ambient Air Quality Standards (NAAQS). Pennsylvania has not yet submitted SIPs for three nonattainment areas—the Lyons and North Reading nonattainment areas in Berks County and the Lower Beaver Valley nonattainment area in Beaver County—that demonstrate how each nonattainment area would attain the 2008 Lead NAAQS as expeditiously as practicable. These plans were due by June 30, 2012. If Pennsylvania has not submitted and the EPA has not approved the required attainment plans for its nonattainment areas by no later than 2 years after the effective date of this finding, the EPA must promulgate a federal implementation plan (FIP) for the affected nonattainment area. In addition, the CAA provides for the imposition of sanctions if the state does not submit the required attainment SIP within specific timeframes.

DATES: *Effective Date:* This action is effective on February 25, 2014. Under the Administrative Procedure Act (APA), 5 U.S.C. 553(d)(3), an agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if the agency has good cause to specify an earlier effective date. This action concerns SIP submissions that were due by June 30, 2012. In addition, this action simply starts a ''clock'' that will not result in sanctions for 18 months, and which Pennsylvania may avoid by submitting complete SIPs to the EPA. The EPA finds these reasons provide good cause for an immediate effective date.

FOR FURTHER INFORMATION CONTACT: General questions concerning this rule should be addressed to Ms. Mia South, Office of Air Quality Planning and Standards, Air Quality Policy Division, U.S. Environmental Protection Agency, Mail Code: C504–2, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; telephone (919) 541–5550. For questions related to Pennsylvania, please contact the EPA's Region 3, Cristina Fernandez, Associate Director, Office of Air Program Planning (3AP30), Air Protection Division, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, PA 19103–2023; telephone (215) 814–2178.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Notice-and-Comment Under the APA

Section 553 of the APA, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment because no significant EPA judgment is involved in making a finding of failure to submit SIPs, or elements of SIPs, required by the CAA, where states have made no submissions to meet the requirement. Thus, notice and public procedure are unnecessary. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B). As the EPA has explained in prior rulemakings, *see e.g.,* 58 FR 51270, 51272, n.7 (October 1, 1993), under section 110(k)(1), the CAA provides the EPA with a 60-day period after receiving a submittal from a state in which to determine whether a submittal is complete. If no plan is submitted, the CAA requires the EPA to make a determination to that effect within 6 months of the deadline for submittal. Since Congress provided the EPA only 60 days to determine whether a state that has made some submittal failed to submit a complete SIP, and it is generally impossible to assess a submittal for completeness and then provide notice-and-comment before making a final determination within 60 days, the EPA believes that Congress clearly intended that the EPA should not go through notice-and-comment rulemaking prior to making findings of failure to submit a complete SIP when the state has made some submittal. In this case, the EPA is making findings that the state has made no submittal, and therefore no complete submittal, more than 6 months after the deadline for submittal, but the EPA similarly

believes that Congress did not intend that the EPA go through notice-and-comment rulemaking in this case.

B. How can I get copies of this document and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2014–0032. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Docket Center, EPA/DC, William Jefferson Clinton Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566–1742.

C. How is this preamble organized?

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II. Background and Overview

Subpart 5, part D of title I of the CAA requires states with areas that are designated nonattainment for the 2008 Lead NAAQS to develop a SIP providing how the state will attain the air standards. Section 172 of the CAA specifies the required elements of a SIP for an area designated nonattainment for the 2008 Lead NAAQS. These requirements include, but are not limited to, an attainment demonstration, reasonably available control measures (RACM) and reasonably available control technology (RACT), annual emissions reductions as necessary to ensure reasonable further progress (RFP) and contingency measures. Most states with lead nonattainment areas designated in 2010 have submitted SIPs addressing these requirements as required under the CAA. However, one state, Pennsylvania, has not yet submitted SIPs for three nonattainment areas—the Lyons and North Reading nonattainment areas in Berks County and the Lower Beaver Valley nonattainment area in Beaver County. These SIPs were due on June 30, 2012. By this action, the EPA is making a finding that Pennsylvania has failed to submit the required complete SIPs for these three nonattainment areas.

A. Statutory Requirements

On October 15, 2008, the EPA promulgated revised NAAQS for lead.[1] The agency revised the level of the primary lead standard from 1.5 micrograms per cubic meter (μg/m^3) to 0.15 μg/m^3, and also revised the averaging time and form of the lead standards. The calculation method for the averaging time is a ''rolling'' 3-month period with a maximum (not-to-be-exceeded) form, evaluated over a 3-year period. The EPA also revised the secondary NAAQS to make it identical to the revised primary standard. In conjunction with strengthening the lead standards, the EPA improved the existing lead monitoring network by requiring monitors to be placed in areas with sources, such as certain industrial facilities, and at other sites.

On November 16, 2010, the EPA identified or ''designated'' 16 areas, consisting of 17 partial counties, as ''nonattainment areas'' not meeting the 2008 NAAQS for lead. In this first round, the EPA designated areas nonattainment based on 2007–2009 air quality monitoring data. These designation actions were effective on December 31, 2010. On November 8, 2011, the EPA completed a second round of designations, based on monitoring data from 2008–2010, including monitors newly established under the 2008 Lead NAAQS Rule. In this second round, the EPA designated five areas, including five partial counties, as nonattainment and designated the remaining areas in the country as attainment/unclassifiable or unclassifiable for the 2008 Lead NAAQS. These designation actions were effective on December 31, 2011. For the full listing of areas designated nonattainment for the 2008 Lead NAAQS (15 states, 21 nonattainment areas and 22 partial counties) *see http://www.epa.gov/leaddesignations/2008standards/documents/2011-11-08/LeadNAAreaList.pdf.*

The three areas in Pennsylvania were designated nonattainment in the first round, effective December 31, 2010. In accordance with the CAA, attainment SIPs for these areas were required to be submitted no later than June 30, 2012. As explained in further detail in the 2008 Lead NAAQS Rule, the key required elements of the attainment SIP include the attainment demonstration, RACM/RACT, RFP and contingency measures. The attainment demonstration provides details on how a nonattainment area will reduce pollution and provides a plan for the area to meet the lead NAAQS. Under subpart 5 part D of title I of the CAA, an attainment demonstration for these areas is required to show how the nonattainment area will attain the 2008 Lead NAAQS as expeditiously as practicable, but no later than 5 years after the effective date of designation, or December 31, 2015, for the areas designated in the first round for which Pennsylvania failed to submit an attainment SIP. The attainment demonstration takes into account projected emission reductions from existing federal and state measures, plus any additional RACM/RACT that are adopted by the state to attain ''as expeditiously as practicable.'' Air quality modeling of these projected emissions reductions in future years is an important element of the attainment demonstration.

Each nonattainment SIP must include RACM/RACT as necessary for the area to attain the 2008 Lead NAAQS. The CAA requires the state to demonstrate that it has adopted all RACM, considering economic and technical feasibility and other factors, that are needed to show that the area will attain the lead standards as expeditiously as practicable. The 2008 Lead NAAQS Rule sets forth more specific guidance for making RACM and RACT determinations.

Each plan must also ensure that the area is making RFP in terms of emission reductions and air quality improvements toward attainment. The

[1] *See* 73 FR 66964, November 12, 2008, National Ambient Air Quality Standards for Lead, Final Rule.

2008 Lead NAAQS Rule provides that the RFP element of a SIP include a detailed schedule for the implementation of RACM (including RACT) that accurately indicates the corresponding annual emission reductions to be achieved.

SIPs must also include contingency measures, which are emission reduction measures to be undertaken if the area fails to satisfy the RFP requirement or fails to attain the 2008 Lead NAAQS by the attainment date. These measures are to take effect without significant further action by the state or the EPA. As discussed in the 2008 Lead NAAQS Rule, the EPA generally expects that contingency measures will be implemented as expeditiously as practicable, and will be fully implemented within 60 days of the EPA notifying the state that contingency measures are necessary.

B. The EPA's Clean Data Policy

The Clean Data Policy represents the EPA's interpretation that certain requirements of subpart 1 of part D of title I of the Act are by their terms not applicable to areas that are attaining the NAAQS.[2] The specific requirements that are inapplicable to an area attaining the standard are the requirements to submit a SIP that provides for: attainment of the NAAQS, implementation of all RACM, RFP and implementation of contingency measures for failure to meet deadlines for RFP and attainment. The EPA has previously applied the Clean Data Policy to the 2008 Lead NAAQS. *See e.g.,* 77 FR 35653 (June 14, 2012) (proposed determination of attainment of the 2008 lead standards for Bristol, TN); 77 FR 52232 (August 29, 2012) (final rule). For more information about the history, rationale and application of the Clean Data Policy, *see* 77 FR 35653–35654.

We note that several lead nonattainment areas currently have air quality that attains the 2008 Lead NAAQS, but have not yet completed the process for redesignating the area to attainment. Where the EPA has published in the **Federal Register** a clean data determination for an area, a state's obligation to submit RACM/RACT, contingency measures, RFP and attainment demonstrations for that area are suspended as of the effective date of the clean air determination. This suspension will remain in effect unless the EPA subsequently determines, after notice-and-comment rulemaking, that the area has again violated the 2008 Lead NAAQS, in which case the requirements are again due or the area is redesignated to attainment, in which case the requirements are permanently no longer applicable. Thus, states with areas that have received final clean data determinations and have not submitted SIPs for these areas are not subject to the final action in this rule.

[2] This discussion refers to subpart 1 because subparts 1 and 5 contain the requirements relating to attainment of the lead NAAQS.

III. Findings of Failure To Submit for Pennsylvania for Attainment SIPs for the 2008 Lead NAAQS

Section 179(a)(1) of the CAA establishes specific consequences if the EPA finds that a state has failed to submit a SIP or, with regard to a submitted SIP, if the EPA determines it is incomplete or if the EPA disapproves it. Additionally, any of these findings also triggers an obligation for the EPA to promulgate a FIP if the state has not submitted, and the EPA has not approved, the required SIP within 2 years of the finding.

The EPA is finding that Pennsylvania has failed to make the required nonattainment SIP submissions for the Lyons and North Reading nonattainment areas in Berks County and the Lower Beaver Valley nonattainment area in Beaver County. If the EPA has not affirmatively determined that Pennsylvania has made the required complete nonattainment SIP submissions within 18 months of the effective date of this action then, pursuant to CAA section 179(a) and (b) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b)(2) will apply in any area subject to the findings for which a complete submission has not been made. If the EPA has not affirmatively determined that Pennsylvania has made a complete submission for each area subject to the findings within 6 months after the emission offset sanction is imposed, then the highway funding sanction will also apply in any area subject to the finding for which a complete submission has not been made, in accordance with CAA section 179(b)(1) and 40 CFR 52.31. The 18-month clock will stop and the sanctions will not take effect, within 18 months after the date of this finding, if the EPA finds that Pennsylvania has made a complete nonattainment SIP submission for each area for which the finding is being made or if the EPA makes a determination the area is attaining the standard consistent with the EPA's Clean Data Policy. In addition, the EPA is not required to promulgate a FIP if Pennsylvania makes the required SIP submittal, and the EPA takes final action to approve the submittal, or if EPA makes a final determination the area is attaining the standard consistent with the Clean Data Policy, within 2 years of the EPA's finding. Contemporaneous with the signing of this rule, the EPA Region 3 Regional Administrator is sending a letter to the governor of Pennsylvania informing the governor that the EPA is determining that Pennsylvania has failed to make the required SIP submissions for the specified areas. This letter and any accompanying enclosures have been included in the docket for this action.

IV. This Action

In this action, the EPA is making a finding of failure to submit for Pennsylvania with regard to areas designated nonattainment for lead in 2010. Pennsylvania has not yet submitted attainment SIPs for three nonattainment areas—the Lyons and North Reading nonattainment areas in Berks County and the Lower Beaver Valley nonattainment area in Beaver County.

In accordance with CAA section 179, this finding starts the 18-month emission offset sanctions clock, the 24-month highway funding sanctions clock and a 24-month clock for the promulgation by the EPA of a FIP. This action will be effective on February 25, 2014.

V. Statutory and Executive Order (EO) Reviews

A. Executive Order 12866: Regulatory Planning and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under EO 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This final action does not establish any new information collection requirement apart from that already required by law. This action makes a finding that Pennsylvania failed to submit attainment SIPs for the 2008 Lead NAAQS as required by the CAA. Burden means the total time, effort or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire,

install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. 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 Office of Management and Budget (OMB) control number. The OMB control numbers for the EPA's regulations in the CFR are listed in 40 CFR Part 9.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the APA or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions. For the purpose of assessing the impacts of this final action on small entities, small entity is defined as: (1) A small business that is a small industry entity as defined in the U.S. Small Business Administration (SBA) size standards (*See* 13 CFR 121); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This final action will not impose any requirements on small entities. This action makes a finding that Pennsylvania failed to submit attainment SIPs for the 2008 Lead NAAQS as required by the CAA.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

This action contains no federal mandate under the provisions of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538 for state, local and tribal governments and the private sector. The action imposes no enforceable duty on any state, local or tribal governments or the private sector, because the requirement to submit an attainment SIP is established in the Clean Air Act. Therefore, this action is not subject to the requirements of section 202 and 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action makes a finding that Pennsylvania failed to submit attainment SIPs for the 2008 Lead NAAQS as required by the CAA.

E. Executive Order 13132: Federalism

EO 13132, titled ''Federalism'' (64 FR 43255, August 10, 1999), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the EO to include regulations that have ''substantial direct effects on the states or the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.'' This final action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA establishes the scheme whereby states take the lead in developing plans to meet the NAAQS. This action will not modify the relationship of the states and the EPA for purposes of developing programs to implement the NAAQS. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

EO 13175, titled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' This final action does not have tribal implications, as specified in EO 13175. This action responds to the requirement in the CAA for states to submit nonattainment SIPs for the 2008 Lead NAAQS.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is subject to Executive Order 13045 because it is making findings that Pennsylvania failed to submit nonattainment SIPs for the 2008 Lead NAAQS as required by the CAA. The enforceable measures in the attainment SIPs will ensure that the areas will attain the NAAQS for lead, which was established to protect public health, including the health of children, with an adequate margin of safety.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA of 1995 Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable VCS. This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high

and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States. The EPA has determined that this final action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human health or the environment. This rule is making a finding that Pennsylvania failed to submit nonattainment SIPs for the 2008 Lead NAAQS as required by the CAA. The enforceable measures in the attainment SIPs will ensure that the areas will attain the NAAQS for lead, which was established to protect public health, including the health of minority and low income populations, with an adequate margin of safety.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the action in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective February 25, 2014.

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the Third Circuit within 60 days from the date this action is published in the **Federal Register**. Filing a petition for reconsideration by the Administrator of this final action 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 must be filed, and shall not postpone the effectiveness of this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Approval and promulgation of implementation plans, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: February 7, 2014.

Janet G. McCabe,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2014–03329 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 482

[CMS–3244–F2]

RIN–0938–AQ89

Medicare and Medicaid Program; Correcting Amendment

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects a technical error that appeared in the final rule published in the **Federal Register** (77 FR 29034) on May 16, 2012, entitled ''Reform of Hospital and Critical Access Hospital Conditions of Participation.''

DATES: This correcting amendment is effective February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Ronisha Davis, (410) 786–6882.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2012–11548 (77FR 29034) of May 16, 2012, the final rule entitled ''Reform of Hospital and Critical Access Hospital Conditions of Participation,'' there were technical errors that are identified and corrected in the regulations text of this correcting amendment.

II. Summary of Errors in the Regulations Text

On page 29075 of the May 16, 2012 **Federal Register** final rule, in the amendatory instructions for 42 CFR 482.42, we revised the introductory text of paragraph (a) to include the provisions of paragraph (a)(1). However, we inadvertently neglected to omit paragraph (a)(1) from the regulations text. In addition, we proposed to remove the burdensome requirement for an infection log at paragraph (a)(2), but inadvertently omitted the removal of paragraph (a)(2) from the regulations text.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued. The provision finalized in the final rule noted above has previously been subjected to notice and comment procedures. These corrections do not make substantive changes to the requirement that was finalized in the final rule. In addition, we believe it is important for the public to have the correct information as soon as possible and find no reason to delay the dissemination of it.

For the reasons stated above, we find that both notice and comment and the 30-day delay in effective date for the correction notice are unnecessary. Therefore, we find there is good cause to waive notice and comment procedures and the 30-day delay in effective date for this correction notice.

List of Subjects in 42 CFR Part 482

Grant programs, Health, Hospitals, Medicaid, Medicare, Reporting and recordkeeping requirements.

Accordingly, 42 CFR chapter IV is corrected by making the following correcting amendments to part 482:

PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS

■ 1. The authority citation for part 482 continues to read as follows:

Authority: Secs. 1102, 1871 and 1881 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr), unless otherwise noted.

Subpart C—Basic Hospital Functions

§ 482.42 [Corrected]

■ 2. In § 482.42, remove paragraphs (a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 18, 2014.

Jennifer Cannistra,

Executive Secretary to the Department.

[FR Doc. 2014–04024 Filed 2–24–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2014–0026]

RIN 2127–AL35

Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: This final rule denies most aspects of a petition for reconsideration of a February 27, 2012, final rule that expanded the applicability of the Federal motor vehicle safety standard for child restraint systems to child restraints sold for children weighing up to 36 kilograms (kg) (80 pounds (lb)). The petition stated, among other things, that a label that was required by the 2012 rule for certain child restraints was unclear and could be misunderstood. In response, NHTSA is making minor adjustments to the labeling requirement to make it clearer and more reader-friendly. For a year, manufacturers have the option of meeting the requirements of the February 27, 2012 rule or the rule as modified today. All other requests for substantive changes to the 2012 rule are denied.

DATES: *Effective date:* The amendments made by this final rule are effective February 27, 2014.

Compliance dates: The compliance date of the amendments of this final rule is February 27, 2015. Optional early compliance is permitted. Accordingly, child restraints manufactured on or after February 27, 2014 until February 26, 2015, may comply by meeting either the requirements specified in the February 27, 2012, final rule (77 FR 11626) or those requirements as amended by today's final rule. Child restraints manufactured on or after February 27, 2015 must meet the requirements as amended by today's final rule.

If you wish to petition for reconsideration of this rule, your petition must be received by April 11, 2014.

ADDRESSES: If you wish to petition for reconsideration of this rule, refer in your petition to the docket number of this document and submit your petition to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590. For information on the Privacy Act, see Rulemaking Analyses and Notices section.

For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and follow the online instructions for accessing the docket. You may also visit DOT's Docket Management Facility, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001 for on-line access to the docket.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may call Ms. Cristina Echemendia, Office of Rulemaking (Telephone: 202–366–6345) (Fax: 202–493–2990). For legal issues, you may call Ms. Deirdre Fujita, Office of Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820). The mailing address of the National Highway Traffic Safety Administration is: 1200 New Jersey Avenue SE., West Building, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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  a. The Label
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I. Introduction

This final rule denies most aspects of a petition for reconsideration of a February 27, 2012, final rule (77 FR 11626) that expanded the applicability of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child restraint systems,'' from child restraint systems (CRSs) for children weighing up to 65 lb to CRSs for children weighing up to 80 lb. The final rule also adopted use of a 10-year-old child (10YO) test dummy (HIII–10C) to test CRSs manufactured for children weighing 65 to 80 lb. The test dummy weighs about 78 lb.

Generally speaking, in NHTSA's compliance test for FMVSS No. 213, NHTSA has the choice of assessing the performance of a CRS when installed on a bench seat by way of the simulated lower anchorages of the ''child restraint anchorage system'' [1] of the standard seat assembly or by a seat belt. That is, child restraint manufacturers must ensure that their products meet the requirements of FMVSS No. 213 when NHTSA tests the CRS attached by the child restraint anchorage system connectors and when the agency tests the CRS attached by the seat belt. During the course of this particular rulemaking, the Alliance of Automobile Manufacturers (Alliance) submitted a comment [2] on an aspect of the rulemaking proposal relating to how NHTSA would use the 10YO dummy in compliance tests, particularly with respect to an issue concerning attaching CRSs by the child restraint anchorage system.[3] The Alliance pointed out that the child restraint anchorage system was developed by NHTSA to withstand crash forces in a crash generated by a mass on the system of 65 lb (mass of child plus that of CRS).[4] Given such a design parameter, the group stated that vehicle manufacturers would never recommend that a CRS be installed using the vehicle child restraint anchorage system when used to restrain

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[1] In 1999, NHTSA issued FMVSS No. 225, ''Child restraint anchorage systems,'' which requires vehicle manufacturers to equip vehicles with child restraint anchorage systems that are standardized and independent of the vehicle seat belts. The child restraint anchorage system required by FMVSS No. 225 is a 3-point system consisting of two lower anchorage points and an upper anchorage point. Each lower anchorage consists of a six millimeter (mm) diameter straight rod, or ''bar,'' onto which a CRS connector can be attached. The two lower anchorage bars are typically located at or near the seat bight. The upper anchorage (''tether anchorage'') is a part to which a tether hook of a CRS can be attached. The 1999 rule also amended FMVSS No. 213, ''Child restraint systems,'' to require CRSs to be equipped with connectors that enable the CRS to attach to the vehicle's lower anchorages of the child restraint anchorage system. A new head excursion performance requirement was added for forward-facing child restraints (other than booster seats), and to meet it, child restraints universally use a top tether strap affixed to the top of the restraints.

[2] NHTSA–2007–0048–0008.

[3] These are CRSs equipped with an internal harness (webbing) to restrain the child (''harness-equipped CRSs''). Forces from the mass of the child+CRS are imposed on the child restraint anchorage system. These are not ''belt-positioning seats'' used with a vehicle's Type II seat belt system.

[4] Assuming the mass of the CRS is about 17 lb, which is approximately the average mass of a CRS, the child restraint anchorage system is designed for children weighing up to about 48 lb (for a combined weight of 65 lb, from the weight of the CRS plus the weight of the child).

children represented by the 10YO dummy (the dummy alone weighs about 78 lb). Subsequently, the Alliance and the Association of Global Automakers (Global Automakers) submitted a joint comment stating that ''review of the actual supporting test data and load calculations reveals that the LATCH load requirements were developed using a combined maximum child+CRS weight of 65 pounds.'' [5] [6] The vehicle manufacturer groups also expressed concern about ''a trend toward increased weight of child restraints . . . [that] could call into question the validity of the 48 pound estimate for appropriate maximum child weight capacity.'' [7]

The information from the vehicle manufacturers was important to NHTSA in determining how we should use the new 10YO test dummy in compliance testing. After assessing all available information, NHTSA decided that it would not subject child restraints with internal harnesses to compliance testing using the 10YO test dummy while the CRS is attached by the child restraint anchorage system anchorages, since that scenario would be contrary to vehicle manufacturers' instructions for using child restraint anchorage systems and inconsistent with the design parameters of the anchorage system.

Furthermore, the agency determined that, given that NHTSA will not test a child restraint with the child restraint anchorage system on the standard seat assembly using the 10YO dummy for the above reasons, there is a need to inform consumers on the use of child restraint anchorage systems to reduce the likelihood that a CRS would be used in a manner that is inconsistent with the assessed performance of the harness-equipped CRS and the design limits of child restraint anchorage systems. Some new harness-equipped CRSs have been produced that are heavier than all CRSs made in the past, and some are recommended for children weighing more than 48 lb.

In the 2012 final rule, we adopted a labeling instruction informing consumers not to use the child restraint anchorage system when restraining a total weight of more than 65 lb.[8] NHTSA determined that a label is needed to reduce the likelihood that consumers will use the child restraint anchorage system lower anchorages with a child+CRS weight that is too heavy for the anchorages, which would pose an unreasonable risk of overloading the vehicle anchorage system in a crash. Overloading the vehicle lower anchorages could be catastrophic for the child occupant, as the CRS could dislodge from the vehicle seat. The instruction provided a clear and consistent message regarding the use of the child restraint anchorage system and improved the current situation where consumers are provided inconsistent or no information about the child weight limit for the lower bars. The information helps to ensure that the child restraint anchorage systems (particularly the lower anchorages) are used in a manner that comports with the design parameters of the vehicle system.

II. Petition for Reconsideration

NHTSA received a petition for reconsideration on the label from several consumer advocates.[9] The petitioners did not oppose informing consumers of the weight limits of the lower anchorages per se, but instead did not support a 65 lb limit. They requested that the 65 lb combined weight should be increased to 80 to 85 lb, believing this is needed to ''preserve the extended use of lower anchors.''

Petitioners believe that when NHTSA developed FMVSS No. 225, the agency referred several times in the preamble to a child weight of 65 lb. Petitioners ''surmise that FMVSS 213 [sic] rule was for anchors to be strong enough to accommodate [CRSs] that would in themselves weigh at least 15, possibly 20 pounds, which implies a combined weight of at least 80 to 85 lbs.'' The petitioners state that ''the decision to adopt 65 pounds as the combined maximum weight . . . will unnecessarily restrict the use of the LATCH system and force caregivers back to using seat belts for anchoring forward-facing [CRSs].'' The petitioners also state that their intent in petitioning for reconsideration of the rule was to ''minimize the likelihood that vehicle manufacturers will apply the same formula'' to tether anchorages.[10]

III. Correspondence

a. The Label

A number of persons sent letters or met with NHTSA in support of the petition for reconsideration or to ask questions about the labeling requirement.[11] Several suggest that NHTSA suspend the requirement for the label, increase the 65 lb combined weight limit on the label, or require vehicle manufacturers to increase the strength of child restraint anchorage systems to accommodate a higher combined weight. Several letter writers express the view that the final rule should have addressed tether weight limits.

Several of the letters and other submissions are summarized below.

Representatives from the Dorel Juvenile Group (Dorel) and others met with NHTSA to express their view that the new labeling requirement reduces use of child restraint anchorage systems. They believe that the current status quo (current recommendations and practice) is to use child restraint anchorage systems for installing child restraints with internal harnesses for a child weight up to 48 lb. They also add that child safety seats now weigh between 15 to 33 lb, so the new label would exclude the use of child restraint anchorage systems for a ''large'' number of children who are still in harnessed-CRSs. They state that because child restraint anchorage systems are easier to use and have a higher rate of correct installation than seat belts, a child restraint anchorage system installation is safer than a belt installation. They suggest that in the short term, NHTSA should suspend the new label requirement, and that in the long term, NHTSA should increase the strength of the child restraint anchorage system.

Safe Ride News (SRN) wrote in a letter that the agency should suspend the labeling requirement because the label will ''cause a lot of confusion'' and affect public perception of the safety of child restraint anchorage systems ''without improving actual safety in any significant way.'' The letter writer believes that public education messages

[5] NHTSA–2010–0158–0016.

[6] NHTSA notes: Many in the child passenger safety community refer to the child restraint anchorage system as the ''LATCH'' system, an abbreviation of the phrase ''Lower Anchors and Tethers for Children.'' The term was developed by a group of manufacturers and retailers soon after the 1999 final rule establishing FMVSS No. 225 for use in educating consumers on the availability and use of the anchorage system and for marketing purposes.

[7] NHTSA–2010–0158–0016.

[8] The 3 points of child restraint anchorage systems are required to meet strength requirements designed around a ''combined'' weight of 65 lb (combined weight of the child plus the CRS's weight) (''child+CRS weight'').

[9] D. Stewart and D. Donaldson (Safe Ride News), S. Tombrello (SafetyBeltSafe), J. Colella (Traffic Safety Projects) and B. Hoffman (Oregon Health Sciences University).

[10] The petitioners also suggested that NHTSA undertake a number of initiatives to upgrade various child restraint anchorage system requirements or improve CRS safety. Most of the suggestions were beyond the scope of this rulemaking and will not be discussed further in this document.

[11] Copies of letters are in the docket for the final rule: Docket No. NHTSA–2011–0176. NHTSA has also placed in the docket memoranda describing various meetings.

will become ''extremely muddied due to the variability from CR [child restraint] to CR.'' SRN also states its concern that ''lower-anchor weight limits will spill over to tether-anchor weight limits.'' Further, in another letter, SRN suggests that NHTSA require a child-weight limit of 50 lb as a ''compromise'' that ''eliminates the formula of child-weight plus CR-weight.'' Under SRN's suggestion, child restraint manufacturers may set their own weight limits for the use of child restraint anchorage systems up to that ceiling with a possible lower weight limit for extremely heavy child restraint models.

The Juvenile Products Manufacturers Association (JPMA) submitted a letter in support of Dorel's submission and Safe Ride News' letter, repeating many points of earlier correspondence.[12] Those points include that the extended use of lower anchorages should be preserved; that use of tethers should be increased; that efforts should be made to minimize the likelihood that vehicle manufacturers will similarly restrict tether anchor use; that parents might not remember or even initially know to switch to the seat belt during the several-year course of a CRS's use; and, that innovation by CRS manufacturers to reduce loads on anchors through energy management features should be supported. JPMA also expressed the view that NHTSA should suspend the label and ''consider strengthening the anchorage strength requirements of FMVSS 225 immediately.'' In a later submission, JPMA states that the label will result in ''lack of trust in LATCH'' because it results in varying weight limits, and in some cases weight limits lower than the 40 or 48 lb currently used in the field. JPMA also believes that the label will lead to early graduation to boosters due to the wording on the label and because CRSs might not achieve a tight fit with a seat belt or may be too difficult to install with a seat belt.

An individual, Alisa Baer, wrote that introducing ''strict lower anchor weight limits of CR + child = 65 pounds will further complicate'' child restraint anchorage systems. The letter writer states that parents typically do not understand how fast a child grows and that a parent may opt not to use a CRS when their child is on the cusp of the weight limit out of fear that the child will soon outgrow the CRS, when in reality the child could have much more time before exceeding the weight limit. The writer states that ''ugly numbers—like 37 or 41 [lb]—are scary to parents & technicians,'' and ''will likely erode confidence in the LATCH system'' because people may ''[think] 'is the LATCH system so fragile that if the child was 38 pounds instead of 37 it might not hold in a crash?' ''

Consumers Union sent a letter stating that it was ''worried that the new rules may encourage parents to secure heavier child seats using standard safety belts instead of the LATCH system.'' Consumers Union states that ''each CRS will still feature a different maximum recommended child weight limit, based on the differences between the seat's weight and the 65 lb limit of the lower LATCH anchors,'' which, the letter writer believes, will confuse caregivers.

Diono[13] sent a letter expressing its belief that the 65-lb combined weight threshold was ''far too conservative a limitation given the dynamic capacity of the lower anchors in vehicles'' and asks that NHTSA ''allow a maximum weight of CRS plus occupant to be limited to 80 lbs with the use of lower anchors.'' These are the same arguments that Diono made in response to the NPRM when the company was named Sunshine Kids. Diono believes that there is ''much data from testing analysis that has shown lower anchors support total masses larger than the proposed limit of 30.5 kg,'' and states that it has data from its sled testing which ''show that with a combined mass of 78 lbs to ~110 lbs the lower anchors see dynamic loads well within the dynamic capacity of the lower anchors.'' Diono also states that ''ECE–R44 has recommended the combined weight limit be 33 kgs (Combined mass of CRS plus occupant) or 72.6 lbs.''

The Alliance submitted correspondence focused on the need for the label to address rear-facing child restraints equipped with an internal harness that are sold for heavier children, which are used without a tether. The Alliance highlights that it reviewed ''some of the heavier 3-in-1 child restraints currently on the market, especially those which have been certified for use up to 40/45 lbs rearward-facing,'' and notes that ''a potential weight combination of up [sic] 73.8 lbs becomes apparent—without use of a tether.'' The Alliance seeks ''to ensure that the label is also applied to rear-facing child restraints.''

b. Other Issues

NHTSA also received correspondence from Graco asking that harness-equipped CRSs recommended for children up to 70 lb in weight should be excluded from the head excursion requirements if the CRS height restrictions do not accommodate the HIII–10C dummy.

Graco also raises a question about S5(f) of the final rule, which applies to harness-equipped CRSs. S5(f) refers to the weight of the test dummy used to test the CRS. Graco suggests that NHTSA publish a list of the weights for each test dummy to make it ''easy for manufacturers to determine which [anthropomorphic test device] and CRS combinations need to be tested with each type of belt and provide more standardized results for consumers.''

IV. Agency Response

NHTSA has evaluated all relevant issues presented above and has made the following decisions in responding to those issues.

a. The Label

A Label Is Necessary To Address a Safety Need

NHTSA has determined that the information presented by the label in question is necessary to address a safety need. The information reduces the likelihood that consumers will use the child restraint anchorage system with a combined weight of child plus CRS weight too high for the anchorages in a crash. FMVSS No. 225 requires the anchorage system to withstand crash forces resulting from a combined (child+CRS) mass of 65 lb.[14] Not having information about the weight limits poses an unreasonable risk of overloading the child restraint anchorage system given that CRS weights are increasing (currently there is no limit on the size and mass of CRSs), harness-equipped CRSs are being produced that are marketed for children of heavier masses than 40 lb, and peak vehicle accelerations are much higher now (some exceed 60 g) than the 48 g the agency had assumed in 1999 when designing the strength requirements of FMVSS No. 225. We believe that information about child weight limits needs to be provided on the CRS, given the design limits of child restraint anchorage systems and the changing physical demands on the system from modern child restraint and vehicle designs.

In an April 11, 2011 letter to NHTSA, the Alliance and Global Automakers expressed support for a label such as that adopted by the 2012 rule. These

[12] NHTSA had discussed many of these points in the preamble to the February 27, 2012 final rule. For the most part, no new information bearing on the discussion was provided by JPMA's post final rule submissions.

[13] A child restraint manufacturer previously known as ''Sunshine Kids.''

[14] At the time FMVSS No. 225 was established, forward-facing harness-equipped CRSs weighed about 15 lb on average.

vehicle manufacturer groups expressed concern ''that there appears to be a trend toward increased weight of child restraints. This trend, if it continues, could call into question the validity of the 48 pound estimate for appropriate maximum child weight capacity.'' NHTSA agrees that this development is a cause for concern, and believes that the labeling requirement addresses this potential safety problem.

The market has not provided the information consumers need. Vehicle and CRS users' manuals have conflicting or a lack of information on the maximum child weight limit for lower anchor use. Most vehicle manufacturers do not include a child weight limit for lower anchor use in their vehicle owner's manual. A 2011 manual developed by SRN, ''LATCH Manual,''[15] indicates that only about 54 percent of vehicle ''makes'' provides information on the weight limits of child restraint anchorage systems.[16]

Child restraint manufacturers' recommendations for using the child restraint anchorage system are also varied and generally unhelpful. NHTSA reviewed approximately 40 CRS manuals from different CRS manufacturers to see the current recommendations of CRS manufacturers. In our sample, Dorel and Evenflo did not specify a maximum child weight for use with the child restraint anchorage system. Graco and Recaro specified using the vehicle manufacturer's weight limits for use of the child restraint anchorage system and also specified a maximum child weight of 48 lb for use of the anchorages. Britax recommended that consumers follow vehicle manufacturers' instructions and that, if a vehicle manufacturer does not provide a limit, consumers should assume a 40 lb maximum child weight limit for lower anchors. Diono recommended use of the child restraint anchorage system for children weighing up to 65 lb (corresponding to the weight of a 50th percentile 9.5 year-old) and even, for some models, 80 lb (corresponding to the weight of a 50th percentile 11 year-old).

Since most vehicles do not specify a child weight limit for lower anchor use, and since CRS instruction manuals generally have no information (e.g., Dorel and Evenflo), refer to the vehicle owner's manual (Graco, Britax, Recaro), or have conflicting information on the child weight limit for using the lower anchorages (Graco, Recaro), many consumers are unaware or unsure as to the weight limits of child restraint anchorage systems. A consumer looking in the CRS manual might be referred to a non-existent vehicle owner's manual instruction on child weight limits for lower anchor use, or might be informed that the anchorage system may be used to a weight beyond the intended design limit of many if not most vehicles' anchorage systems.

This problematic situation can be fixed if the CRS has the required information about the weight limits. With the information, consumers will have convenient access to facts about the child weight limit for lower anchor use. A label with the information will provide clear and consistent information for determining the child weight limit for lower anchor use, which will be easily accessible to the caregiver at all times.[17] Consumers following this information will virtually eliminate the risk of anchorage failure in a crash.[18]

We do not believe that specifying a combined (child+CRS) weight limit in the vehicle owners' manual rather than on a CRS label would be as effective at communicating the information as placing a label on the CRS. First, the consumer will need to determine the weight of the CRS and then calculate the maximum child weight limit. We believe that these additional actions required by the consumer are unreasonable; the consumer is unlikely to take the step of assessing the CRS weight or may not bother to make the calculation. Second, a recent survey[19] conducted by the agency showed that only 14 percent of caregivers use the vehicle owners' manuals for information about installing CRSs. This indicates that most consumers will not learn of the instruction by way of the vehicle owner's manual.

We disagree with JPMA's and Diono's assertion that the label will result in lack of confidence in child restraint anchorage systems. We believe that the label will provide clear and consistent information on the use of child restraint anchorage systems and will thereby promote more trust in child restraint anchorage systems. More importantly, the information will virtually eliminate the risk of a failure of an anchorage system in attaching a CRS to the vehicle.[20] Such failures, not the label, would reduce consumer confidence in child restraint anchorage systems. We are taking action now to instruct consumers of the intended use of the anchorage system to avoid failures in the field.

The Strength Was Based on a 65-lb Combined Weight Limit

The petitioners state that they wish to ''preserve the extended use of lower anchors.'' They state that the preamble for the final rule establishing FMVSS No. 225 refers to a child weight of 65 lb, and that the intent of the agency in establishing the standard was ''for anchors to be strong enough to accommodate CRs [sic] that would in themselves weigh at least 15, possibly 20 pounds, which implies a combined weight of at least 80 to 85 lbs.''

Agency Response: The petitioners' view is incorrect. The preambles[21] analyzing, explaining, and developing the rationale for FMVSS No. 225's strength requirement overwhelmingly refer to a combined weight (child+CRS) of 65 lb. The entire engineering analysis upon which the strength requirement

[15] The ''LATCH Manual,'' developed by SRN (*www.saferidenews.com*), compiles material such as the vehicle manufacturers' recommendations for the maximum child weight limit for using the child restraint anchorage system. The manual is used by child passenger safety technicians participating in a child seat checkup program run by a nonprofit organization called SafeKids as a look-up tool for installing child restraints in vehicles.

[16] In the 2011 LATCH Manual, 12 percent of vehicle makes recommended 40 lb as the child weight limit for lower anchor use and 42 percent recommended 48 lb. In the 2013 LATCH Manual, 8 percent of vehicle manufacturers recommended a child weight limit of 48 lb while 64 percent recommended the combined CRS+child weight limit of 65 lb for lower anchor use.

[17] In addition, the agency has plans to promote the label and provide consumer education regarding the new label.

[18] We recognize that currently there are no reported anchorage failures in on the road vehicles. However, the risk of anchorage failure exists to such an extent today that NHTSA would like to be proactive in addressing this risk. In the past, there has been a low incidence of heavier children in CRSs with internal harnesses. This could very well change in the future as NHTSA and other groups are encouraging caregivers to keep children in harness-equipped CRSs for a longer time. Moreover, CRSs are being produced for children of increasingly heavier weights. Also, crash pulses of newer vehicles are higher and child restraints themselves are getting heavier. We believe that a problem of anchorage failures is in the making, so we are addressing the situation now before the problem comes to fruition.

[19] National Child Restraint Use Special Study (NCRUSS), DOT HS 811 679, *http://www-nrd.nhtsa.dot.gov/Pubs/811679.pdf.*

[20] As noted earlier, we recognize that there are no reported anchorage failures in on the road vehicles. However, the risk of anchorage failure exists. In the past, there has been a low incidence of heavier children in CRSs with internal harnesses. This could change in the future as NHTSA and other groups are encouraging caregivers to keep children in harness-equipped CRSs for longer time, and CRSs are being produced for heavier and heavier children. Also, crash pulses of newer vehicles are higher and child restraints themselves are getting heavier. We believe that a problem of anchorage failures is in the making, so we are addressing the situation now before the problem arises.

[21] See, e.g., final rule, response to petitions for reconsideration, 68 FR 38208, June 27, 2003.

was based uses a combined weight of 65 lb.

To illustrate, NHTSA explained the basis for FMVSS No. 225's 15 kN strength requirement in a 2003 document responding to petitions for reconsideration of various aspects of the 1999 final rule. NHTSA stated that the agency based the strength requirement—

> on an analysis of the forces that are likely to be imposed on a LATCH system in a crash. NHTSA agrees [with a petitioner] that the maximum expected force acting on the center of gravity of a child in a child restraint is calculated as the *total mass of the child and the child restraint system (''the child/CRS system'')* multiplied by the acceleration of the system. . . . Assuming a *child and child restraint mass* of 29.7 kg (65 lb), the dynamic force expected to act through the center of gravity of the *child/CRS system* in a 48.4 g crash is approximately 14,100 N. [Emphasis added.] 68 FR 38208, 39218–38219, June 27, 2003.

References to a ''child'' weight of 65 lb rather than to a ''combined'' weight in the 2010 SNPRM were in error, as the Alliance, JPMA and others have pointed out. Such references were imprecise and limited in describing the assumptions underlying the strength requirement of child restraint anchorage systems. The Alliance explained that the load calculations for the 15 kN strength requirement were based on a combined maximum (child+CRS) weight of 65 lb.[22] The Alliance and others were concerned that the proposed wording that referred to a 65-lb child weight did not adequately account for the weight of the CRS and thus would be providing misinformation. NHTSA agreed with the commenters and made the correction in the final rule.

The present petitioners state that ''What is proposed [sic] in the final rule, is, in effect, a major change of interpretation of anchor weight limits without any opportunity for assessment and comment that is usual in regulatory changes.''

This assertion is without merit. As explained above, the agency did not make a ''change of interpretation of anchor weight limits'' by basing the final rule on a combined child+CRS weight of 65 lb. A 65 lb combined weight limit was the established engineering basis for the strength requirement of FMVSS No. 225 from the beginning of the standard. The 2010 SNPRM was in error in referring to a child weight alone of 65 lb. The 2012 final rule remedied the error by referencing combined weight (child+CRS).

Moreover, the weight to which the label refers was an issue well within the scope of the present rulemaking. The question of the weight limits of child restraint anchorage systems and the safe use of the anchorage system with heavier children were crucial aspects of the 2010 SNPRM (see section VII.a. of the SNPRM, 75 FR at 71659). Upon proposing a label to inform consumers of the limits of the child restraint anchorage system, the SNPRM specifically asked for comment on the child weight variable: ''Comments are requested on the label's reference to the 65 lb (29.5 kg) threshold.'' 75 FR at 71659.

In addition, vehicle manufacturer groups (Alliance and Global Automakers) and JPMA commented on the SNPRM, informing NHTSA that the proposed wording that referred to a 65-lb child weight alone did not adequately account for the weight of the CRS and was thus providing incorrect information. NHTSA benefited from the comments and corrected the weight limit to reflect the weight of the child+CRS, as designed by FMVSS No. 225, in the final rule. The agency was not required to reissue another proposal for notice and comment to make this correction.

Diono believes that there is ''much data from testing analysis that has shown lower anchors support total masses larger than the proposed limit of 30.5 kg'' and states that it has data from its sled testing which ''show that with a combined mass of 78 lbs to ~ 110 lbs the lower anchors see dynamic loads well within the dynamic capacity of the lower anchors.'' Diono believes that its tests show that, with a combined child and child restraint weight of 80 lb, the dynamic loads on the anchors are in the range of 9 kN at each lower anchor. Diono also states that NHTSA has tested CRSs (some weighing 30 lb) for many years using the Hybrid III 6-year-old (HIII–6C) dummy weighing 48 lb (for a combined weight of 78 lb) as part of its compliance program with no anchorage failures. Based on this information, Diono concludes that there is a very safe margin with the use of lower anchorages for a combined child and CRS weight of 80 lb.

The agency disagrees that Diono's test data indicate that NHTSA should amend the labeling requirement in such a way that condones the use of the lower anchorages with a combined child and CRS weight of 80 lb. Diono's testing consisted of sled tests using the FMVSS No. 213 test bench and a sled pulse (47 G pulse and a 35 mph velocity) representing the crash pulse of a 2001 Toyota Echo in an NCAP frontal crash test. The docket submissions from Diono show that for sled tests performed with the 47 G pulse and combined child and CRS weight of 82 lb (65 lb dummy + estimated 17 lb CRS) and 97 lb (80 lb dummy + estimated 17 lb CRS), the peak total load on the child restraint anchorages were 25.7–27.3 kN. Those loads clearly exceed the 15 kN quasi-static load minimum strength requirement of the anchorage system per FMVSS No. 225.

Furthermore, while the Toyota Echo pulse at 48 G in an NCAP test was considered a severe pulse in early 2000s, current NCAP data shows that many recent vehicle models have stiffer front ends than the Echo, with peak accelerations in excess of 50 G.

Additionally, Diono's data are inadequate because the data were obtained from sled tests conducted with an FMVSS No. 213 test bench seat. The child restraint anchorage system bars on the bench seat are designed and constructed to withstand repeated loading in 30–35 mph sled tests, i.e., they are reinforced over and above the anchorages of actual vehicles. Diono did not provide any actual vehicle test data (static or dynamic). The strength of child restraint anchorage systems in vehicles is evaluated according to specifications in FMVSS No. 225, which include a quasi-static load test of 15 kN applied to the lower anchors and tethers and a quasi-static load test of 11 kN applied only to the lower anchors. The lack of anchorage failures on NHTSA's test bench does not indicate that real-world vehicles' anchorages are strong enough to hold the force generated by higher weight children.

Diono referred to Economic Commission for Europe Regulation No. 44 (ECE R.44), ''Restraining Devices for Child Occupants of Power-Driven Vehicles,'' and ECE R.14, ''Safety Belt Anchorages, ISOFIX Anchorages, and Top Tether Anchorages,'' stating that these regulations limit to 72.6 lb the combined weight of child and child restraint for ISOFIX use, even though ECE R.14 has slightly less stringent requirements on the ISOFIX anchors than FMVSS No. 225.

NHTSA does not find this view persuasive. For one thing, ECE R.44 limits the maximum child weight for CRSs with harnesses and CRSs equipped with ISOFIX to 40 lb, and specifies that the CRS weight be less than or equal to 33 lb. FMVSS No. 213 does not have such limitations on CRS design at this time. Thus, the overall risk of overloading the anchors in Europe is inherently lower than in the

[22] In its comment JPMA also supported using the combined weight (child+CRS), rather than child weight alone, to avoid overloading the anchorages.

U.S. In this country, a label is needed to limit the weight on the anchorages to within design parameters.

Second, no showing has been made by Diono that the ECE requirements are sufficient to meet the safety need in the U.S. that is met by FMVSS No. 225. In a 2010 Transportation Research Laboratory (TRL) contract report, Hynd et al.[23] noted that there is evidence that the current ECE R.14 anchorage strength test requirements may be inadequate for some dummy and CRS combinations allowed in ECE R.44. We are not convinced that FMVSS No. 225's requirements should be made similar to those of ECE R.14.

Diono also states that the 2012 final rule's labeling requirement on lower anchor use contradicts Transport Canada's recent update of Canadian Motor Vehicle Safety Standard (CMVSS) No. 213, ''Child restraint systems,'' which permits the use of lower anchors to install child restraints with harnesses for children weighing up to 65 lb.

We do not agree. Transport Canada has yet to consider the recent updates to FMVSS No. 213 incorporating the 10-year-old dummy for testing child restraints. We expect Canada to have similar issues as the U.S. regarding child restraint misuse, incorrect installations, and consumer confusion as to the child restraint anchorage systems. Transport Canada may be considering the merits of the label in the future.

Empirical Data

The petitioners request that NHTSA ''provide any test or field data suggesting the need for a reinterpretation of the original statement that FMVSS 225 was devised for a child weighing 65 to 80 . . . lbs.'' As explained above, FMVSS No. 225 was developed to ensure that crash forces generated by a 65 lb *combined* weight will be withstood; it did not presume a child weight alone of 65 to 80 lb. The label is intended to inform consumers about the design limits of child restraint anchorage systems and to keep use of the lower anchorages to within the anchorage system's design limits. The engineering analyses underlying the FMVSS No. 225 strength requirement have been fully discussed. The agency is not obligated to provide ''test or field data'' to justify why we disagree with the petitioners' view that the weight limit should be based on a child weight alone of 65 to 80 lb.

Nonetheless, there are empirical data on this issue. There has been failure of a child restraint anchorage system in testing conducted by Transport Canada (30–35 mph) involving full frontal rigid barrier crash tests of model year (MY) 2009 and 2010 vehicles. Transport Canada placed child restraints in the outboard rear seating positions using the child restraint anchorage system (including the top tether).[24] The program involved 28 crash tests with the HIII–6C dummy and 4 crash tests with the HIII–10C dummy. The weight of the CRSs used in the tests ranged from 11.4 lb to 25.11 lb. The peak vehicle acceleration in these crash tests ranged from 30 g to 68 g. The total anchorage loads (sum of forces on the lower anchors and the tether anchor) ranged from 7.5 kN to 20.8 kN with the HIII–6C dummy, and from 13.3 kN to 20.4 kN with the HIII–10C dummy (see Tables A1(a) and A1(b) in the Appendix to this preamble).

The failure occurred in a 35 mph frontal crash test of a 2010 Kia Forte with the HIII–10C dummy restrained in Safety 1st Apex 65 child restraint. The CRS was installed in the right outboard rear seat with lower and top tether anchorages. The CRS weighed about 13 lb. The combined weight (child+CRS) in this test was 90 lb, the peak vehicle acceleration was 46 G. The total maximum anchorage loads measured in this test was 20,395 N. During the test, the inboard anchor, which was held in place by two bolts, pulled through the sheet metal resulting in a failure at the attachment point. The anchorage failure demonstrates a finite limit to the strength of the child restraint anchorages.

We are concerned that there are factors in play that have developed in recent years that raise the possibility that the limits of the child restraint anchorage system will be surpassed in more and more vehicles by the ordinary use of modern day CRSs in modern vehicles if measures are not in place to prevent this from happening. CRSs with internal harnesses are being produced that are recommended for children weighing 65 lb or more. The average weight of CRSs was 15 lb when FMVSS No. 225 was first issued; now CRSs are marketed that weigh more than 30 lb. Further, the strength requirements of the child restraint anchorage system were based on a 48 g vehicle acceleration, which is a level being surpassed among current vehicle models in a 35 mph frontal crash. In contrast, there are vehicle models in the current fleet that have peak vehicle acceleration in excess of 50 g in a 35 mph frontal crash.

Also presented in the Appendix in Tables A1(a) and A1(b) are the results of NHTSA's computed maximum total inertial loads on the child restraint anchorage system (F) using the combined weight of the child dummy and the CRS (m) and the peak vehicle acceleration (a),[25] using Newton's second law of motion (F=ma).[26] A comparison of the measured and computed total anchorage loads indicates that in 13 of 32 tests (41 percent), the computed anchorage loads were within 10 percent of the measured anchorage loads. In an additional 13 tests (40 percent), computed anchorage loads were within 20 percent of the measured loads. The general similarity between the measured and computed values provides a source of confidence in the anchorage strength requirements in FMVSS No. 225, which was based on a similar inertial load computation using a combined CRS+child weight of 65 lb and a peak acceleration of 48 G.

Almost all of the tests showed the integrity of present day child restraint anchorage systems in vehicles. The relatively low rate of anchorage failures in the Transport Canada vehicle crash tests may be because many vehicle manufacturers are designing the child restraint anchorage systems to be stronger than that required by FMVSS No. 225; the anchorage loads from the combined CRS+dummy weight and the peak vehicle acceleration were within the strength capabilities of vehicle anchorages.

Diono suggests a combined child+CRS weight limit of 80 lb. We believe that this suggestion raises an unreasonable risk that the lower anchorages would be overloaded, resulting in anchorage failure. The computed total child restraint anchorage load for a peak

[23] Hynd, M., Pitcher, M., Hynd, D., Robinson, B., Carroll, J.A., ''Analysis for the development of legislation on child occupant protection,'' Transportation Research Laboratory (TRL) Report, Prepared for the European Commission under the specific contract no. SI2:555655 and in the framework contract no. ENTR/05/17.01, July 2010. *http://ec.europa.eu/enterprise/sectors/automotive/files/projects/report-child-occupant-protection_en.pdf*.

[24] Details of the Transport Canada tests are available in the docket for this document.

[25] The vehicle accelerations were filtered in accordance with Society of Automotive Engineers (SAE) J211, ''Instrumentation for Impact Test—Part-1-Electronic Instrumentation,'' with SAE channel filter class (CFC) 60 (100 Hz).

[26] This is the same methodology used in the June 27, 2003 final rule (68 FR 38208) responding to petitions for reconsideration of the March 5, 1999, rule establishing FMVSS No. 225 (see 68 FR at 38218 for the rationale for this method of analysis). This analysis assumes that the child restraint is fully coupled to the vehicle and ignores friction between the CRS and the vehicle seat. It also assumes that the child dummy is coupled to the child restraint and ignores friction between the dummy and CRS surface. These are reasonable assumptions if the child restraint is securely attached to the lower anchors and tether anchor and the CRS internal harnesses are snugly attached.

vehicle acceleration of 65 g and a combined child+CRS weight of 80 lb is 23,187 N, which is significantly higher than the measured total anchorage loads in the Transport Canada test series. Since there are vehicle models with peak vehicle accelerations of approximately 60–70 g,[27] having total anchorage loads exceeding 23,000 N is a distinct possibility if the combined weight limit is increased to 80 lb as suggested. Thus, we decline the request.

Another matter of concern to us is the low usage rate of the tether anchor and how nonuse of the tether, among other things, results in higher loads being imposed on the lower anchorages. Our survey data[28] indicates that approximately 30 percent of forward-facing child restraints that are installed using the lower anchorages do not have the tether attached. To study this and other issues, NHTSA performed sled tests at the agency's Vehicle Research and Test Center (VRTC) to measure the loads experienced by child restraint anchorages in a simulated crash. VRTC conducted 24 sled tests using the weighted 6-year-old Hybrid III dummy and three child seat models (Safety 1st Apex 65, Sunshine Kids Radian 65 and Britax Frontier 85) in two vehicle bucks (2010 Kia Forte and 2010 Ford Focus).[29] The child restraint models were selected because these models are marketed for heavier/older children, and because these CRSs were tested in the vehicle crash tests at Transport Canada. The two vehicle bucks were selected because both the Kia Forte and the Ford Focus had high measured anchorage loads in the Transport Canada frontal vehicle crash test program.

The agency selected two 35 mph, 35 g and 100 millisecond (ms) pulses to simulate a frontal crash. One of the pulses was front loaded while the second one was rear loaded (see Figure 1).[30] These two acceleration pulses were selected to cover the different vehicle acceleration pulse shapes observed in 35 mph full frontal rigid barrier crash tests.

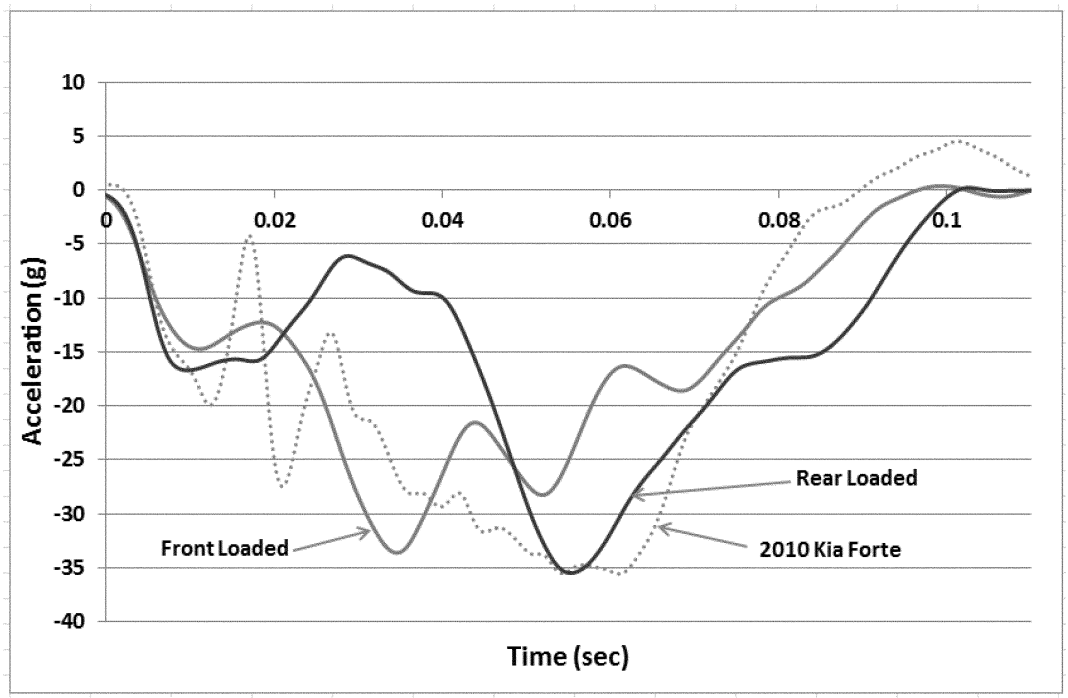

Figure 1. NCAP Frontal Crash Test Vehicle Acceleration Pulse vs. Vehicle Buck Sled Acceleration Pulses. The Kia Forte acceleration in this figure was filtered to 30 Hz.

The agency specifically selected the Kia Forte because of the lower anchorage failure observed in the vehicle crash test conducted by Transport Canada (discussed in the previous section). Transport Canada's tests used the Safety 1st Apex 65 CRS (approximately 13 lb) and the HIII–10C dummy (77 lb), for a combined weight of about 90 lb. VRTC's test used the same Safety 1st CRS model and a weighted HIII–6C dummy (66 lb), for a combined weight of approximately 79 lb.

VRTC conducted a sled test with the Kia Forte buck and a front loaded sled pulse (shown in Figure 1), with the CRS installed in the right rear outboard seating position using the lower anchors and the top tether. Post-test evaluation showed some deformation of the sheet metal with some forward pull of the lower anchorages but not a complete failure of the anchorages. The total anchorage loads (lower anchors+tether) was measured to be 17,330 N and the total load on the lower anchors (inboard+outboard) was 11,666 N (See Table A2 in the Appendix). However, VRTC later conducted another test, identical to the first except the tether was not attached. In that test, there was complete failure of the lower anchor

[27] The peak vehicle acceleration of the 2012 Ford 500 is 73 g and that of the Toyota Scion IQ is 68 g in the NCAP 35 mph full frontal rigid barrier crash test.

[28] National Child Restraint Use Special Study, DOT HS 811 679, *http://www-nrd.nhtsa.dot.gov/Pubs/811679.pdf.*

[29] Amenson, T; Sullivan, L. ''Frontal Sled Tests to Measure and Evaluate Loads on Child Restraint Anchorages,'' NHTSA Report, copy placed in the docket for this final rule.

[30] A front or rear loaded pulse is defined by the location of the peak acceleration relative to the midpoint of the pulse. If the peak is before the midpoint of the pulse, the pulse is front loaded and if it is after the midpoint, the pulse is rear loaded.

hardware. The entire bolt and nut assembly pulled through the sheet metal. The total measured force on the lower anchors in this test was 14,922 N, which is 30 percent higher than the total lower anchor load in the earlier test with the tether attached.

NHTSA has reviewed all the sled tests conducted at VRTC (three child restraints in two vehicle bucks) and has determined that the ratio of lower anchor loads (when the tether is not attached) to lower anchor loads (when the tether is attached) ranges from 1.3 to 1.6. That is, these sled test results indicate that the loads on the lower anchorages are 30–60 percent higher when the tether is not used to install the CRS than when the full child restraint anchorage system (lower anchors+tether anchor) are used to install the CRS.

Thus, in further answer to Diono and others as to why we disagree with the suggested approach to increase weights to 80 lb, there is evidence of lower anchor failure when the tether was not attached at a combined weight of only 78 lb. Since we have evidence that 30 percent of forward-facing child restraints installed using the lower anchorages do not have the tether attached in the real world,[31] the labeling requirement reduces the possibility of field failure of lower anchorages, such as that observed in the sled test with the Kia Forte buck, when the combined (child and child restraint) weight approaches 80 lb.

Amendments To Revise the Labeling Requirement [32]

The petitioners would like to ''preserve the extended use of lower anchors.'' Ms. Baer said in correspondence to NHTSA that ''ugly numbers—like 37 or 41 [lb]—are scary to parents & technicians,'' and ''will likely erode confidence in the LATCH system.'' Consumers Union stated its belief that it will confuse caregivers when ''each CRS will still feature a different maximum recommended child weight limit, based on the differences between the seat's weight and the 65 lb limit of the lower LATCH anchors.''

Agency Response: NHTSA has evaluated the petition and the related correspondence and has decided to partially grant the petition. NHTSA is making two primary changes to the labeling requirement.

First, we agree with the view that the wording of the label specified in the 2012 final rule could lead consumers to misunderstand the instruction, remove the harness from the CRS before they should, or otherwise not follow the instruction. NHTSA is thus amending S5.5.2(g)(1)(ii) of the 2012 final rule to remove the instruction from that section. Instead, the instruction will be placed on a diagram that FMVSS No. 213 presently requires to be on CRSs under S5.5.2(l) of the standard. S5.5.2(l)(3) requires CRSs to be labeled with an installation diagram showing the CRS installed in a seating position equipped with a child restraint anchorage system (S5.5.2(l)(3)). We are adding a provision to S5.5.2(l)(3) to specify that a statement about child weight be included with the diagram.

The statement consists of a phrase, ''Do not install by this method for a child weighing more than * lb.'' The ''*'' value is the difference between 65 lb and the CRS weight, as discussed in the 2012 final rule. Alternatively, as discussed in the next section, the ''*'' value may be rounded up, subject to certain conditions.

An example of the installation diagram with the information for the child weight limit for lower anchor use and for promoting tether use is shown below in Figure 2.

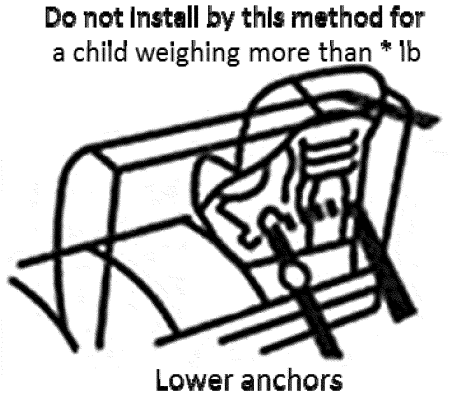

Figure 2. Example of an Installation Diagram Using Child Restraint Anchorages for a Forward-Facing Child Restraint.

The advantage of using the diagram is that it separates the child weight limit for lower anchor use from all the other information on the label in S5.5.2(g)(1)(ii) and puts it in a location where relevant installation information is provided. It is also advantageous to use diagrams over words to communicate information. The instruction on weight limits is concise and clear. This change will add more clarity regarding the child weight limits and will also be easily available to the caregiver installing the CRS.

Second, NHTSA concurs that the uniquely specific weight values provided on each CRS, based on the difference between 65 lb and the actual weight of the CRS, could be confusing to some consumers. For this reason, the agency is amending the final rule to add some flexibility in the maximum child weight calculation so that the label could be rounded up to display a child weight that is a multiple of five lb, which will be easier for consumers to remember, possibly less confusing to them, and appropriate from a safety point of view. This ''rounding up'' of

[31] National Child Restraint Use Special Study, DOT HS 811 679, *http://www-nrd.nhtsa.dot.gov/Pubs/811679.pdf.*

[32] The following discussion pertains to requirements that apply only to CRSs equipped with an internal harness to restrain the child and with components to attach to the lower anchorages of a child restraint anchorage system, and for which the combined weight of the CRS and the maximum recommended child weight for use with the internal harness exceeds 65 lb.

the value is at the option of the manufacturer.

To provide this flexibility, the agency balanced the merits of allowing the child weight limit to be rounded up with the need to avoid an unreasonable risk of potentially overloading the anchorages. We also recognized the need to give different accommodation for CRSs in the forward-facing and rearward-facing modes.

CRSs in the Forward-Facing Mode [33]

NHTSA is amending the February 27, 2012 final rule to permit CRS manufacturers some flexibility in the calculated child weight limit for use with child restraint anchorage systems. We are retaining the requirement that the CRS must specify a maximum child weight for lower anchor use unique to each CRS model. Under the 2012 final rule, the maximum child weight that must be specified on the label is less than or equal to the difference between 65 lb and the weight of the CRS in pounds. Under today's final rule, that requirement is retained, but we are also providing manufacturers an option of rounding the value up to the next multiple of 5 lb. We are adding a provision in FMVSS No. 213 that specifies a lookup table for the maximum child weight limit in multiples of 5 lb for different weight ranges (65 − CRS weight (lb)) and are providing manufacturers the option of employing the table to round up the child weights. See Table 1, below.

TABLE 1—FOR CRSS IN FORWARD-FACING MODE

x = 65 minus CRS Weight (lb)	Child weight limit on label (lb)
20 < x ≤ 25	25
25 < x ≤ 30	30
30 < x ≤ 35	35
35 < x ≤ 40	40
40 < x ≤ 45	45
45 < x ≤ 50	50
50 < x ≤ 55	55
55 < x ≤ 60	60

We recognize that there is a possibility that this amendment will permit a manufacturer to indicate a child weight limit on the label that, when combined with the CRS weight, the combined (child+CRS weight limit) could marginally exceed 65 lb. For instance, if the CRS weighed 19 lb, then x = 65 lb minus 19 lb = 46 lb; rounding up results in a child weight limit on the label) = 50 lb. This would lead to a combined (CRS + child) weight = 50 lb + 19 lb = 69 lb. Although this combined weight is greater to a slight degree than 65 lb, we believe this situation is acceptable for the following reasons.

First, data indicate that vehicles are equipped with child restraint anchorage systems (lower anchorages plus tether anchorage) that sufficiently surpass the minimum strength requirement of FMVSS No. 225 such that the anchorages will withstand crash forces generated by a combined (child+CRS) weight of 70 lb. NHTSA performed quasi-static tests on the child restraint anchorages in eleven MY 2006–2011 [34] vehicle models and 18 MY 2013 vehicle models [35] to explore the strength of the anchorages in the current fleet. (These vehicles were previously crash-tested, but NHTSA examined the vehicles to assess the condition of the child restraint anchorage systems to determine the suitability of the vehicles for inclusion in the quasi-static test program.) The tests consisted of pulling the lower anchorages alone at the two outboard rear seating positions using the Static Force Application Device 2 (SFAD 2) [36] as specified in FMVSS No. 225, using the same loading rate but to higher loads or to anchorage failure. A static pull test was also conducted on the tether anchors alone in three rear seating positions using a cable at loading rates similar to that specified in FMVSS No. 225, but again to higher loads or to anchorage failure.[37]

Among the 11 MY 2006–2011 vehicle models tested, 19 lower anchor sets (comprising two lower anchor bars) and 27 tether anchors were subjected to quasi-static loads. Of these, 14 lower anchor sets had strengths greater or equal to 20 kN, and all the tether anchors had strengths greater than 10 kN. Among the 18 MY 2013 vehicle models tested, 37 lower anchor sets and 46 tether anchors were subjected to quasi-static loads, among which 24 lower anchor sets had strengths greater than 20 kN and 25 tether anchors had strengths greater than 10 kN.[38]

The test results are set forth in a technical document placed in the docket. All in all, the results indicate that the quasi-static lower anchorage strength in current vehicles is significantly higher that required by FMVSS No. 225. The lowest force that produced lower anchor failure was 19.7 kN (2010 Kia Forte).[39] Our testing suggests that child restraint anchorage systems as currently manufactured are capable of withstanding the forces from a combined weight of 70 lb in a crash.

Second, although there is no consistent and direct correlation between dynamic to static strength of anchorage systems and the dynamic to static strength ratio is vehicle specific, data show that child restraint anchorage systems are able to withstand higher loads dynamically than statically. Our test data demonstrate that the dynamic strength of the child restraint anchorage systems (lower anchors+tether anchor) in our tests was greater than the 15 kN load required by FMVSS No. 225. In the Alliance's petition for reconsideration of the strength requirements of the 1999 final rule, the Alliance indicated that the quasi-static test load of FMVSS No. 225 simulating a high-speed impact should be approximately 50 percent of the expected dynamic load.[40] As discussed in the 2003 final rule responding to petitions for reconsiderations (68 FR 38218), Toyota determined that the tether anchorage was able to withstand about 30 percent greater loads dynamically than statically. NHTSA has considered these findings and believes that data indicate that the child restraint anchorage system will be able to withstand the crash

[33] Again, this requirement applies only to forward-facing CRSs with internal harnesses for which the combined weight of the CRS and the maximum recommended child weight for use with internal harness exceeds 65 lb.

[34] Velentin-Ruiz, et al. ''Quasi-static load tests to evaluate the strength of child restraint anchorage systems in MY 2006–2011 vehicles,'' NHTSA Report, December 2013. See docket for this final rule.

[35] ''Quasi-static load tests to evaluate the strength of child restraint anchorage systems in MY 2013 vehicles,'' ALPHA Technology Associates, Inc., December 2013. See docket for this final rule.

[36] Shown in Figure 17 and 18 of FMVSS No. 225, ''Child restraint anchorage systems.''

[37] The agency had planned to test all the anchorages to failure. However, when the SFAD 2 broke in one of the tests before the vehicle anchorages failed, the agency decided to limit the quasi-static load to 20 kN for the lower anchors in the remaining tests to prevent continuously damaging and repairing the SFAD 2. In addition, the tether loads were limited to 10 kN to prevent damage to the equipment. Since the tether anchorage tests were performed after the lower anchorage tests, and because some of the vehicle seats experienced excessive seat damage and deformation during the lower anchorage tests, achieving target loads in the tether anchorage tests was not possible in some vehicles.

[38] In some tests, even though there was no anchorage failure, there was significant displacement and deformation of adjoining structures including the seat. In some cases, the target loads could not be achieved without failure of the anchorages because of significant deformation of the seat structure.

[39] However, some vehicles may sustain significant rear seat movement at higher loads (such as that of the Toyota Yaris), which may result in an increase in the forward excursion of the CRS in a frontal crash. This suggests that while current child restraint anchorage designs are more robust than the minimum required designs, they do have strength limits and so may not be adequate for installing heavy child restraint models with very heavy or older children.

[40] See 68 FR 38208, 38218; June 27, 2003.

forces generated by the combined child weight (rounded up) + CRS weight.

CRSs in the Rear-Facing Mode [41]

Rear-facing CRSs typically do not have a top tether attachment. When FMVSS No. 225 became effective in 1999, rear-facing child restraints were generally recommended for children weighing up to 20 lb. Currently in the market, there are ''3-in-1'' child restraints that alone weigh more than 20 lb that are recommended to use rear-facing with children weighing up to 45 lb. Thus, for these CRSs, the combined weight of CRS and the maximum weight of child recommended for the CRS exceeds 65 lb. Since these rear-facing child restraints are only attached using the lower anchorages without a tether, the lower anchorages are subjected to greater loads in a crash than if a similar weight child and CRS were in the forward-facing mode with the tether attached.

In its correspondence sent to the agency, the Alliance requested that NHTSA make clear that the label limiting the combined (child+CRS) weight to 65 lb for lower anchor use also must be placed on rear-facing child restraints.

In response, we agree to reiterate that the labeling requirement of the February 2012 final rule applies to those CRSs using lower anchorages in the rear-facing mode. There is good reason for the applicability to these CRSs, as the safety need addressed by the label is relevant to rear-facing CRSs as it is to forward-facing CRSs. However, we believe that the combined child+CRS weight should not exceed 65 lb for CRSs in the rear-facing mode under any circumstances, unlike the potential 70 lb limit for forward-facing restraints using the 3-point anchorage attachment (lower anchors plus tether anchor). This is because FMVSS No. 225 requires the minimum strength of lower anchorages alone to be only 11 kN (compared to the 15 kN strength of the full 3-point anchorage system).

Accordingly, manufacturers of covered rear-facing CRSs must specify a maximum child weight limit for lower anchor use. (Again, the covered CRSs are those that are recommended for use in the rear-facing mode, for which the combined weight of the CRS and the maximum recommended child weight for the rear-facing mode exceeds 65 lb.) We are retaining the provision that each covered CRS must be labeled with the maximum child weight for use with the lower anchors, which is less than or equal to the difference between 65 lb and the weight of the CRS in pounds. The CRS manufacturer is to provide the child weight on the installation diagram specified by S5.5.2(l).

However, under today's final rule, we are also providing manufacturers an alternative of using a maximum child weight value that is a multiple of 5 lb by way of a lookup table. This alternative is adopted to enable manufacturers to avoid displaying an ''ugly number'' for the child weight. We are adding a provision in FMVSS No. 213 that specifies the lookup table for the maximum child weight limit in multiples of 5 lb for different weight ranges (60 − CRS weight (lb)) and are providing manufacturers the option of employing the table to obtain the maximum child weight limit. The maximum child weight limit is based on a calculation of 60 lb minus the weight of the CRS. We are using 60 lb rather than 65 lb as a starting point to ensure that the rounded value does not exceed 65 lb. This is important because for rear-facing restraints, the top tether will not be employed so the lower anchorages will be experiencing more crash forces than the full child restraint anchorage system. See Table 2, below.

TABLE 2—FOR CRSS IN REAR-FACING MODE

x = 60 − CRS weight (lb)	Child weight limit on label (lb)
15 < x ≤20	20
20 < x ≤25	25
25 < x ≤30	30
30 < x ≤35	35
35 < x ≤40	40
40 < x ≤45	45
45 < x ≤50	50
50 < x ≤55	55

Based on our testing experience, we believe that a set of minimally compliant lower anchorages (with a quasi-static strength of 11 kN) has sufficient dynamic strength to withstand inertial loads from a combined weight of 65 lb in a 35 mph frontal crash.[42]

CRSs Used Both Rear- and Forward-Facing

For CRSs that have a rear-facing and forward-facing mode with internal harnesses, we prefer that the CRS provide installation diagrams in both modes along with a corresponding maximum child weight limit for lower anchor use, if such a limit is required. However, we are not requiring installation diagrams in both modes at this time. If a CRS manufacturer only provides one installation diagram and if a child weight limit is required in only one of the modes (rear-facing or forward-facing), then the diagram shall depict the installation in that particular mode along with the corresponding child weight limit. Alternatively, if a child weight limit is required in both modes and only one installation diagram is provided, then the child weight limit is either less than or equal to the difference between 65 and the CRS weight (lb) or the lesser of the child weight limits determined by way of Table 1 for the forward-facing mode and Table 2 for the rear-facing mode.

The Label's Effect on Current Weight Recommendations

The petitioners express concern that the 65 lb combined maximum weight limit ''will unnecessarily restrict the use of the LATCH system and force caregivers back to using seat belts for anchoring forward-facing'' child restraints.

We do not agree that the new label will significantly reduce the number of CRSs that are installed with the lower anchorages of child restraint anchorage systems. Currently, technicians at child seat inspection stations recommend use of the child restraint anchorage system for children weighing between 40–48 lb, which corresponds to about a 6-year-old (see Table 3, below).[43] We reviewed the weights of harness-equipped CRSs in the market since 2008 [44] to assess what the child weight limit for lower anchor use would be per the new labeling

[41] Again, this requirement applies only to rear-facing CRSs with internal harnesses for which the combined weight of the CRS and the maximum recommended child weight for use with internal harness exceeds 65 lb.

[42] Since the child restraint is not tightly coupled to the vehicle when the tether is not attached, we are unable to determine the combined child weight limit using Newtonian principles since the peak acceleration of the child restraint cannot be assumed to be that of the vehicle.

[43] We understand that fitting station technicians currently use a child weight limit of 40 lb (corresponding to the weight of a 50th percentile 5-year-old child) if the child weight limit for lower anchor use is not provided by the vehicle manufacturer. Because most vehicle manufacturers and CRS manufacturers have not provided a maximum child weight limit for lower anchor use, technicians in the field have been applying a child weight limit of 40 lb. Thus, a 40 lb maximum child weight for lower anchor use represents one end of the range of current ''industry'' recommendations. Further, the manual used by technicians indicates that 42 percent of vehicle makes specifies a child weight limit of 48 lb for lower anchor use. (A child weight of 48 lb corresponds to an 85th percentile 5-year-old, 60th percentile 6-year-old, and 40th percentile 7-year-old child by weight, according to the 2000 CDC growth charts (see Table 3).) The 48 lb weight represents another part of the range of current industry recommendations for lower anchorage use.

[44] All CRSs evaluated under NHTSA's CRS Ease-of-Use rating program for the years 2008–2012 were further evaluated to determine the maximum child weight for lower anchor use.

requirement. The detailed data are provided in Table A3 in the appendix to this preamble. Our review of 69 forward-facing harness-equipped CRSs showed that only 3 percent (2/69) of CRS models would have a child weight limit less than 40 lb. A child weight of 40 lb corresponds to a 50th percentile 5-year-old child by weight (see Table 3, below). Twenty-nine (29) percent (20/69) would have a child weight limit of 40 or 45 lb. Thirty-six (36) percent (25/69) would have a child weight limit greater or equal to 50 lb for lower anchor use per the new labeling requirement, which corresponds to approximately a 40th percentile 7-year-old child, by weight. Finally, 32 percent (22/69) would not require a label specifying maximum child weight for lower anchor use since the combined CRS and maximum recommended child weight in harness-equipped CRSs is less than 65 lb (17 of these CRSs have a recommended child weight of 40 lb and for the remaining 5 CRSs it is 50 lb). Thus, the label will expand lower anchor use past the 48 lb child weight limit for forty-four (44) percent of child restraints, and only restricts approximately 3 percent of CRS models to a child weight limit less than 40 lb for lower anchor use. Overall, the label will not reduce current lower anchor use but will provide clarity and assurance that the anchors can be used as the child grows, which may in fact increase use of the anchors.

TABLE 3—5TH, 50TH, AND 95TH PERCENTILE WEIGHT AND HEIGHT OF CHILDREN BY AGE (CDC GROWTH CHARTS 2000)

Age	Weight (lb)			Height (in)		
	5th percentile	50th percentile	95th percentile	5th percentile	50 percentile	95 percentile
1	19	22	28	28	30	32
2	23	28	34	32	35	37
3	28	31	39	35	38	40
4	30	36	45	38	40	43
5	33	41	51	40	43	46
6	37	45	60	43	46	49
7	41	51	68	45	48	52
8	45	58	77	47	51	55

The agency found no infant carriers for which the combined CRS+child weight (CRS weight + maximum child weight recommended for infant seat) exceeded 65 lb; therefore, no infant carrier will currently need the label.

Among 46 CRS convertible and 3-in-1 models which can be used in rear-facing mode, only 4 CRS models (8.7 percent) had a combined child+CRS weight (maximum child weight + CRS weight recommended for rear-facing mode) in excess of 65 lb, which requires a label specifying the maximum child weight for lower anchor use (See Table A3 in the Appendix to this preamble). Among these 4 CRSs, one CRS weighs 33.8 lb with a recommended child weight in rear-facing mode of 40 lb, and the remaining 3 CRSs weighed between 22.3–25.8 lb with a recommended child weight in rear-facing mode of 45 lb.[45] It is unlikely that these CRSs will be used in rear-facing mode to the maximum recommended child weight of 40–45 lb since, as discussed in the next section, the child may get too tall to sit comfortably rear-facing or may exceed the height requirement before the weight limit is reached.

Permitting the calculated child weight limit to be a multiple of 5 lb will result in values that will be easier for the consumer to understand. The agency will incorporate this label in education material so that consumers are aware that there is a maximum child weight limit for lower anchor use and to look for this information on the CRS.

Practical Implications

Field data show that harness-equipped CRSs are not now being widely used by consumers for children weighing more than 50 lb. The agency analyzed data from the National Child Restraint Use Special Study (NCRUSS)[46] to examine this issue. The survey data show that among children restrained in forward-facing harness-equipped CRSs (for both seat belt and lower anchor installation), 92.3 percent of the children weighed 40 lb or less, 5.9 percent weighed 41 to 50 lb, and only 1.5 percent weighed more than 50 lb (see Figure 3). Data suggest that children are outgrowing CRSs by height rather than by weight.

[45] For reference, a 50th percentile 5 year-old weighs about 40 lb and a 50th percentile 6 year-old weighs 45 lb.

[46] NCRUSS is a large-scale nationally-representative survey that contains both an inspection of the child passenger's restraint system (or lack thereof) by a certified Child Passenger Safety Technician (CPST) and a detailed interview of the driver conducted by a highly trained investigation specialist.[46] The survey collected information on drivers and their child passengers 0–8 years old between June and August 2011. National Child Restraint Use Special study, DOT HS 811 679, *http://www-nrd.nhtsa.dot.gov/Pubs/811679.pdf.*

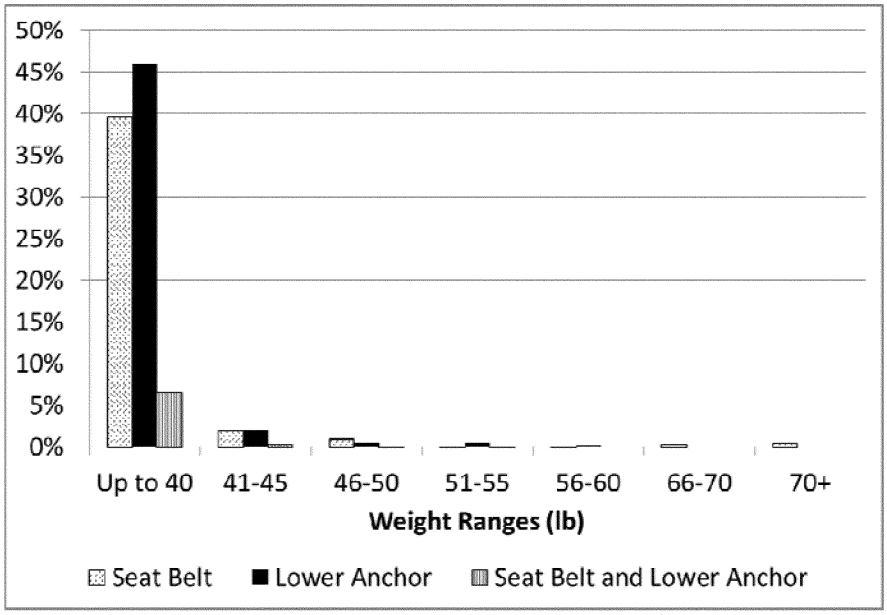

Figure 3. NCRUSS Survey: Field Use of Forward-Facing CRS with Internal Harnesses by Method of Installation and by Child Weight Ranges.

Since rear-facing harness-equipped CRSs are now designed for older/heavier children, the agency also used the NCRUSS survey to explore how these CRSs are used in the field. The NCRUSS survey show that 83.4 percent of children in rear-facing convertible or all-in-one seats (both of which are equipped with harnesses) weighed 25 lb or less, 13.2 percent weighed 26 to 30 lb, 3.2 percent weighed 30 to 35 lb (corresponding to a 50th percentile 4-year-old or 75th percentile 3-year-old), and 0.2 percent weighed more than 35 lb. The NCRUSS survey also show that 85.1 percent of children in rear-facing infant seats weighed 25 lb (corresponding to a 50th percentile 18 month old) or less, 13.9 percent weighed 26 to 30 lb,[47] and 1 percent weighed more than 30 lb (see Figure 4). The NCRUSS survey show that children weighing more than 35 lb are almost never restrained in rear-facing child restraints.

[47] A 30 lb child corresponds to a 50th percentile 3-year-old.

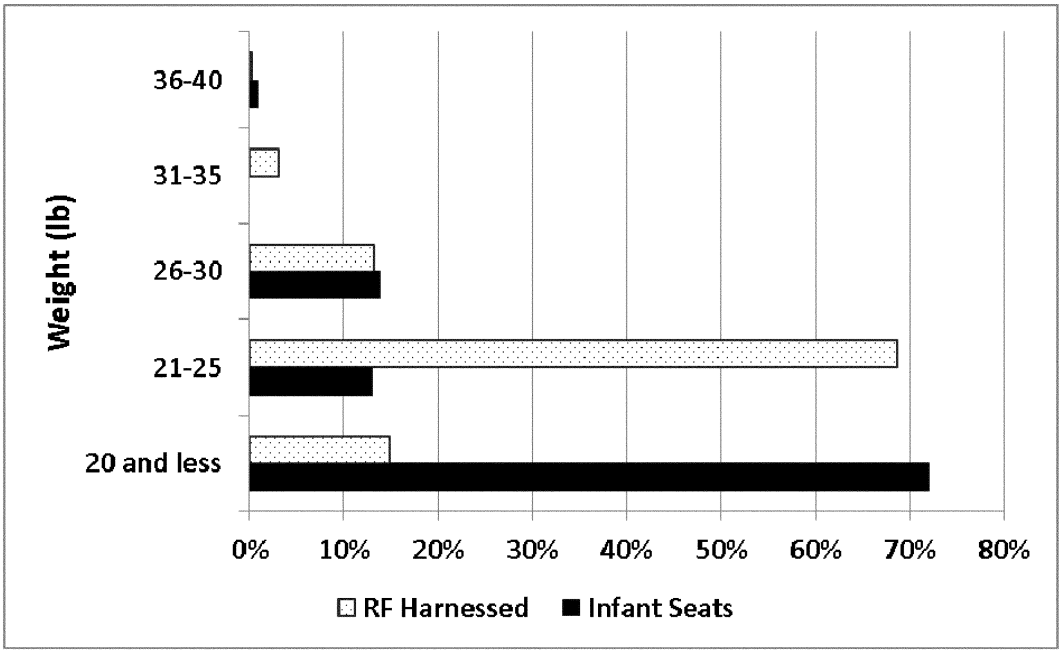

Figure 4. NCRUSS Survey: Field Use of Rear-Facing CRSs by Type of CRS and by Child Weight Ranges.

Using Seat Belts

The petitioners state that ''the decision to adopt 65 pounds as the combined maximum weight . . . will unnecessarily restrict the use of the LATCH system and force caregivers back to using seat belts for anchoring forward-facing [CRSs].'' JPMA states that CRSs might not achieve a tight fit with a seat belt or may be too difficult to install with a seat belt and that parents might not know to switch to the seat belt during the several-year course of a CRS's use. Dorel states that child restraint anchorage systems are easier to use and have a higher rate of correct installation than seat belts, so an installation by the former is safer than a belt installation.

Agency Response: These arguments are speculative and unsupported. Field data show a high percentage of children weighing over 40 lb restrained in forward-facing CRSs installed with seat belts, i.e., consumers are now attaching CRSs with seat belts at a high rate. The consumers will not be ''forced back'' to doing something different.[48] Moreover, recent field data[49] shows that most children graduate to booster seats when they reach approximately 40 lb, which corresponds to a 95th percentile 3-year-old or a 50th percentile 5-year-old. Thus, it appears unlikely that the label will ''force caregivers back to using seat belts for anchoring forward-facing'' CRSs since many children do not now use harness-equipped CRSs when they reach 40 lb in weight.

The arguments that new seat belt designs are incompatible with CRS installation are speculative. Views are evolving regarding the compatibility of new belt designs, such as inflatable seat belts, with CRS installation. For instance, Britax initially recommended against CRS installation using inflatable belts, but has changed its mind and now permits CRS installations with the belts. We do not have reason to believe that seat belts with advanced technologies cannot be designed to install CRSs. We also note that SAE J1819 is undergoing revisions to improve compatibility of seat belts and child restraint anchorages with CRSs.[50] It would be premature for NHTSA to conclude that changes in seat belt design render installation of CRSs by seat belts unfeasible.

Regarding Dorel's statement, NHTSA believes that the statement is not germane to the issue of the design limits of child restraint anchorage systems. If the anchorages are used in a manner that results in material failure because the design limits of the anchorage system were exceeded, the child passenger is at risk regardless of the relative ease of using child restraint anchorage systems or the tightness of the installation of CRSs on the anchorages.

Tether Anchorages

The petitioners also state that their intent in petitioning for reconsideration of the rule was to ''minimize the likelihood that vehicle manufacturers will apply the same formula'' to tether anchorages. Issues relating to weight limits for the top tether anchorage are out of scope of this rulemaking.

Increasing the Strength of the Anchorage System

The petitioners believe that NHTSA should require vehicle manufacturers to increase the strength of child restraint anchorage systems to accommodate a higher combined weight. This issue is out of scope of this rulemaking.

[48] It does not make sense to us that we should suspend the label because parents might not remember to switch to the seat belt during the course of a CRS's use, as suggested by JPMA. It seems to us that it makes more sense to try to instruct consumers of the design limits of child restraint anchorage systems so that they may be informed to correctly use of the systems, than to forgo informing them about the 65 lb limit because it is presumed that the consumer is unlikely to switch to the seat belt at the appropriate time.

[49] NCRUSS, DOT HS 811 679, *http://www-nrd.nhtsa.dot.gov/Pubs/811679.pdf.*

[50] Society of Automotive Engineers (SAE) J1819, ''Securing Child Restraint Systems in Motor Vehicles.'' This SAE recommended practice is meant to promote compatibility between child restraint systems and vehicle seats and seat belts. The recommended practice provides design guidelines to vehicle manufacturers for certain characteristics of seats and seat belts, and to CRS manufacturers for corresponding CRS features so that each can be made more compatible with the other. *https://standards.sae.org/wip/j1819/.*

b. Other Issues

Head Excursion

Graco requests that the 10YO test dummy only be used to test CRSs when the dummy fits in the seat as per the manufacturer's recommended usage. Graco states that it produces a harness-equipped CRS recommended for a 70 lb child, but limits the recommended seated height of the child occupant and limits the head height relative to the seat. Graco asks that the 10YO dummy not be used to evaluate performance of the CRS if the dummy exceeds the recommended limits on seating height. Graco believes that in the real world, the seat would not be used with a child of this stature, and as a result, the 10YO dummy may give inaccurate readings. Alternatively, Graco suggests that the dummy be used to evaluate CRSs to assess structural integrity, chest resultant, and knee excursion limits but not the head excursion requirement. Graco states that the head excursion measurement resulting from the use of the 10YO dummy would not represent the real world due to the dummy being significantly taller than the recommended child occupant.

Agency Response

The agency is denying Graco's request. It is not in the public interest to exclude testing those CRSs recommended for children of a weight range represented by the 10YO dummy but whose height may be lower than that of the dummy.

The agency indirectly addressed this issue in the rulemaking. In the 2008 SNPRM (73 FR 3908), we had considered whether FMVSS No. 213 should expressly require that each CRS be capable of fitting the test dummy that is specified in S7 of the standard to evaluate the CRS. The agency only received comments from JPMA, which stated that child restraints are designed to accommodate the dummies with which they will be tested and that an explicit ''fit'' requirement is not required. After reviewing the comment, the agency decided not to pursue a fit requirement, assuming it was not needed because manufacturers already ensure that CRSs accommodate/fit the appropriate child dummies.

Graco is now indicating that a CRS it has produced is recommended for children represented by the 10YO dummy weight-wise, but does not fit the dummy height-wise. We do not believe it would be in the interest of safety to exclude the CRS from testing with the 10YO dummy, or exclude the CRS from a performance requirement, because the CRS does not actually fit the dummy. We believe that a better approach would be to subject the CRS to testing with the dummy if the manufacturer recommends the CRS for use with children represented by the dummy, as designated by S7 of FMVSS No. 213.

We have not been provided with any compelling information to exclude Graco's CRS from testing with the dummy. Graco has the option to lower the child weight recommendation of the CRS in question from 70 lb to 65 lb to avoid testing with the dummy, or it could continue to market the CRS for children over 65 lb and ensure that the CRS meets the FMVSS No. 213 requirements when tested with the 10YO (such as by redesigning the CRS to have a harness slot that can properly accommodate the 10YO dummy and/or making any structural changes needed to ensure integrity and performance using this dummy).

Weights of the Anthropomorphic Test Devices

The February 2012 final rule adopted a provision (S5(f)) that basically excludes CRSs equipped with an internal harness from FMVSS No. 213 while attached to the lower anchors of the child restraint anchorage system under certain circumstances. The circumstances are: The test dummy used to test the CRS is of a weight such that the dummy's weight plus the CRS weight exceeds 65 lb. In a March 29, 2012 letter on this provision, Graco states that:

> [T]esting will be required with LATCH if the combined ATD and CRS weight is under the 65 lb limit. Therefore, the weight of the ATD will be important in determining what testing is required for any CRS. Since ATD weights vary and the addition of clothing, shoes, and instrumentation can add significant weight to the ATD, . . . [NHTSA should] publish a list of the useful weight for each ATD to be used for testing.

In response, NHTSA agrees that the provision in the 2012 final rule implies a need for information on the test dummy weights. However, as Graco notes, the test dummy weights vary, and the addition of clothing, shoes, and instrumentation (the weights for which are not specified in NHTSA's regulations) can affect the ''weight'' of the test dummy and add undue uncertainty to the test provisions of the standard. Uncertainty results from variability in the weight of the dummy due to variances in the clothing, shoes, and instrumentation used with a particular dummy. We conclude that, to avoid this uncertainty, S5(f) should be slightly revised to move from a reference of ''a test dummy of a weight'' to ''the average weight of the child represented by the test dummy.'' The average weight of the child represented by the dummy can be specified in FMVSS No. 213—which NHTSA is specifying in this final rule [51]—and is not subject to the same degree of variation as the ''test dummy of a weight'' provision. Thus, we will reword S5(f) to exclude from lower anchor testing CRSs tested with a dummy that results in the combined weight of the CRS and the average weight of child represented by the test dummy (shown in a table in the standard) to exceed 65 pounds in the forward-facing mode and 65 pounds in the rear-facing mode.[52]

Using the average child weight represented by the test dummy eliminates the variability of dummy weights due to differences in instrumentation and clothing. The average child weights are within the weight range for dummy selection specified in S7.1.2 and so would not change the method of testing CRSs. In addition, using the average child weight in the referenced table ensures that the child restraint system is tested using lower anchors with the test dummy closest to the maximum child weight limit on the label for lower anchor use.

An example illustrating this is as follows. If a CRS weighing 19 lb has a label specifying 50 lb as the maximum child weight for lower anchor use, this CRS will be tested using the lower anchors with the Hybrid III 6-year-old dummy. The average weight of the child represented by this test dummy is 45 lb.

V. Rulemaking Analyses and Notices

Executive Order (E.O.) 12866, E.O. 13563 and DOT Regulatory Policies and Procedures

The agency has considered the impact of this regulatory action under E.O. 12866 and E.O. 13563 and the Department of Transportation's (DOT's) regulatory policies and procedures. This rulemaking action was not reviewed by the Office of Management and Budget under E.O. 12866. This rulemaking is also not significant under DOT's regulatory policies and procedures (44 FR 11034, February 26, 1979).

This response to a petition for reconsideration mostly denies the petition. The few changes that are being made are minor, mostly to clarify a labeling requirement and to provide

[51] The average weight of child represented by the various test dummies in the table is obtained from the Centers for Disease Control (CDC) 2000 Growth Charts.

[52] Such a child restraint must meet the standard when tested using its internal harnesses to restrain such a test dummy while attached to the standard seat assembly using the belt system.

flexibility to CRS manufacturers regarding the wording of the label. We estimate that today's final rule has no effect on the estimated costs and benefits and other economic impacts of the February 27, 2012 final rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, as amended, requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations and small governmental jurisdictions. I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. Small organizations and small governmental units will not be significantly affected since the potential cost impacts associated with this final rule will not significantly affect the price of child restraints.

This final rule denies most of the petition for reconsideration of the February 2012 final rule. To the extent we are amending the original final rule, the amendments are minor, mostly to clarify a labeling requirement, and adequate lead time is provided. The cost of revising the label is minimal.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Executive Order 13132 (Federalism)

NHTSA has examined this final rule pursuant to Executive Order 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule would not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

NHTSA rules can preempt in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1). It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which ''[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.'' 49 U.S.C. 30103(e) Pursuant to this provision, State common law tort causes of action against motor vehicle or equipment manufacturers that might otherwise be preempted by the express preemption provision are generally preserved. However, the Supreme Court has recognized the possibility, in some instances, of implied preemption of such State common law tort causes of action by virtue of NHTSA's rules, even if not expressly preempted. This second way that NHTSA rules can preempt is dependent upon there being an actual conflict between an FMVSS and the higher standard that would effectively be imposed on motor vehicle or equipment manufacturers if someone obtained a State common law tort judgment against the manufacturer, notwithstanding the manufacturer's compliance with the NHTSA standard. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle or equipment manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. See *Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000).

Pursuant to Executive Order 13132 and 12988, NHTSA has considered whether this rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation.

To this end, the agency has examined the nature (e.g., the language and structure of the regulatory text) and objectives of this rule and finds that this rule, like many NHTSA rules, prescribes only a minimum safety standard. As such, NHTSA does not intend that this rule preempt state tort law that would effectively impose a higher standard on motor vehicle or equipment manufacturers than that established by this rule. Establishment of a higher standard by means of State tort law would not conflict with the minimum standard announced here. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

Executive Order 12988 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, February 7, 1996) requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly 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. This document is consistent with that requirement.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this rule is discussed above. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

Paperwork Reduction Act

NHTSA has provided a 60-day comment period (77 FR at 11645) and a 30-day comment period (78 FR at 77554) on the collection of information requirement in the previous final rule.[53] The agency asked for public comments on a collection of information titled, ''Consolidated Child Restraint System Registration, Labeling and Defect Notifications.'' OMB Control Number: 2127–0576. The requested expiration date of approval is 3 years from the approval date. We requested approval of a revision to a currently approved collection, and for revising an existing label and adding a sentence to the printed instructions of certain child restraint systems (CRSs with internal harnesses for which the combined

[53] Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number.

weight of the CRS and the maximum recommended child weight for use with internal harness exceeds 65 lb). The added sentences will inform the consumer that the lower anchors of a child restraint anchorage system may be used up to a combined weight of child and harnessed-child restraint of 65 lb. The purpose of this label is to reduce consumer confusion about using the lower anchors and to reduce the risk that the lower anchors will be used in a way that is beyond the design limitations of the anchorage system.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs NHTSA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs the agency to provide Congress, through the OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

NHTSA has reviewed available information and has determined that there are no voluntary consensus standards relevant to this rulemaking.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995). This final rule would not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of more than $100 million annually.

Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental, health, or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. This rulemaking is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866.

Executive Order 13211

Executive Order 13211 (66 FR 28355, May 18, 2001) applies to any rulemaking that: (1) Is determined to be economically significant as defined under E.O. 12866, and is likely to have a significantly adverse effect on the supply of, distribution of, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. This rulemaking is not subject to E.O. 13211.

Plain Language

The Plain Language Writing Act of 2010 (P. L. 111–274) and Executive Order 12866 require each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

—Have we organized the material to suit the public's needs?

—Are the requirements in the rule clearly stated?

—Does the rule contain technical language or jargon that is not clear?

—Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?

—Would more (but shorter) sections be better?

—Could we improve clarity by adding tables, lists, or diagrams?

—What else could we do to make this rulemaking easier to understand?

If you have any responses to these questions, please send them to NHTSA at the **ADDRESSES** section in the heading of this final rule.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Privacy Act

Anyone is able to search the electronic form of all material received into any of our dockets, including petitions for reconsideration of this rule (a copy of which will be placed in the docket), 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 at 19478).

List of Subjects in 49 CFR Part 571

Labeling, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA amends 49 CFR part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Section 571.213 is amended by revising S5(f), S5.5.2(g)(1)(ii), S5.5.2(l)(3), and S5.6.1.12, to read as follows:

§ 571.213 Standard No. 213: Child restraint systems.

* * * * *

S5 * * *

(f) Each child restraint system that is equipped with an internal harness or other internal components to restrain the child need not meet this standard when attached to the lower anchors of the child restraint anchorage system on the standard seat assembly if the sum of the weight of the child restraint system (in pounds) and the average weight of child represented by the test dummy used to test the child restraint in accordance with S7 of this standard, shown in the table below, exceeds 65 pounds. Such a child restraint must meet this standard when tested using its internal harness or components to restrain such a test dummy while installed using the standard seat belt assembly specified in S5.3.2 of this standard.

TABLE TO S5(F)—AVERAGE WEIGHT OF CHILD REPRESENTED BY VARIOUS TEST DUMMIES

Test dummy (specified in S7 of this standard)	Average weight of child represented by test dummy (pounds)
CRABI 12-month-old infant dummy (49 CFR Part 572, Subpart R)	22
Hybrid III 3-year-old dummy (49 CFR Part 572, Subpart P)	31

TABLE TO S5(F)—AVERAGE WEIGHT OF CHILD REPRESENTED BY VARIOUS TEST DUMMIES—Continued

Test dummy (specified in S7 of this standard)	Average weight of child represented by test dummy (pounds)
Hybrid III 6-year-old dummy 49 CFR Part 572, Subpart N)	45
Hybrid III 6-year-old weighted child test dummy (49 CFR Part 572 Subpart S)	62
Hybrid II 6-year-old dummy (49, CFR Part 572, Subpart I)	45

* * * * *

S5.5.2 * * *

(g) * * *

(1) * * *

(ii) Secure this child restraint with the vehicle's child restraint anchorage system, if available, or with a vehicle belt. [For car beds, harnesses, and belt positioning seats, the first part of the statement regarding attachment by the child restraint anchorage system is optional.] [For belt-positioning seats, the second part of the statement regarding attachment by the vehicle belt does not apply.] [For child restraints manufactured from February 27, 2014 to February 26, 2015, the following statement applies.] Child restraint systems equipped with internal harnesses to restrain the child and with components to attach to a child restraint anchorage system and for which the combined weight of the child restraint system and the maximum recommended child weight for use with internal harnesses exceeds 65 pounds, must be labeled with the following statement: ''Do not use the lower anchors of the child restraint anchorage system (LATCH system) to attach this child restraint when restraining a child weighing more than * [*insert a recommended weight value in English and metric units such that the sum of the recommended weight value and the weight of the child restraint system does not exceed 65 pounds (29.5 kg)] with the internal harnesses of the child restraint.''

* * * * *

(l) * * *

(3) A seating position equipped with a child restraint anchorage system. For child restraint systems manufactured on or after February 27, 2015, the following paragraphs (l)(3)(i) and (ii) apply, as appropriate.

(i) If the child restraint is designed to meet the requirements of this standard when installed by the child restraint anchorage system according to S5.3.2, and if the sum of the weight of the child restraint and the maximum child weight recommended for the child restraint when used with the restraint's internal harness or components is greater than 65 lb when used forward-facing or rear-facing, include the following statement on this installation diagram: ''Do not install by this method for a child weighing more than *.'' At the manufacturer's option, ''*'' is the child weight limit in English units in accordance with S5.5.2(l)(3)(A)(i), (ii), or (iii). The corresponding child weight limit in metric units may also be included in the statement at the manufacturer's option.

(A) For forward-facing and rear-facing child restraints, * is less than or equal to 65 minus child restraint weight (pounds).

(B) For forward-facing child restraints, * is the child weight limit specified in the following table corresponding to the value CW, calculated as 65 minus child restraint weight (pounds).

TABLE TO S5.5.2(L)(3)(I)(B)—MAXIMUM CHILD WEIGHT LIMIT FOR LOWER ANCHOR USE FOR FORWARD-FACING CHILD RESTRAINT SYSTEM—ROUNDING

CW = 65—child restaint weight (pounds)	Child weight limit ''*'' (pounds)
20 < CW ≤ 25	25
25 < CW ≤ 30	30
30 < CW ≤ 35	35
35 < CW ≤ 40	40
40 < CW ≤ 45	45
45 < CW ≤ 50	50
50 < CW ≤ 55	55
55 < CW ≤ 60	60

(C) For rear-facing child restraints, * is the child weight limit specified in the following table corresponding to the value CW, calculated as 60 minus child restraint weight (pounds).

TABLE TO S5.5.2(L)(3)(I)(C)—MAXIMUM CHILD WEIGHT LIMIT FOR LOWER ANCHOR USE FOR REAR-FACING CHILD RESTRAINT SYSTEM—ROUNDING

CW = 60—child restraint weight (pounds)	Child weight limit ''*'' (pounds)
15 < CW ≤ 20	20
20 < CW ≤ 25	25
25 < CW ≤ 30	30
30 < CW ≤ 35	35
35 < CW ≤ 40	40
40 < CW ≤ 45	45
45 < CW ≤ 50	50

TABLE TO S5.5.2(L)(3)(I)(C)—MAXIMUM CHILD WEIGHT LIMIT FOR LOWER ANCHOR USE FOR REAR-FACING CHILD RESTRAINT SYSTEM—ROUNDING—Continued

CW = 60—child restraint weight (pounds)	Child weight limit ''*'' (pounds)
50 < CW ≤ 55	55

(ii) For child restraints designed to meet the requirements of this standard when installed forward-facing and rear-facing by the child restraint anchorage system according to S5.3.2, the following applies:

(A) If separate installation diagrams are provided for the child restraint installed forward-facing and rear-facing, S5.5.2(l)(3)(i) applies to each of the installation diagrams.

(B) If only one installation diagram is provided and if a statement specifying a child weight limit is required in only rear-facing or forward-facing mode pursuant to S5.5.2(l)(3)(i), then the diagram shall depict installation in that mode along with the corresponding child weight limit in accordance with S5.5.2(l)(3)(i).

(C) If a statement specifying a child weight limit is required for the child restraint installed forward-facing and rear-facing pursuant to S5.5.2(l)(3)(i) and only one installation diagram is provided, then the child weight limit shall be in accordance with S5.5.2(l)(3)(i)(A) or the lesser of the child weight limits described in S5.5.2(l)(3)(i)(B) and (C).

* * * * *

S5.6.1.12(a) *Child restraint systems manufactured from February 27, 2014 to February 26, 2015.* The instructions for child restraint systems equipped with an internal harness to restrain the child and with components to attach to a child restraint anchorage system, and for which the combined weight of the child restraint system and the maximum recommended child weight for use with the internal harness exceeds 65 pounds, must include the following statement: ''Do not use the lower anchors of the child restraint anchorage system (LATCH system) to attach this child restraint when restraining a child weighing more than ''*'' [*insert a recommended weight value in English and metric units such that the sum of the recommended weight value and the weight of the child restraint system does not exceed 65 pounds (29.5 kg)] with the internal harness of the child restraint.''

(b) *Child restraint systems manufactured on or after February 27,*

2015. If the child restraint is designed to meet the requirements of this standard when installed by the child restraint anchorage system according to S5.3.2, the installation diagram showing the child restraint system installed using a child restraint anchorage system must meet the specifications in S5.5.2(l)(3).

* * * * *

Issued on: February 14, 2014.

David J. Friedman,

Acting Administrator.

Note: The following Appendix will not appear in the Code of Federal Regulations:

BILLING CODE 4910–59–P

Appendix to the Final Rule

Table A1(a). Peak Measured and Computed Lower Anchor and Tether Anchor Loads in 30-35 mph Frontal Vehicle Crash Tests into a Fixed Rigid Barrier

Tests with the HIII-6 Year Old Dummy (51 lb)[1]										
Test Number	MY	Make/Model	CRS Model	Combined Weight (with 51 lb 6YO)	Test Speed (km/h)	Vehicle Peak Accel. [G's][2]	Tether Load [N]	Lower Anchor Average Load [N]	Total Anchor Loads (N)	Calculated Loads with Combined Weight Using 5 lb Dummy
TC09-215	2009	Pontiac/Vibe	Cosco Ventura	62.4	47.0	46.9	2,544	4,363	**11,270**	**13,020**
TC09-215	2009	Pontiac/Vibe	Evenflo Traditions	63.3	47.0	46.9	3,460	4,920	**13,301**	**13,208**
TC09-139	2009	Nissan/MURANO	Evenflo Traditions	63.3	47.0	57.7	1,773	4,845	**11,462**	**16,249**
TC09-247	2010	Pontiac/Montana	Safety 1st Apex65	63.8	47.0	29.6	1,093	3,232	**7,557**	**8,404**
TC10-201	2010	Kia/FORTE	Safety 1st Apex65	63.8	56.0	45.6	5,627	4,806	**15,240**	**12,947**
TC09-143	2009	Pontiac/Vibe	Safety 1st Alpha Omega	65.2	47.0	42.4	3,277	5,180	**13,637**	**12,304**
TC10-208	2010	Ford/FOCUS	Safety 1st Alpha Omega	65.2	55.5	62.1	5,546	4,237	**14,020**	**18,021**
TC09-236	2010	Suzuki/Swift	Safety 1xt Complete Air	65.3	54.5	48.4	4,220	3,759	**11,738**	**14,052**
TC09-229	2010	Ford/FOCUS	Safety 1st Complete Air	65.3	55.5	52.5	5,186	4,040	**13,266**	**15,242**
TC09-140	2009	Pontiac/G3Wave	Evenflo Titan Elite	66.0	47.0	40.6	3,905	3,137	**10,179**	**11,921**
TC09-242	2010	Hyundai/Entourage	Graco MyRide65	66.6	47.0	39.0	1,029	5,048	**11,124**	**11,562**
TC09-258	2010	Nissan/CUBE	Graco MyRide65	66.6	56.0	45.9	1,074	4,734	**10,542**	**13,608**
TC09-236	2010	Suzuki/Swift	Graco MyRide65	66.6	54.5	48.4	4,312	3,792	**11,895**	**14,349**
TC10-204	2010	Mazda/MAZDA 3	Graco MyRide65	66.6	56.0	67.5	6,258	3,833	**13,924**	**20,012**

Table A1(a) Continued.

Test Number	MY	Make/Model	CRS Model	Combined Weight (with 51 lb 6YO)	Test Speed (km/h)	Vehicle Peak Accel. [G's][2]	Tether Load [N]	Lower Anchor Average Load [N]	Total Anchor Loads (N)	Calculated Loads with Combined Weight Using 5 lb Dummy
TC09-239	2010	Hyundai/ELANTRA	Britax Marathon	67.2	56.0	44.1	4,628	5,123	**14,875**	**13,190**
TC09-245	2010	Toyota/COROLLA	Britax Marathon	67.2	56.0	53.9	5,163	6,710	**18,582**	**16,121**
TC09-247	2010	Pontiac/Montana	Learning Curve True Fit	68.1	56.0	29.6	677	3,972	**8,621**	**8,961**
TC09-213	2009	Pontiac/G3Wave	Learning Curve True Fit	68.1	47.0	37.4	3,592	3,693	**10,978**	**11,323**
TC09-211	2009	Mazda/MAZDA6	Evenflo Triumph	*69.7*	47.0	36.4	6,006	3,291	**12,589**	**11,294**
TC09-136	2009	Mazda/MAZDA6	Evenflo Triumph	*69.7*	47.0	39.6	5,777	2,974	**11,725**	**12,286**
TC09-239	2010	Hyundai/ELANTRA	Evenflo Triumph	69.7	56.0	44.1		4,470	**8,940**	**13,683**
TC09-213	2009	Pontiac/G3Wave	Graco Nautilus	70.4	47.0	37.4	2,981	4,256	**11,492**	**11,710**
TC09-229	2010	Ford/FOCUS	Graco Nautilus	70.4	55.5	52.5	3,031	6,227	**15,485**	**16,438**
TC09-145	2009	Toyota/Matrix	Graco Nautilus	70.4	47.0	39.5	2,450	5,208	**12,865**	**12,370**
TC09-140	2009	Pontiac/G3Wave	Eddie Bauer Delux 3-in-1	70.8	47.0	40.6	3,892	3,470	**10,832**	**12,788**
TC09-143	2009	Pontiac/Vibe	Cosco Alpha Omega Elite	71.0	47.0	42.4	3,057	4,271	**11,599**	**13,393**
TC09-255	2010	Kia/SPORTAGE	Britax Frontier	73.1	56.0	44.4	1,598	6,677	**14,951**	**14,441**
TC10-204	2010	Mazda/MAZDA 3	Britax Frontier	73.1	56.0	67.5	5,861	7,479	**20,819**	**21,955**

[1] The weight of the instrumented HIII-6 year old dummy used in these vehicle crash tests was 51 lb.

2 The vehicle accelerations were filtered with SAE CFC60[54]

[54] The vehicle accelerations were filtered in accordance with the Society of Automotive Engineers (SAE) J211, "Instrumentation for Impact Test–Part–1–Electronic Instrumentation," with SAE Channel Filter Class (CFC) 60 (100 Hz).

Table A1(b). Peak Measured and Computed Lower Anchor and Tether Anchor Loads in 30-35 mph Frontal Vehicle Crash Tests into a Fixed Rigid Barrier

Tests with the HIII-10 Year Old Dummy (77 lbs)										
Test Number	MY	Make/Model	CRS Model	Combined Weight (with 77 lb 10 YO)	Test Speed (km/h)	Test Peak Acceleration [G's][1]	Tether Load [N]	Lower Anchor Average Load [N]	Total Anchorage Loads (N)	Calculated Loads with Combined Weight Using 77 lb Dummy
TC09-145	2009	Toyota/Matrix	Britax Regent	102.1	47.0	39.5	1,760	7,338	**16,436**	**17,944**
TC10-201	2010	Kia/FORTE	Safety 1st Apex65	89.8	56.0	45.6	7,759	6,318	**20,395**	**18,222**
TC10-208	2010	Ford/FOCUS	Safety 1st Alpha Omega	91.2	55.5	62.1	5,995	6,194	**18,383**	**25,204**
TC09-258	2010	Nissan/CUBE	Graco MyRide65	92.6	56.0	45.9	1,081	6,140	**13,361**	**18,917**

1 The vehicle accelerations were filtered with SAE CFC60

Table A2. Measures Anchorage Loads in Sled Tests Using the 2010 Kia Forte and Ford Focus Vehicle Bucks with Front and Rear Loaded Sled Pulses and the Weighted HIII-6C Dummy

Buck Type	CRS Model[1]	Peak Loads With Tether (N)					Peak Loads without Tether (N)			Ratio of Lower Anchor Load with and without Tether
		Inboard Lower Anchor	Outboard Lower anchor	Total Lower Anchor	Tether Anchor	Total tether + Lower Anchor	Inboard Lower Anchor	Outboard Lower Anchor	Total Lower Anchor	
Front Loaded Sled Pulse										
2010 Kia Forte	Apex 65	5833	5833	11666	5664	17330	7418	7504	14922	1.3
	Radian 65	6343	6088	12431	8698	21129	9629	8866	18495	1.5
	Frontier 85	5767	5194	10961	4473	15434	8245	7613	15858	1.4
2010 Ford Focus	Apex 65	4657	4276	8933	NA[2]	NA	7036	7328	14364	1.6
	Radian 65	6542	5966	12508	NA	NA	8538	10137	18675	1.5
	Frontier 85	5539	5424	10963	NA	NA	7490	9060	16550	1.5
Rear Loaded Sled Pulse										
2010 Kia Forte	Apex 65	5202	5919	11121	6468	17589	7333	7157	14490	1.3
	Radian 65	6818	6015	12833	8088	20921	7789	9108	16897	1.3
	Frontier 85	6294	5366	11660	4537	16197	7863	8969	16832	1.4
2010 Ford Focus	Apex 65	5185	4748	9933	NA	NA	7045	7125	14170	1.4
	Radian 65	6461	5433	11894	NA	NA	9862	8224	18086	1.5
	Frontier 85	6033	4918	10951	NA	NA	7628	8828	16456	1.5

1 Apex 65: Safety !st Apex 65; Radian 65: Sunshine Kids Radian 65; Frontier 85: Britax Frontier 85

2 NA implies tether loads not measured because of insufficient space to attach load cell to the tether.

Table A3. Child Weight Limit for Lower Anchor Use for Child Restraint Models Evaluated in NHTSA's 2008-2012 CRS Ease-of-Use Program

Make/Model	Seat Type	EOU Year	CRS Weight (lb)	Max. Child Wt. for CRS (lb)		CRS Wt. + Max. Child Wt. (lb)		Max. Child Wt. for Lower Anchor Use			
				RF Mode	FF Mode	RF Mode	FF Mode	RF Mode 65-CRS wt. (lb)	FF Mode 65-CRS wt. (lb)	RF Mode in multiple of 5 lb	FF Mode in Multile of 5 lb
Graco/CozyCline	Forward-Facing	2009	21	NA	40	NA	61	NA	NR	NA	NR
TrendZ/FastBack	Combination	2012	28.3	NA	70	NA	98.3	NA	36.7	NA	40
Britax/Frontier 85 SICT	Combination	2012	22.5	NA	85	NA	107.5	NA	42.5	NA	45
Britax/Frontier	Combination	2008	22.3	NA	80	NA	102.3	NA	42.7	NA	45
Graco/Nautilus Elite	Combination	2010	21.5	NA	65	NA	86.5	NA	43.5	NA	45
Graco/Nautilus	Combination	2008	20.8	NA	65	NA	85.8	NA	44.2	NA	45
Graco/Argos 70	Combination	2012	20.4	NA	70	NA	90.4	NA	44.6	NA	45
Safety 1st/Essential Air	Combination	2011	19.6	NA	65	NA	84.6	NA	45.4	NA	50
Britax/Frontier 85	Combination	2010	19.6	NA	85	NA	104.6	NA	45.4	NA	50
Safety 1st/Summit Deluxe	Combination	2008	14.9	NA	40	NA	54.9	NA	NR	NA	NR
Dorel/Eddie Bauer Deluxe High Back	Combination	2009	14.7	NA	40	NA	54.7	NA	NR	NA	NR
Dorel/Safety 1st Apex 65	Combination	2009	13.8	NA	65	NA	78.8	NA	51.2	NA	55
Safety 1st/Apex 65	Combination	2008	13.8	NA	65	NA	78.8	NA	51.2	NA	55
Evenflo/SecureKid E3	Combination	2012	13.2	NA	65	NA	78.2	NA	51.8	NA	55
TrendZ/EuroSport	Combination	2012	12.7	NA	50	n/a	62.7	NA	NR	NA	NR
Evenflo/Generations 65	Combination	2010	12.3	NA	65	NA	77.3	NA	52.7	NA	55
Evenflo/SecureKid 300	Combination	2012	12.3	NA	65	NA	77.3	NA	52.7	NA	55
Evenflo/Maestro	Combination	2010	10.7	NA	50	NA	60.7	NA	NR	NA	NR
Graco/Cargo	Combination	2009	10.6	NA	40	NA	50.6	NA	NR	NA	NR
Eddie Bauer/Comfort High Back Booster	Combination	2008	9.9	NA	40	NA	49.9	NA	NR	NA	NR
Evenflo/Chase Comfort Touch	Combination	2008	8.3	NA	40	NA	48.3	NA	NR	NA	NR
Evenflo/Chase	Combination	2009	8.3	NA	40	NA	48.3	NA	NR	NA	NR
Safeguard/ Go	Combination	2008	8.2	NA	60	NA	68.2	NA	56.8	NA	60

RF – rear-facing; FF – forward-facing; EOU – CRS Ease-of-Use Program; NR – label not required; NA – not applicable

Table A3. Continued

Make/Model	Seat Type	EOU Year	CRS Weight (lb)	Max. Child Wt. for CRS (lb)		CRS Wt. + Max. Child Wt. (lb)		Max. Child Wt. for Lower Anchor Use			
				RF Mode	FF Mode	RF Mode	FF Mode	RF Mode 65-CRS wt. (lb)	FF Mode 65-CRS wt. (lb)	RF Mode in multiple of 5 lb	FF Mode in Multile of 5 lb
Combi/Zeus 360	Convertible	2010	30.6	33	40	63.6	70.6	NR	34.4	NR	35
Orbit Baby/G2	Convertible	2012	24.5	35	65	59.5	89.5	NR	40.5	NR	45
Sunshine Kids/Radian XT	Convertible	2009	23.8	35	80	58.8	103.8	NR	41.2	NR	45
Peg Perego /Primo Viaggio 5-70	Convertible	2012	22.3	45	70	67.3	92.3	42.7	42.7	40	45
Britax/Advocate CS	Convertible	2009	22.1	35	65	57.1	87.1	NR	42.9	NR	45
Sunshine Kids/Radian 65	Convertible	2009	21.2	35	65	56.2	86.2	NR	43.8	NR	45
Sunshine Kids/Radian 80	Convertible	2009	21.2	35	80	56.2	101.2	NR	43.8	NR	45
Maxi-Cosi /Pria 70	Convertible	2012	20.3	40	70	60.3	90.3	NR	44.7	NR	45
Britax/Boulevard	Convertible	2009	20.2	35	65	55.2	85.2	NR	44.8	NR	45
Britax/Boulevard CS	Convertible	2009	20.2	35	65	55.2	85.2	NR	44.8	NR	45
Compass/TrueFit	Convertible	2008	18.3	35	65	53.3	83.3	NR	46.7	NR	50
Learning Curve/First Years True Fit Premier	Convertible	2009	18.3	35	65	53.3	83.3	NR	46.7	NR	50
Recaro/Euro	Convertible	2012	18.1	35	70	53.1	88.1	NR	46.9	NR	50
Graco/MyRide65 (1757133)	Convertible	2012	16.2	40	65	56.2	81.2	NR	48.8	NR	50
Safety 1st/Chart 65 Air	Convertible	2012	16	40	65	56	81	NR	49	NR	50
Graco/MyRide 65 (1756291)	Convertible	2010	15.4	40	65	55.4	80.4	NR	49.6	NR	50
Britax/Roundabout 50	Convertible	2009	14.4	40	50	54.4	64.4	NR	NR	NR	NR
Graco/Classic Ride 50	Convertible	2012	12.4	40	50	52.4	62.4	NR	NR	NR	NR
EddieBauer/XRS 65	Convertible	2012	12.1	40	65	52.1	77.1	NR	52.9	NR	55
Combi/Coccoro	Convertible	2009	12	33	40	45	52	NR	NR	NR	NR
Cosco/Scenera	Convertible	2008	10.5	40	40	50.5	50.5	NR	NR	NR	NR
Graco/ComfortSport	Convertible	2010	10.4	30	40	40.4	50.4	NR	NR	NR	NR
Safety 1st/Uptown	Convertible	2008	10.4	35	40	45.4	50.4	NR	NR	NR	NR

RF – rear-facing; FF – forward-facing; EOU – NCAP CRS Ease-of-Use Program; NR – label not required; NA – not applicable

Table A3. Continued

Make/Model	Seat Type	EOU Year	CRS Weight (lb)	Max. Child Wt. for CRS (lb)		CRS Wt. + Max. Child Wt. (lb)		Max. Child Wt. for Lower Anchor Use			
				RF Mode	FF Mode	RF Mode	FF Mode	RF Mode 65-CRS wt. (lb)	FF Mode 65-CRS wt. (lb)	RF Mode in multiple of 5 lb	FF Mode in Multile of 5 lb
Evenflo/Tribute 5	Convertible	2008	9.7	35	40	44.7	49.7	NR	NR	NR	NR
Cosco /Apt 40RF	Convertible	2012	8	40	40	48	48	NR	NR	NR	NR
Orbitbaby /Toddler	Convertible	2011	23.9	35	50	58.9	73.9	NR	41.1	NR	45
Britax/Boulevard 70 CS	Convertible	2011	19.1	40	70	59.1	89.1	NR	45.9	NR	50
Safety 1st /Complete Air	Convertible	2011	14.8	40	50	54.8	64.8	NR	NR	NR	NR
Safety 1st/onSide Air	Convertible	2011	9.3	40	40	49.3	49.3	NR	NR	NR	NR
Cosco/Scenera 40RF	Convertible	2011	8.6	40	40	48.6	48.6	NR	NR	NR	NR
Safety 1st/Guide 65	Covertible	2012	12.1	40	65	52.1	77.1	NR	52.9	NR	55
Graco/Smart Seat	3-in-1	2011	33.8	40	65	73.8	98.8	31.2	31.2	30	35
Diono/RadianRXT	3-in-1	2012	25.8	45	80	70.8	105.8	39.2	39.2	35	40
Diono/RadianR100	3-in-1	2012	24.2	40	65	64.2	89.2	NR	40.8	NR	45
Diono/Radian120	3-in-1	2012	24.2	45	80	69.2	104.2	40.8	40.8	40	45
Evenflo/Symphony	3-in-1	2009	21.7	35	40	56.7	61.7	NR	NR	NR	NR
Evenflo/Symphony 65 E3	3-in-1	2012	20.8	40	65	60.8	85.8	NR	44.2	NR	45
Evenflo/Symphony 65	3-in-1	2012	19.4	40	65	59.4	84.4	NR	45.6	NR	50
Dorel/Eddie Bauer Deluxe 3-in-1	3-in-1	2009	16.8	35	50	51.8	66.8	NR	48.2	NR	50
Eddie Bauer/Deluxe 3-in-1	3-in-1	2008	16.8	35	50	51.8	66.8	NR	48.2	NR	50
Dorel/Alpha Omega Elite	3-in-1	2009	16.6	35	50	51.6	66.6	NR	48.4	NR	50
Dorel/Safety 1st Alpha Omega Elite	3-in-1	2009	16.6	35	50	51.6	66.6	NR	48.4	NR	50
Safety 1st/Alpha Omega Elite	3-in-1	2008	16.6	35	50	51.6	66.6	NR	48.4	NR	50
Dorel/Alpha Omega*	3-in-1	2009	15.3	35	50	50.3	65.3	NR	49.7	NR	50
Safety 1st/All-in-One	3-in-1	2008	14.4	35	50	49.4	64.4	NR	NR	NR	NR
Eddie Bauer/Deluxe Convertible Car Seat	3-in-1	2008	10.9	35	40	45.9	50.9	NR	NR	NR	NR

RF – rear-facing; FF – forward-facing; EOU – NCAP CRS Ease-of-Use Program; NR – label not required; NA – not applicable

[FR Doc. 2014–03984 Filed 2–20–14; 4:15 pm]
BILLING CODE 4910–59–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140113030–4109–01]

RIN 0648–XD081

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Adjustment of Georges Bank and Southern New England/Mid-Atlantic Yellowtail Flounder Annual Catch Limits

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

ACTION: Temporary rule; adjustment of annual catch limits.

SUMMARY: NMFS announces a transfer of unused quota for the remainder of the 2013 fishing year (FY) of Georges Bank (GB) and Southern New England/Mid Atlantic (SNE/MA) yellowtail flounder from the Atlantic scallop fishery to the Northeast (NE) multispecies fishery. This action is being taken because the scallop fishery is not expected to catch its entire allocation of GB and SNE/MA yellowtail flounder. The intent is to provide additional harvest opportunity to the NE multispecies fishery while ensuring sufficient amounts of GB and SNE/MA yellowtail flounder are available for the scallop fishery.

DATES: Effective February 20, 2014, through April 30, 2014.

FOR FURTHER INFORMATION CONTACT: Liz Sullivan, Fisheries Management Specialist, (978) 282–8493.

SUPPLEMENTARY INFORMATION:

Background

NMFS regulations at 50 CFR 648.90(a)(4)(iii)(C) authorize the Regional Administrator (RA) to reduce the scallop fishery sub-ACL to the amount projected to be caught, and increase the groundfish fishery sub-ACL up to the amount reduced from the scallop fishery if, by January 15 of each year, the scallop fishery is expected to catch less than 90 percent of its GB or SNE/MA yellowtail flounder sub-annual catch limit (sub-ACL). This adjustment is intended to help achieve optimum yield, while not threatening an overage of the ACLs for the stocks.

Based on the most current available data, NMFS projects that the scallop fishery will have unused quota in the 2013 fishing year (FY). Although for the first time starting in FY 2013, three Scallop Access Areas will remain open during the month of February, NMFS' analysis assumed similar scallop fleet effort and behavior to past years. It is possible that the additional open areas will increase effort and potentially result in higher yellowtail flounder bycatch. However, NMFS accounted for this uncertainty by using the high-end estimates of the catch projections. As of January 15, the projections indicate that the scallop fishery is expected to catch 41.5 mt of GB yellowtail, or 49.8 percent of its FY 2013 sub-ACL, and 43.6 mt of SNE/MA yellowtail, or 71.4 percent of its FY 2013 sub-ACL. Because the scallop fishery is not expected to catch its entire allocation of GB and SNE/MA yellowtail flounder, this rule transfers the unused quota for the remainder of the 2013 FY of GB and SNE/MA yellowtail flounder from the Atlantic scallop fishery to the NE multispecies fishery. The intent is to provide additional harvest opportunity to the NE multispecies fishery while ensuring sufficient amounts of GB and SNE/MA yellowtail flounder are available for the scallop fishery.

Based on the new projections of GB and SNE/MA yellowtail flounder catch by the scallop fishery, effective February 20, 2014, through April 30, 2014, NMFS reduces the scallop sub-ACL for both stocks to the amount projected to be caught, and increases the groundfish sub-ACLs. To account for uncertainty in inseason catch projections, NMFS increases the groundfish sub-ACLs by 90 percent of the amount reduced from the scallop sub-ACLs. This results in an additional 37.7 mt of GB yellowtail flounder, and 15.7 mt of SNE/MA yellowtail flounder, for the groundfish fishery. Table 1 summarizes the revisions to the FY 2013 sub-ACLs, and Table 2 shows the revised allocations for the NE multispecies fishery as allocated between the sectors and common pool based on final sector membership for FY 2013.

TABLE 1—GEORGES BANK AND SOUTHERN NEW ENGLAND/MID-ATLANTIC YELLOWTAIL FLOUNDER SUB-ACLS

[In metric tons]

Stock	Fishery	Initial sub-ACL (mt)	Revised sub-ACL (mt)	Percent change
GB Yellowtail Flounder	Groundfish	116.8	154.5	+32
	Scallop	83.4	41.5	−50
SNE/MA Yellowtail Flounder	Groundfish	570	585.7	+3
	Scallop	61	43.6	−29

TABLE 2—ALLOCATIONS FOR SECTORS AND THE COMMON POOL

[In pounds]

Stock	GB Yellowtail flounder		SNE/MA Yellowtail flounder	
Sector name	Original	Revised	Original	Revised
Fixed Gear Sector	32	42	3,820	3,926
Maine Coast Community Sector	9	12	8,321	8,550
Maine Permit Bank	35	47	401	412
New Hampshire Permit Bank	0	0	0	0
Northeast Coast Communities Sector	2,161	2,859	9,115	9,366
Northeast Fishery Sector II	5,037	6,662	18,921	19,442
Northeast Fishery Sector III	25	33	4,482	4,605
Northeast Fishery Sector IV	5,567	7,364	28,512	29,298
Northeast Fishery Sector V	4,151	5,491	288,809	296,764

TABLE 2—ALLOCATIONS FOR SECTORS AND THE COMMON POOL—Continued

[In pounds]

Stock	GB Yellowtail flounder		SNE/MA Yellowtail flounder	
Sector name	Original	Revised	Original	Revised
Northeast Fishery Sector VI	6,954	9,198	64,929	66,717
Northeast Fishery Sector VII	29,083	38,470	57,417	58,999
Northeast Fishery Sector VIII	28,075	37,137	73,420	75,442
Northeast Fishery Sector IX	68,968	91,230	99,983	102,737
Northeast Fishery Sector X	44	58	6,879	7,069
Northeast Fishery Sector XI	2	3	217	223
Northeast Fishery Sector XII	2	3	28	29
Northeast Fishery Sector XIII	64,292	85,044	237,793	244,343
Sustainable Harvest Sector 1	33,971	44,936	103,528	106,379
Sustainable Harvest Sector 3	6,005	7,943	39,363	40,448
All Sectors Combined	254,414	336,532	1,045,939	1,074,748
Common Pool	3,086	4,083	210,696	216,500

Note: All ACE values for sectors outlined in Table 3 assume that each sector permit is valid for FY 2012.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the management measures implemented in this final rule are necessary for the conservation and management of the NE multispecies fishery and consistent with the Magnuson-Stevens Act, and other applicable law.

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The NMFS Assistant Administrator finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment for this in season sub-ACL adjustment because notice and comment would be impracticable and contrary to the public interest. The regulations at § 648.90(a)(4)(iii)(C) grant the RA authority to reduce the scallop fishery sub-ACL to the amount projected to be caught, and increase the groundfish sub-ACL by 90 percent of the amount reduced from the scallop sub-ACLs in order to maximize the GB and SNE/MA yellowtail flounder yield. The updated projections of GB and SNE/MA yellowtail flounder catch in the scallop fishery only became available on January 15, 2014, therefore NMFS could not have taken this action earlier. In addition, the current fishing year ends on April 30, 2014. If NMFS allowed for the time necessary to provide for prior notice and comment, the resulting delay in the sub-ACL adjustments could prevent in the short-term NE multispecies vessels from fully harvesting GB and SNE/MA yellowtail flounder catch at higher rates and potentially prevent the full harvest of the sub-ACLs of other groundfish stocks that are caught coincidentally with GB and SNE/MA yellowtail flounder before the end of the fishing year on April 30, 2014. Given the significant decreases in catch limits for many groundfish stocks in FY 2013, any delay in increasing such limits through this transfer could prevent fishermen from attempting to offset their current negative economic circumstances. Giving effect to this rule as soon as possible will provide immediate relief to fishermen.

The NMFS Assistant Administrator also finds good cause pursuant to 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for this action for these same reasons. This rule provides additional harvest opportunity to the NE multispecies fishery while ensuring sufficient amounts of GB and SNE/MA yellowtail flounder are available for the scallop fishery. A delay in the sub-ACL adjustments could prevent in the short-term, given the end of the fishing year on April 30, 2014, NE multispecies vessels from fully harvesting GB and SNE/MA yellowtail flounder catch at higher rates and potentially prevent the full harvest of the sub-ACLs of other groundfish stocks that are caught coincidentally with GB and SNE/MA yellowtail flounder. Further, there is no need to allow the industry additional time to adjust to this rule because it does not require any compliance or other action on the part of individual scallop or groundfish fishermen.

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and one has not been prepared.

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

Dated: February 19, 2014.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–04022 Filed 2–20–14; 4:15 pm]

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Proposed Rules

Federal Register
Vol. 79, No. 37
Tuesday, February 25, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Docket No. AMS–FV–13–0097; FV14–930–1]

Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible growers and processors of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin to determine whether they favor continuance of the marketing order that regulates the handling of tart cherries produced in the production area.

DATES: The referendum will be conducted from March 10 through March 28, 2014. To vote in this referendum, growers and processors must have produced or processed tart cherries within the designated production area during the period of July 1, 2011, through June 30, 2012.

ADDRESSES: Copies of the marketing order may be obtained from the referendum agents at 799 Overlook Drive, Winter Haven, FL 33884, or the Office of the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 799 Overlook Drive, Winter Haven, FL 33884; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Jennie.Varela@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Agreement and Order No. 930, as amended (7 CFR Part 930), hereinafter referred to as the ''order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers and processors. The referendum shall be conducted from March 10 through March 28, 2014, among tart cherry growers and processors in the production area. Only tart cherry growers and processors currently engaged in the production or processing of tart cherries that produced or processed tart cherries during the period of July 1, 2011, through June 30, 2012, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether producers favor the continuation of marketing order programs. The order would continue in effect if at least 50 percent of the growers and processors voting, by number or volume, vote in favor of continuance. In evaluating the merits of continuance versus termination, USDA will consider the results of the continuance referendum. USDA will also consider all other relevant information concerning the operation of the order and the relative benefits and disadvantages to growers, processors, and consumers in determining whether continued operation of the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the ballot materials to be used in the referendum have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0177 (Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin). It has been estimated that it will take an average of 20 minutes for each of the approximately 600 growers and 40 processors of tart cherries to cast a ballot. Participation is voluntary. Ballots postmarked after March 28, 2014, will not be included in the vote tabulation.

Jennie M. Varela and Christian D. Nissen of the Southeast Marketing Field Office, Fruit and Vegetable Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400–900.407).

Ballots will be mailed to all growers and processors of record and may also be obtained from the referendum agents, or from their appointees.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

Authority: 7 U.S.C. 601–674.

Dated: February 18, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–03908 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Doc. No. AMS–FV–13–0093; FV14–945–1 PR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would decrease the assessment rate established for the Idaho-Eastern Oregon Potato Committee (Committee) for the 2014–2015 and subsequent fiscal periods from $0.0045 to $0.0025 per hundredweight of potatoes handled. The Committee locally administers the marketing order, which regulates the handling of potatoes grown in certain designated counties in

Idaho, and Malheur County, Oregon. Assessments upon potato handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins August 1 and ends July 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by March 27, 2014.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Sue.Coleman@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Idaho-Eastern Oregon potato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable potatoes beginning August 1, 2014, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would decrease the assessment rate established for the Committee for the 2014–2015 and subsequent fiscal periods from $0.0045 to $0.0025 per hundredweight of potatoes.

The Idaho-Eastern Oregon potato marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Idaho-Eastern Oregon potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2013–2014 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on November 21, 2013, to consider the Committee's projected 2014–2015 budget, the size of the Committee's operating reserve, and the order's continuing assessment rate. The Committee unanimously recommended an assessment rate of $0.0025 per hundredweight of potatoes for the 2014–2015 fiscal period. The assessment rate of $0.0025 is $0.002 lower than the rate currently in effect. The assessment rate decrease is necessary to reduce the funds held in reserve to less than approximately one fiscal period's budgeted expenses, the maximum level allowed by the order.

The Committee expects to recommend budgeted expenditures of $112,883 for the 2014–2015 fiscal period at its next scheduled meeting in June of 2014. In comparison, 2013–2014 budgeted expenditures were $101,662. The major expenditures projected by the Committee for the 2014–2015 fiscal period include $62,743 for administrative expenses; $35,140 for travel/office expenses; and $15,000 for a marketing order contingency fund. Budgeted expenses for these items in 2013–2014 were $62,022, $35,640, and $4,000, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Idaho-Eastern Oregon potatoes. Potato shipments for 2014–2015 are estimated at 32 million hundredweight which should provide $80,000 in assessment income. Income derived from handler assessments, along with reimbursed expenses, interest earned, and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses. Funds in the reserve (projected to be $168,084 on July 31, 2014) would be reduced to comply with the maximum permitted by the order of approximately one fiscal period's expenses.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings

are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2014–2015 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 450 producers of potatoes in the production area and approximately 32 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000.

During the 2012–2013 fiscal period, the most recent for which statistics are available, 35,148,900 hundredweight of Idaho-Eastern Oregon potatoes were inspected under the order and sold into the fresh market. Based on information provided by the National Agricultural Statistics Service, the average producer price for the 2012 Idaho potato crop was $6.55 per hundredweight. Multiplying $6.55 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of $230,225,295. The average annual fresh potato revenue for each of the 450 producers is therefore calculated to be $511,612 ($230,225,295 divided by 450), which is less than the Small Business Administration's threshold of $750,000. Consequently, on average most all of the Idaho-Eastern Oregon potato producers may be classified as small entities.

In addition, based on information reported by USDA's Market News Service, the average f.o.b. shipping point price for the 2012 Idaho potato crop was $5.87 per hundredweight. Multiplying $5.87 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of $206,324,043. The average annual fresh potato revenue for each of the 32 handlers is therefore calculated to be $6,447,626 ($206,324,043 divided by 32), which is less than the Small Business Administration's threshold of $7,000,000. Consequently, on average most all of the Idaho-Eastern Oregon potato handlers may be classified as small entities.

This proposed rule would decrease the assessment rate established for the Committee and collected from handlers for the 2014–2015 and subsequent fiscal periods from $0.0045 to $0.0025 per hundredweight of potatoes. The Committee unanimously recommended an assessment rate of $0.0025 per hundredweight of potatoes for the 2014–2015 fiscal period. The assessment rate of $0.0025 is $0.002 lower than the 2013–2014 rate. The quantity of assessable potatoes for the 2014–2015 fiscal period is estimated at 32 million hundredweight. Thus, the $0.0025 rate should provide $80,000 in assessment income. Income derived from handler assessments, along with reimbursed expenses, interest earned, and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses.

The Committee expects to recommend $112,883 in budgeted expenditures for the 2014–2015 fiscal period at its next scheduled meeting in June of 2014. In comparison, 2013–2014 budgeted expenditures were $101,662. The major expenditures projected by the Committee for the 2014–2015 year include $62,743 for administrative expenses; $35,140 for travel/office expenses; and $15,000 for the marketing order contingency fund. Budgeted expenses for these items in 2013–2014 were $62,022, $35,640, and $4,000, respectively.

The lower assessment rate is necessary to reduce the reserve balance to less than approximately one fiscal period's budgeted expenses. The reserve balance on July 31, 2014, is projected to be $168,084. Assessment income for the 2014–2015 fiscal period is estimated at $80,000, while expenses are estimated to be $112,883. The Committee anticipates compensating for the reduced assessment revenue with $4,300 from reimbursed expenses, $100 from interest income, and $28,483 from its reserve fund. The reserve fund is projected to exceed the maximum authorized level by $26,718 at the end of the 2014–2015 fiscal period. However, it was noted that it is possible that the Committee may receive less assessments than estimated, as well as incur unanticipated expenses. In addition, the Committee expects to draw funds from the reserve in subsequent fiscal periods that would further reduce the balance.

The Committee discussed alternatives to this proposed change, including other assessment rate levels and leaving the current rate in place. Prior to arriving at this assessment rate recommendation, the Committee considered information from the Board's Executive Committee on the cost savings resulting from recent administrative changes in the Committee office and the level of anticipated Committee expenses moving forward. The Committee debated between an assessment rate of $0.003 and $0.0025 per hundredweight of potatoes. Based on the market and shipping quantities, the Committee recommended the rate of $0.0025 per hundredweight. The Committee believes assessment income combined with income from reimbursed expenses, interest income, and funds from the Committee's financial reserve, would provide sufficient funds to meet its expenses.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the producer price for the 2014–2015 crop could range between $6.55 and $8.10 per hundredweight of potatoes. Therefore, the estimated assessment revenue for the 2014–2015 fiscal period as a percentage of total producer revenue could range between 0.03 and 0.04 percent.

This action would decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate would reduce the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Idaho-Eastern Oregon potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 21, 2013, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the

regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 (Generic Vegetable and Specialty Crops). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large Idaho-Eastern Oregon potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

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

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2014–2015 fiscal period begins on August 1, 2014, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (2) the proposed rule would decrease the assessment rate for assessable potatoes beginning with the 2014–2015 fiscal period; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 945 is proposed to be amended as follows:

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

■ 1. The authority citation for 7 CFR part 945 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 945.249 is revised to read as follows:

§ 945.249 Assessment rate.

On and after August 1, 2014, an assessment rate of $0.0025 per hundredweight is established for Idaho-Eastern Oregon potatoes.

Dated: February 18, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–03852 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–02–P

FARM CREDIT ADMINISTRATION

12 CFR Part 651

RIN 3052–AC89

Federal Agricultural Mortgage Corporation Governance; Farmer Mac Corporate Governance and Standards of Conduct

AGENCY: Farm Credit Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Farm Credit Administration (FCA, we, or our) is considering issuing new regulations, or clarifying and enhancing existing regulations, related to the Federal Agricultural Mortgage Corporation (Farmer Mac) board governance and standards of conduct, including director election procedures, conflicts of interest and risk governance. We are requesting comments on ways to address these issues. In keeping with today's financial and economic environment, we believe it prudent and timely to undertake a review of our regulatory guidance on the identified areas. We intend to use the information and suggestions we receive in response to this Advance Notice of Proposed Rulemaking (ANPRM) for the development of guidance on Farmer Mac board governance and standards of conduct.

DATES: You may send comments on or before April 28, 2014.

ADDRESSES: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through the FCA's Web site. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comments multiple times via different methods. You may submit comments by any of the following methods:

- *Email:* Send us an email at *reg-comm@fca.gov.*
- *FCA Web site: http://www.fca.gov.* Select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Submitting a Comment.''
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Laurie A. Rea, Director, Office of Secondary Market Oversight, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of all comments we receive at our office in McLean, Virginia, or on our Web site at *http://www.fca.gov.* Once you are in the Web site, select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted, including any supporting data provided, but for technical reasons we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT: Joe Connor, Associate Director for Policy and Analysis, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4364, TTY (703) 883–4056, or Laura McFarland, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Objective

The purpose of this ANPRM is to gather public input on how FCA might:

- Enhance risk governance at Farmer Mac to further its long-term safety and soundness and mission achievement;
- Clarify the roles of the board and voting stockholders in the Farmer Mac director nomination and election process;

• Enhance the usefulness, transparency, and consistency of conflicts of interest reporting;

• Clarify conflicts of interest prohibitions; and

• Avoid repetitious disclosure and reporting requirements given the dual reporting responsibilities of Farmer Mac to the FCA and the Securities and Exchange Commission (SEC), while maintaining effective and efficient FCA oversight of Farmer Mac.

II. Background

A. Structure and Operation of Farmer Mac

Farmer Mac is a stockholder-owned, federally chartered instrumentality that is an institution of the Farm Credit System and a Government-sponsored enterprise (GSE). Farmer Mac was established and chartered by the Agricultural Credit Act of 1987 (1987 Act), which was enacted on January 6, 1988, to create a secondary market for agricultural real estate mortgage loans, rural housing mortgage loans, and rural utilities loans.[1] Farmer Mac also facilitates the capital markets funding for USDA-guaranteed farm program and rural development loans. Title VIII of the Farm Credit Act of 1971, as amended, (Act) governs Farmer Mac.

As a GSE, Farmer Mac has a public policy purpose embedded in its corporate mission. One aspect of this public policy mission includes financial services to customer-stakeholders (institutions that lend to farmers, ranchers, rural homeowners, and rural utility cooperatives) and the resulting flow-through benefits to rural borrowers. Another key aspect is the protection of taxpayer-stakeholders because the risk that Farmer Mac accepts in the course of business exposes both investors (debt and equity purchasers) as well as taxpayers to potential loss. The taxpayer's exposure arises in part from Farmer Mac's authority to issue debt to the Department of the Treasury to cover guarantee losses under certain adverse circumstances.[2] Thus, an appropriately comprehensive approach to Board-level risk governance would acknowledge and consider all stakeholder groups.

Farmer Mac has two classes of voting common stock: Class A and Class B. Class A voting common stock is owned by banks, insurance companies, and other financial institutions. Class B voting common stock is owned by Farm Credit System (System) institutions. In addition, Farmer Mac has nonvoting common stock (Class C), the ownership of which is not restricted and is a means for Farmer Mac to raise capital. Farmer Mac may also issue nonvoting preferred stock.

As a GSE, the structure of Farmer Mac's board of directors was established by Congress. The Farmer Mac board is, by statute, composed of 15 directors representing three segments: Class A stockholders, Class B stockholders, and the general public.[3] Each segment has five directors on the board. The Class A and B segments each elect their representatives (elected directors)—that is, only Class A stockholders elect Class A directors, and only Class B stockholders elect Class B directors. The directors representing the general public are appointed by the President of the United States (appointed directors). The Act limits the terms of elected directors to 1 year, while appointed directors serve for an unlimited duration ''at the pleasure of the President'' of the United States of America.[4]

Although the Farmer Mac board is representative in nature, Congress chose a corporate structure to govern the operations of Farmer Mac. Common law corporate principles affirm the fiduciary duty of directors to act in the best interests of Farmer Mac and all of its stockholders. However, this fiduciary duty to stockholders must be understood in the context of the duty of the directors to further the statutory purpose and public mission of Farmer Mac.[5]

B. FCA Oversight and Rulemaking

Farmer Mac is regulated by FCA through the FCA Office of Secondary Market Oversight (OSMO). Section 8.11 of the Act specifies that FCA provides oversight, regulation, examination, and enforcement authority over Farmer Mac to ensure it operates in a safe and sound manner. In addition, the Act requires Farmer Mac to register its equities with the SEC and be subject to SEC disclosure regulations under section 14 of the Securities and Exchange Act of 1934.[6] Also, Farmer Mac's Class A and Class C stocks are publicly traded on the New York Stock Exchange (NYSE). Thus, Farmer Mac must comply with both FCA and SEC disclosure and reporting requirements. Notwithstanding the shared regulation of Farmer Mac's reports and disclosures to stockholders, FCA, acting through OSMO, is the safety and soundness and mission regulator of Farmer Mac. As such, FCA has the authority to regulate how Farmer Mac performs its powers, functions, and duties in furtherance of its public policy purposes.

When issuing regulations for Farmer Mac, the Act requires FCA to consider:

• The purpose of Farmer Mac's mission;

• If Farmer Mac's activities and practices are appropriate for an agricultural secondary market; and

• The reduced levels of risks associated with appropriately structured secondary market transactions.[7]

We last issued regulations on Farmer Mac board governance and standards of conduct on March 1, 1994 (59 FR 9622). In that rulemaking, we implemented the requirements of section 514 of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (1992 Act)[8] by requiring Farmer Mac to adopt a conflict-of-interest policy that defines the types of relationships, transactions, or activities that might reasonably be expected to give rise to potential conflicts of interest.

III. Areas of Consideration

Corporate governance can be defined as the set of processes, customs, policies, laws and institutions affecting the way a company is directed, administered or controlled. Corporate governance is about building credibility, ensuring transparency and accountability as well as maintaining an effective channel of information disclosure that fosters good corporate performance. The essence of corporate governance is to ensure good performance by the entity, provide proper accountability to all stakeholders, and mitigate conflicts of interest. As part of this, it is essential that corporations practice strong risk management.

Risk management is the identification, assessment and prioritization of risks in

[1] *See* Agricultural Credit Act of 1987 (Pub. L. 100–233).

[2] According to the 1987 Act, Farmer Mac, in certain circumstances, may borrow up to $1.5 billion from the U.S. Treasury to guarantee timely payment of any guarantee obligations of the corporation. Public Law 100–233.

[3] Section 8.2(b) of the Act (12 U.S.C. 2279aa–2(b)).

[4] Section 8.2(b)(6) of the Act (12 U.S.C. 2279aa–2(b)(6)).

[5] Farmer Mac was created to provide a secondary market in agricultural real estate and rural home loans originated by System institutions and other lenders. Its statutory purpose is to: increase the availability of long-term credit to farmers and ranchers at stable interest rates; provide greater liquidity and lending capacity for lenders extending credit to farmers and ranchers; facilitate capital market investments in providing long-term agricultural funding, including funds at fixed rates of interest; and to enhance the ability of individuals in small rural communities to obtain financing for moderate-priced homes. *See* section 701 of the 1987 Act.

[6] *See* section 8.12 of the Act (12 U.S.C. 2279aa–12).

[7] Section 8.11(a)(1) and (2) of the Act (12 U.S.C. 2279aa–11).

[8] Public Law 102–552, 106 Stat. 4131.

an effort to minimize the impact of unfortunate events while maximizing opportunities. In financial institutions, risk can be categorized into three categories: credit risk, market risk, and operational risk. Usually, it is the board of directors who approve the overall risk-appetite of the company and monitor internal controls by ensuring necessary actions are taken. A strong board uses both risk management and corporate governance to steer the corporation towards policies supporting long-term sustainable growth in shareholder value, but not in a manner that promotes excessive risk-taking, particularly for short-term increases in stock price performance.[9]

Congress charged us to issue regulations to ensure mission compliance and the safety and soundness of Farmer Mac. With the recent events in the financial industry, increased sophistication in financial markets, and on-going scrutiny of public and agency financial activities and related reporting practices, we believe it is prudent to review our current regulatory standards related to Farmer Mac's board governance and standards of conduct reporting and disclosures, contained in part 651 of our rules, to ensure the continuing mission compliance and safety and soundness of Farmer Mac. We also believe using an ANPRM to solicit opinions and suggestions from investors, stockholders, and other interested parties will facilitate the planned rulemaking in this area.[10]

We have identified the following areas to address in this ANPRM:

- Conflicts of interest for directors, officers and employees;
- Director nominations and elections;
- Director representational and fiduciary duties;
- Board responsibilities in setting appropriate risk tolerance levels and overseeing risk management; and
- General board governance.

We encourage comments and suggestions on how to enhance regulations in the above-identified areas, emphasizing how those programs affect the safety and soundness of Farmer Mac, as well as comments on how to further facilitate transparent and comprehensive disclosure of Farmer Mac's standards of conduct policies and practices.

In particular, we are interested in what ways Farmer Mac's risk governance oversight at the board committee level can be enhanced. We are also seeking suggestions on how we might amend our regulations to address the director nomination and election process to ensure compliance with the plain meaning of the Act as well as whether we should address director removal and prohibited conduct in the planned rulemaking. Suggestions on how we might amend our regulations to address the interaction of representational duties, conflicts of interest, and corporate director fiduciary duties to ensure compliance with the Act are also sought.

IV. Request for Comments

We request and encourage any interested person(s) to submit comments on the following questions and ask that you support any comments you submit with relevant data and/or examples. We remind commenters that comments, and data submitted in support of a comment, are available to the public through our rulemaking files. We also invite comments and suggestions on any of the identified areas under consideration, regardless of whether specific questions have been asked.

Conflicts of Interests for Directors, Officers and Employees:

(1) What, if any, recusal process should FCA require when there is an actual or potential conflict of interest?

(2) Should FCA regulations authorize bylaw provisions for the automatic removal of an elected director found to have violated conflicts of interest prohibitions? If so, what types of prohibited actions related to conflicts of interest should warrant removal?

(3) Should bylaw provisions addressing disciplinary actions for prohibited actions related to conflicts of interest be regulated, such as reduced pay, loss of committee memberships, etc.? If so, please explain why and to what extent.

Director Nominations and Elections:

(4) How should the Farmer Mac nominating committee be structured and what duties should it have?

(5) To what extent, if any, should appointed directors be involved in the elected director nomination process? Please provide the reason(s) supporting your response.

(6) What, if any, additional process besides the nominating committee should there be for shareholders to add director-candidates to the ballot (e.g. floor nominations, petition)?

(7) What other director nomination guidelines should be considered to preserve the representational election of Class A and B directors on the Farmer Mac board?

Director Representational and Fiduciary Duties:

(8) Should the FCA amend its regulations to identify certain fiduciary responsibilities associated with serving as a director of a GSE? If so, how?

(9) How might FCA clarify existing Farmer Mac board responsibilities and authorities to improve the board's ability to carry out its fiduciary and oversight responsibilities?

(10) How might FCA facilitate maintaining a transparent representational relationship between elected directors and Class A and B stockholders while ensuring the protection of Farmer Mac's proprietary business information?

Board Responsibilities in Risk Governance:

(11) To what extend should Farmer Mac's risk tolerance consider its public policy purpose? How might that be measured?

(12) How might the FCA ensure that the Farmer Mac board establishes an effective risk governance framework, including risk measurements (e.g. data collection), risk controls and reporting, and clearly articulated statements of risk tolerance?

(13) If FCA requires the Farmer Mac board to have a risk committee, what guidelines should FCA provide regarding the formation and duties of the committee? What qualifications should risk committee members possess? What resources should be available to the committee? Should the committee have direct access to all members of the Farmer Mac management team?

General Farmer Mac Board Governance:

(14) To what extent should FCA issue regulations to address difficulties Farmer Mac may have as a GSE in complying with modern governance standards because of statutory and regulatory requirements regarding the structure, selection, and composition of its board?

(15) How should FCA regulations require Farmer Mac to foster diversity in the selection of directors, officers and employees?

(16) What other Farmer Mac board governance and standards of conduct issues should FCA consider addressing through regulation?

With the benefit of information gained through this ANPRM and our internal analysis, we will consider changes to the regulations to enhance their fundamental objective—to ensure the safety and soundness of Farmer Mac's operations and the furtherance of Farmer Mac's mission.

[9] *See* ''Incorporating Risk Management into Corporate Governance,'' Enterprise Risk Management Initiative Staff (Sept. 23, 2010).

[10] *See www.reginfo.gov*, FCA Spring 2013 Unified Agenda, ''Farmer Mac—Corporate Governance and Standards of Conduct'', dated April 24, 2013.

Date: February 19, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–04057 Filed 2–24–14; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0057; Directorate Identifier 2013–NM–210–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by reports from multiple operators that have found fatigue cracking in the corners of the forward galley service doorway. This proposed AD would require repetitive inspections for any cracking of the skin and bear strap doublers in the corners of the forward galley service doorway, and corrective action if necessary. This proposed AD would also provide optional terminating actions for certain repetitive inspections. We are proposing this AD to detect and correct fatigue cracking, which could result in rapid loss of cabin pressure.

DATES: We must receive comments on this proposed AD by April 11, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0057; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6450; fax: (425) 917–6590; email: *alan.pohl@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0057; Directorate Identifier 2013–NM–210–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received reports from multiple operators that have found fatigue cracking of the skin and bear strap in the corners of the forward galley service doorway. Some of the reported cracks were found outside of areas of directed or recommended inspections, or in areas modified as specified in previous revisions of Boeing Alert Service Bulletin 737–53A1116. Some airplanes were found to have multiple cracks in the corner areas. This condition, if not corrected, could result in rapid loss of cabin pressure.

Related Rulemaking

AD 90–06–02, Amendment 39–6489 (Docket No. 89–NM–67–AD; 55 FR 8372, March 7, 1990); AD 98–11–04 R1, Amendment 39–10984 (64 FR 987, January 7, 1999); AD 2008–08–23, Amendment 39–15477 (73 FR 21237, April 21, 2008); and AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008); are supplemental structural inspection (SSI) program ADs that contain inspection requirements that are near or overlap the inspection areas that this proposed AD would require. The inspections mandated by those exploratory SSI ADs are not sufficient to address the unsafe condition identified in this proposed AD.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0057.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require repetitive inspections for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes for any cracking of the skin and bear strap doublers in the corners of the forward galley service doorway, and corrective action if necessary. This proposed AD would also provide optional terminating actions for certain repetitive inspections.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between the Proposed AD and the Service Information

The service information specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

• In accordance with a method that we approve; or

• Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Table 11 in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, specifies post-repair inspections, which may be used in support of compliance with section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 129.109(b)(2)). However, this NPRM does not propose to require those post-repair inspections. This difference has been coordinated with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 419 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	19 work-hours × $85 per hour = $1,615 per inspection cycle.	None	$1,615 per inspection cycle	$676,685 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for any on-condition actions specified in this proposed AD. We have no way of determining the number of aircraft that might need this repair.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2014–0057; Directorate Identifier 2013–NM–210–AD.

(a) Comments Due Date

We must receive comments by April 11, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports from multiple operators that have found fatigue cracking of the skin and bear strap in the corners of the forward galley service doorway. We are issuing this AD to detect and correct fatigue cracking, which could result in rapid loss of cabin pressure.

(f) Compliance

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

(g) Inspections and Corrective Actions for Groups 1 through 4 Airplanes

For Groups 1 through 4 airplanes identified in Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013: Within the applicable compliance times specified in Tables 1 through 10 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, except as provided by paragraph (j)(1) of this AD, do the applicable detailed and low frequency eddy current inspections for any cracking of the skin and bear straps in the corners of the forward galley service door and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, except as required by paragraph (j)(2) of this AD. Do all applicable corrective actions before further flight. Repeat the inspections at the applicable time specified in Tables 1 through 10 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013.

(h) Inspections and Corrective Actions for Group 5 Airplanes

For Group 5 airplanes identified in Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013: Within 120 days after the effective date of

this AD, do inspections of the skin and bear straps and all applicable corrective actions using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(i) Optional Terminating Actions

(1) For Groups 1 and 2 airplanes identified in Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013: Accomplishment of a repair before the effective date of this AD in the upper aft corner of the forward galley service doorway, in accordance with any service information specified in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD, terminates the requirement for the repetitive inspection required by paragraph (g) of this AD for that repaired doorway corner only.

(i) Boeing Service Bulletin 737–53–1116, dated July 21, 1988.

(ii) Boeing Service Bulletin 737–53–1116, Revision 1, dated September 7, 1989.

(iii) Boeing Service Bulletin 737–53–1116, Revision 2, dated September 30, 1993.

(iv) Boeing Service Bulletin 737–53–1116, Revision 3, dated July 27, 1995.

(2) For Group 2 airplanes identified in Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, on which no repair or modification was done using any of the service information identified in paragraphs (i)(2)(i) through (i)(2)(iv) of this AD; and for Group 3 airplanes identified in Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013: Repairing or modifying the upper aft corner of the forward galley service doorway, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, terminates the repetitive inspections required by paragraph (g) of this AD for that repaired or modified doorway corner only.

(i) Boeing Service Bulletin 737–53–1116, dated July 21, 1988.

(ii) Boeing Service Bulletin 737–53–1116, Revision 1, dated September 7, 1989.

(iii) Boeing Service Bulletin 737–53–1116, Revision 2, dated September 30, 1993.

(iv) Boeing Service Bulletin 737–53–1116, Revision 3, dated July 27, 1995.

(3) For Groups 2 and 3 airplanes identified in Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013: Repairing or modifying the lower forward or lower aft corner of the forward galley service doorway, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, terminates the repetitive inspection required by paragraph (g) of this AD for that repaired or modified doorway corner only.

(j) Exceptions to the Service Information

(1) Where Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, specifies a compliance time ''after the Revision 4 date of this service bulletin,'' this AD requires compliance within the specified compliance time ''after the effective date of this AD.''

(2) Where Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, specifies to contact Boeing for repair instructions: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for the inspections of the upper corners of the forward galley service doors specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using any of the service information identified in paragraphs (k)(1) through (k)(4) of this AD (which are not incorporated by reference in this AD), provided that any preventative modification installed using this service information is inspected in accordance with paragraph (g) of this AD.

(1) Boeing Service Bulletin 737–53–1116, dated July 21, 1988.

(2) Boeing Service Bulletin 737–53–1116, Revision 1, dated September 7, 1989.

(3) Boeing Service Bulletin 737–53–1116, Revision 2, dated September 30, 1993.

(4) Boeing Service Bulletin 737–53–1116, Revision 3, dated July 27, 1995.

(l) Post-Repair Inspections

The post-repair inspections specified in Table 11 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, are not required by this AD.

Note 1 to paragraph (l) of this AD: The post-repair inspections specified in Table 11 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1116, Revision 4, dated September 30, 2013, may be used in support of compliance with section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)).

(m) Alternative Methods of Compliance (AMOCs)

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

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

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

(n) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6450; fax: (425) 917–6590; email: *alan.pohl@faa.gov*.

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

Issued in Renton, Washington, on February 14, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04003 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0055; Directorate Identifier 2013–NM–167–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A310–304, –322, –324, and –325 airplanes. This proposed AD was prompted by reports of insufficient clearance between the fuel quantity indicator (FQI) probes and the adjacent structure and metallic components in the wing fuel tanks. This proposed AD would require a one-time detailed visual inspection for sufficient clearance between FQI probes on both the left-hand side and right-hand side of the trim horizontal stabilizer and the adjacent structure and metallic components in the fuel tanks, and modification if necessary. We are proposing this AD to detect and correct insufficient clearance, which could lead to electrical arcing in a fuel tank during a lightning strike, which could result in ignition and consequent fire or explosion in the fuel tank.

DATES: We must receive comments on this proposed AD by April 11, 2014.

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

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

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0055; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0055; Directorate Identifier 2013–NM–167–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 we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0188, dated August 19, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Airbus investigations on A300 aeroplanes revealed insufficient clearance between the Fuel Quantity Indicator (FQI) probes and adjacent structure or metallic components in the wing fuel tanks. A300–600 and A310 aeroplanes are also affected as they are identical in design.
>
> This condition, if not detected and corrected, could lead to electric arcing in a fuel tank in case of lightning strike, which could result in ignition and consequent fire or explosion in the fuel tank.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A300–28–0080, SB A300–28–6065 and SB A310–28–2145 and DGAC France issued AD 2000–455–322 (*http://ad.easa.europa.eu/ad/F-2000-455-322*) to cover A300 aeroplanes and AD 2002–170 (*http://ad.easa.europa.eu/ad/F-2002-170*) to cover A300–600 and A310 aeroplanes (both EASA ADs were later revised) [Both EASA ADs correspond to FAA AD 2004–05–05, Amendment 39–13499 (69 FR 10319, dated March 5, 2004).
>
> Since those [EASA] ADs were issued, further analysis showed that they do not cover all potentially affected aeroplanes: A310 aeroplanes with optional Mod. no. 12248 embodied were excluded from the applicability of DGAC France AD 2002–170(B) [*http://ad.easa.europa.eu/ad/F-2002-170*], but are potentially affected, and therefore addressed through this [EASA] AD.
>
> For the reasons described above, this [EASA] AD (*http://ad.easa.europa.eu/ad/2013-0188*) requires a one-time [detailed visual] inspection of the affected aeroplanes for sufficient clearance between FQI probes [on both the left-hand (LH) side and right-hand (RH) side of the trim horizontal stabilizer] and adjacent structure/metallic parts and, depending on findings, modification of the FQI probes.

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–2014–0055.

Relevant Service Information

Airbus has issued Service Bulletin A310–28–2145, Revision 01, dated March 4, 2003. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 2 airplanes of U.S. registry.

We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,360, or $680 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2014–0055; Directorate Identifier 2013–NM–167–AD.

(a) Comments Due Date

We must receive comments by April 11, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A310–304, –322, –324, and –325 airplanes, certificated in any category, on which Airbus modification number 12248 has been embodied.

(d) Subject

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

(e) Reason

This AD was prompted by reports of insufficient clearance between the fuel quantity indicator (FQI) probes and the adjacent structure and metallic components in the wing fuel tanks. We are issuing this AD to detect and correct insufficient clearance, which could lead to electrical arcing in a fuel tank during a lightning strike, which could result in ignition and consequent fire or explosion in the fuel tank.

(f) Compliance

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

(g) Inspection and Modification

Within 30 months after the effective date of this AD, do a one-time detailed visual inspection for clearance between the FQI probes located in the trimmable horizontal stabilizer tank and the adjacent structure and metallic components, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–28–2145, Revision 01, dated March 4, 2003.

(1) If the clearance of an FQI probe is found to be 3.0 millimeters (mm) (0.118 inch) or more: No further action is required by paragraph (g) of this AD.

(2) If the clearance of an FQI probe is found to be 2.5 mm (0.98 inch) or more, and less than 3.0 mm (0.118 inch): Before further flight, loosen the probe screws and move the probe up and down to get the required minimum gap of 3.0 mm (0.118 inch), in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–28–2145, Revision 01, dated March 4, 2003.

(3) If the clearance of an FQI probe is found to be less than 2.5 mm (0.118 inch): Before further flight, modify each affected FQI probe by installing new FQI probe supports, in accordance with Step 3.C., ''Repair,'' of the Accomplishment Instructions of Airbus Service Bulletin A310–28–2145, Revision 01, dated March 4, 2003.

(h) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A310–28–2145, dated August 21, 2001.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or by the Design Approval Holder with a State of Design Authority's design organization approval). For a repair method to be approved, the repair approval must specifically refer to this AD. You are required to ensure the product is airworthy before it is returned to service.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2013–0188, dated August 19, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0055.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 14, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04000 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0056; Directorate Identifier 2013–NM–160–AD]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Saab AB, Saab Aerosystems Model SAAB 2000 airplanes. This proposed AD was prompted by a report of rudder

pedal restriction which was the result of water leakage at the inlet tubing of an in-line heater in the lower part of the forward fuselage. This proposed AD would require deactivating the potable water system, or alternatively filling and activating the potable water system. We are proposing this AD to prevent rudder pedal restriction due to the pitch control mechanism becoming frozen as the result of water spray, which could prevent disconnection and normal pitch control, and consequently result in reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by April 11, 2014.

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

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

For service information identified in this proposed AD, contact Saab AB, Saab Aerosystems, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* Internet *http://www.saabgroup.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0056; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1112; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0056; Directorate Identifier 2013–NM–160–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 we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0172R1, dated September 6, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> One occurrence of rudder pedal restriction has been reported on a SAAB 2000 aeroplane. Subsequent investigation showed that this was the result of water leakage at the inlet tubing for the in-line heater (25HY) in the lower part of the forward fuselage (Zone 116). The in-line heater attachment was found ruptured, which resulted in water spraying in the area. Frozen water on the rudder control mechanism in Zone 116 then led to the rudder pedal restriction.
>
> Analysis after the reported event indicates that the pitch control mechanism (including pitch disconnect/spring unit) may also be frozen as a result of water spray, which would prevent disconnection and normal pitch control.
>
> This condition, if not corrected, could result in further occurrences of reduced control of an aeroplane.
>
> Prompted by these findings, as a temporary action to avoid this potential unsafe condition, SAAB determined that the potable water system should be deactivated. SAAB is working on a solution that is expected to eliminate the consequences of water spraying in the area.
>
> To address this unsafe condition, EASA issued Emergency AD 2013–0172–E [*http://ad.easa.europa.eu/ad/2013-0172R1*] to require deactivation of the Potable Water System.
>
> Since that [EASA] AD was issued, SAAB developed a temporary alternative procedure for filling, reactivation and continued operation of the potable water system. This procedure includes a visual inspection to make sure that there is no water spray in the lower part of the forward fuselage (Zone 116) during refilling of the potable water.
>
> For the reasons described above, this [EASA] AD is revised to allow application of the alternative filling procedure of the Potable Water System.
>
> This [EASA] AD is still considered to be an interim action and further [EASA] AD action may follow.

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–2014–0056.

Relevant Service Information

Saab has issued Service Bulletin 2000–38–010, dated July 12, 2013, and Saab Service Newsletter SN 2000–1304, Revision 01, dated September 10, 2013, including Saab Engineering Statement to Operators 2000PBS034334, including Attachment 1 Engineering Statement 2000PBS034334 to SN 2000–1304. (''Attachment 1 to Saab SN 2000–1304'' is the Saab Engineering Statement to Operators 2000PBS034334, which includes Appendix 1.) The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

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

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $85, or $85 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of

the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Saab AB, Saab Aerosystems: Docket No. FAA–2014–0056; Directorate Identifier 2013–NM–160–AD.

(a) Comments Due Date

We must receive comments by April 11, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Saab AB, Saab Aerosystems Model SAAB 2000 airplanes, certificated in any category, serial numbers 004 through 016 inclusive, 018, 022, 023, 024, 026, 029, 031, 032, 033, 035 through 039 inclusive, 041 through 044 inclusive, 046, 047, 048, 051, and 053 through 063 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 38, Water/Waste.

(e) Reason

This AD was prompted by a report of rudder pedal restriction which was the result of water leakage at the inlet tubing for an in-line heater in the lower part of the forward fuselage. We are issuing this AD to prevent rudder pedal restriction due to the pitch control mechanism becoming frozen as the result of water spray, which could prevent disconnection and normal pitch control, and consequently result in reduced controllability of the airplane.

(f) Compliance

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

(g) Deactivation of Potable Water System

Within 30 days after the effective date of this AD, deactivate the potable water system, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–38–010, dated July 12, 2013.

(h) Alternative Inspections and Inspection Intervals

As an alternative, or subsequent, to the action required by paragraph (g) of this AD, during each filling of the potable water system after the effective date of this AD, accomplish the temporary filling procedure, in accordance with the instructions in Saab Service Newsletter SN 2000–1304, Revision 01, dated September 10, 2013, including Attachment 1 Engineering Statement to Operators 2000PBS034334.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1112; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or by the Design Approval Holder with a State of Design Authority's design organization approval). For a repair method to be approved, the repair approval must specifically refer to this AD. You are required to ensure the product is airworthy before it is returned to service.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2013–0172R1, dated September 6, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0056.

(2) For service information identified in this AD, contact Saab AB, Saab Aerosystems, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* Internet *http://www.saabgroup.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 14, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04002 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1206

[DOCUMENT NUMBER NASA—NASA–2700–0006]

RIN 2700–AE04

Procedures for Disclosure of Records Freedom of Information Act Regulations; Correction

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects the title and adds a word to a notice of proposed rulemaking published in the **Federal Register** of February 19, 2014. The correction clarifies the title and misspelled word to prevent confusion.

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

SUPPLEMENTARY INFORMATION:

Correction

In a notice of proposed rulemaking FR Doc. 2014–03450, on pages 9430–9432 and 9437 in the issue of February 19, 2014, make the following corrections:

1. In the subject heading, on page 9430 in the first column, remove the words ''Procedures for Disclosure of Records Freedom of Information Act Regulations'' and add in their place ''Procedures for Disclosure of Records Under the Freedom of Information Act (FOIA).''

2. In the part title, on page 9431 in the first column, remove the words ''Procedures for Disclosure of Records Freedom of Information Act Regulations'' and add in their place ''Procedures for Disclosure of Records Under the Freedom of Information Act (FOIA).''

3. In paragraph (h) of § 1206.300 on page 9432 in the third column, add the word ''basis'' after the words ''case-by-case.''

4. In paragraph (i) of § 1206.502 on page 9437 in the first column, remove the reference to paragraphs ''(h)(1), (2) and (3)'' after the words ''such as those listed'' and add in its place ''(i)(1), (2) and (3).''

Nanette Jennings,

NASA Federal Register Liaison Officer.

[FR Doc. 2014–03870 Filed 2–24–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

RIN 2700–AD79

Profit and Fee Under Federal Financial Assistance Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA is revising the NASA Grant & Cooperative Agreement Handbook to clarify that NASA does not pay profit or fee on Federal Financial Assistance awards, *i.e.* grants and cooperative agreements, to non-profit organizations. This proposed rule would make changes to NASA regulations to reflect that revision.

DATES: Interested parties should submit comments to NASA at the address identified below on or before April 28, 2014 to be considered in formulation of the final rule.

ADDRESSES: Interested parties may submit comments, identified by RIN 2700–AD79, via the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments may also be submitted to William Roets (Room 5K34), NASA Headquarters, Office of Procurement, Contract Management Division, Washington, DC 20546. Comments may also be submitted by email to: *william.roets-1@nasagov.*

FOR FURTHER INFORMATION CONTACT: William Roets, NASA Office of Procurement, Contract Management Division, Suite 5K34, 202–358–4483, *william.roets-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

NASA published a proposed rule for Profit and Fee Under Financial Assistance Awards in the **Federal Register** on January 11, 2012 (77 FR 1657). The public comment period closed on March 11, 2012. By the end of the established comment period, NASA received comments from one entity. However, those comments were subsequently determined to have been submitted to the incorrect docket and were not applicable to the proposed rule. After the specified end date for the submission of comments had passed, three organizations submitted late comments to the proposed rule. NASA accepted the late comments. Based on the comments received and subsequent revisions to the proposed rule, NASA is publishing this rule again as a proposed rule. Historically, NASA has discouraged the payment of profit or fee under it Federal Financial Assistance awards because payment in excess of costs is inconsistent with the intent of grant and cooperative agreements which provide funding in the form of financial assistance to recipients for their performance of a public purpose. For commercial firms, payment of profit or fee is specifically prohibited in NASA policy. Because this prohibition does not include recipients such as non-profit organizations, NASA's policy has been misinterpreted and inconsistent application has occurred. This rule, which will extend this prohibition on the payment of profit or fee2 to all recipients of NASA grants and cooperative agreements, will alleviate the misinterpretation and inconsistent application of this policy.

II. Discussion and Analysis

Comment 1: It is long-standing NASA Policy to allow a management fee. NASA has a rich history of closely partnering with nonprofit organizations to advance space science and research. To help meet its important mission, NASA has long recognized the importance of allowing a modest management fee under cooperative agreements. This proposed change would represent a major shift in NASA policy supporting their nonprofit partners in the space science and technology research area.

Response: NASA continues to support non-profit partners and does not consider this change a major shift in policy, but rather a clarification of NASA's policy regarding profit and fee under grants and cooperative agreements and is consistent with proposed OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards, 78 FR 7282, February 1, 2013.

There appears to have been some confusion with regard to the term 'management fee'. Management fees that are allowable, allocable, reasonable and necessary costs in accordance with an entity's established accounting practices and Government cost principles will be paid by NASA. This rule is clarifying that NASA will not pay profit or fee where profit or fee is defined as the amounts above allowable costs. The language in this rule has been revised to clarify this point.

Comment 2: NASA has the statutory authority to allow a management fee.

Response: While the Space Act of 1958 (42 U.S.C 2473(c)(5)) provides NASA broad authority and discretion to award grants and cooperative agreements to fulfill its mission, the Agency has no express or explicit authority with regard to 'management fees'.

Comment 3: NASA proposed the same change in 1998, (63 FR 71609) Dec 29, 1998, and withdrew it after full consideration.

The proposed rule was withdrawn on May 18, 1999. NASA ''decided to withdraw the proposed rule because, in limited situations, a nominal fee may be warranted and necessary for the recipient to perform NASA research'' (64 FR26923) May 18, 1999.

NASA now seeks to reverse this longstanding policy, and is using the same rationale in the recently proposed rule change that it had used in 1998, but later withdrew in 1999.

Response: NASA has long recognized that the grant and cooperative agreement regulation is incomplete in

its coverage of profit and fee in that it fails to address non-profit organizations. NASA's attempts to address application of the regulation through internal agency guidance have not fully resolved the problem. Notwithstanding the improvements brought about through changes to internal processes, NASA has determined that it is necessary to clarify the regulation with regard to the payment of profit or fee on grants or cooperative agreements in order to prevent payment for unallowable costs. The language in this rule has been revised to clarify this point.

Comment 4: Prohibiting management fee on cooperative agreements would jeopardize the ability of non-profit organizations to continue operations.

Response: NASA has revised the regulatory language to clarify that the Agency will pay all recipients' allowable, allocable, reasonable and necessary costs. Profit or fee in excess of cost will not be paid.

Comment 5: Allowing Management Fee is consistent with a recent NASA OIG Report. (April 30, 2012, NASA OIG Report, NASA's Use of Research Announcement Awards for Aeronautical Research, Report No. IG–12–011 (Assignment No. A–11–013–00)).

Response: The referenced report contained a finding that some NASA research awards contained ''unallowable fee.'' Specifically, the Report found that NASA paid fee to a University under a contract, not a grant or cooperative agreement, and the finding is not relevant to this rule.

Comment 6: Dating back to the Bell Report of 1962, issued by the Bureau of the Budget and signed by President Kennedy, the Government has recognized the need to provide fees to nonprofit organizations. Whereas fees paid to for-profit entities provide contributions to profits, modest fees paid to nonprofit organizations are provided for operating capital and ordinary business expenses that are non-reimbursable.

Response: Pursuant to OMB Circular A–122, Cost Principles for Non-Profit Organizations, unallowable costs are not reimbursable. Further, in accordance with the proposed OMB Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards, 78 FR 7282, Feb. 1, 2013, Federal agencies are only authorized to pay for allowable, allocable, reasonable, and necessary costs.

Comment 7: Nonprofit organizations do not generate a profit, and rely on funding to continue operations. There are many costs to nonprofits that are not allowable under government fiscal regulations, but which must be paid for the nonprofit to continue operating. Many nonprofits would find it impossible to continue operations, or would be forced to drastically reduce their research capability, without a management fee being awarded.

Response: Pursuant to OMB Circular A–122, Cost Principles for Non-Profit Organizations, unallowable costs are not reimbursable. Federal agencies are only authorized to pay for allowable, allocable, reasonable, and necessary costs.

Comment 7: NASA received comments related to cross waivers of liability in this docket, but they clearly do not relate to this rule, and are therefore, not addressed here.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

NASA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule does not impose any additional requirements on small entities and currently less than 1 percent of recipients of NASA grants and cooperative agreements receive profit or management fees.

V. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) is not applicable because the prohibition on payment of profit and management fees by NASA does not require the submission of any information by recipients that requires the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 14 CFR Part 1260

Colleges and universities, Business and Industry, Grant programs, Grants administration, Cooperative agreements, State and local governments, Non-profit organizations, Commercial firms, Recipients.

William P. McNally,

Assistant Administrator for Procurement.

Accordingly, 14 CFR part 1260 is proposed to be amended as follows:

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

■ 1. The authority citation for 14 CFR part 1260 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301, *et seq.*), and OMB Circular A–110.

■ 2. In § 1260.4, paragraph (b)(2) is revised to read as follows:

§ 1260.4 Applicability.

* * * * *

(b) * * *

(2) Payment of fee or profit is consistent with an activity whose principal purpose is the acquisition of goods and services for the direct benefit or use of the United States Government, rather than an activity whose principal purpose is assistance. Therefore, the grants officer shall use a procurement contract, rather an assistance instrument, in all cases where fee or profit is to be paid to the recipient of the instrument or the instrument is to be used to carry out a program where fee or profit is necessary to achieving program objectives. Grants and cooperative agreements shall not provide for the payment of fee or profit to the recipient.

* * * * *

■ 3. In § 1260.10, paragraph (b)(1)(iv) is added to read as follows:

§ 1260.10 Proposals.

* * * * *

(b) * * *

(1) * * *

(iv) Payment of fee or profit is consistent with an activity whose principal purpose is the acquisition of goods and services for the direct benefit or use of the United States Government, rather than an activity whose principal purpose is assistance. Therefore, the grants officer shall use a procurement contract, rather an assistance instrument, in all cases where fee or profit is to be paid to the recipient of the instrument or the instrument is to be used to carry out a program where fee or profit is necessary to achieving program objectives. Grants and

cooperative agreements shall not provide for the payment of fee or profit to the recipient.

* * * * *

■ 4. In § 1260.14, paragraph (e) is added to read as follows:

§ 1260.14 Limitations.

* * * * *

(e) Payment of fee or profit is consistent with an activity whose principal purpose is the acquisition of goods and services for the direct benefit or use of the United States Government, rather than an activity whose principal purpose is assistance. Therefore, the grants officer shall use a procurement contract, rather an assistance instrument, in all cases where fee or profit is to be paid to the recipient of the instrument or the instrument is to be used to carry out a program where fee or profit is necessary to achieving program objectives. Grants and cooperative agreements shall not provide for the payment of fee or profit to the recipient.

[FR Doc. 2014–02988 Filed 2–24–14; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket No. USCG–2013–0841]

RIN 1625–AA01

Anchorage Regulations: Anchorage Grounds, Los Angeles and Long Beach Harbors, California

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to disestablish Commercial Anchorage ''A'' and to revise the permit and notification requirements for the anchorage grounds of Los Angeles and Long Beach Harbors, California. Commercial Anchorage ''A'' has become the location of a Submerged Material Storage Site and is no longer usable. Revised permit and notification requirements will affect the six commercial anchorages within the breakwater of the Ports of Los Angeles and Long Beach that can accommodate vessels with lengths exceeding 800 feet overall and drafts greater than 40 feet. The proposed revision will require vessels using these deep draft anchorages for more than 48 hours to obtain an extended anchorage permit from the Captain of the Port (COTP) Los Angeles-Long Beach. This action will assist the COTP and the Pilots for the Ports of Los Angeles and Long Beach to reduce congestion in the deep draft anchorage grounds within the harbor breakwater.

DATES: Comments and related material must be received by the Coast Guard on or before March 27, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0841 using any one of the following methods:

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

(2) *Fax:* (202) 493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Lieutenant Junior Grade Blake Morris, Waterways Management Division, U.S. Coast Guard District 11, telephone (510) 437–3801, email *Blake.J.Morris@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov*, type the docket number USCG–2013–0841 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number USCG–2013–0841 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 methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

33 CFR 110.214(a)(2) allows vessels to remain anchored for up to 10 consecutive days inside of the Los Angeles and Long Beach harbors before obtaining an extended anchorage permit from the COTP. It does not offer any special consideration for the six anchorages that can accommodate vessels with lengths exceeding 800 feet overall and drafts greater than 40 feet.

Due to the increasing size of commercial vessels and the growth in shipping traffic over the years, the anchorage grounds inside the breakwater of the Los Angeles and Long Beach harbors are becoming increasingly crowded. Vessels with lengths exceeding 800 feet overall and drafts greater than 40 feet are often compelled to wait outside of the breakwater while other vessels are moved out of deep draft anchorages to accommodate them.

Pilots for the Ports of Los Angeles and Long Beach have recommended that the Coast Guard consider reducing the number of days a vessel may remain anchored in the six deep draft anchorages of Los Angeles and Long Beach harbors, without approval of the COTP. This will aid them in reducing congestion in the deep draft anchorages more effectively.

33 CFR 110.214(b)(1) establishes Commercial Anchorage ''A'' within Los Angeles Harbor. Commercial Anchorage ''A'' is a circular area with a radius of 400 yards, centered in position 33 °43'19.2'' N, 118 °14'18.5'' W. Since its establishment, Commercial Anchorage ''A'' has become a Submerged Material Storage Site. It is now encircled by a submerged dike and is no longer usable.

C. Basis and Purpose

The legal basis for this proposed rule is: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define anchorage grounds.

This proposed rule has been recommended by Pilots for the Ports of Los Angeles and Long Beach and has three purposes. The first purpose is to disestablish Commercial Anchorage ''A'', as it is no longer usable. The second purpose is to identify commercial anchorages B–7, B–9, B–11, D–5, D–6 and D–7 as anchorages that can accommodate vessels with lengths exceeding 800 feet overall and drafts greater than 40 feet within the Ports of Los Angeles and Long Beach. The final purpose of this proposed rule is to revise the permit and notification requirements for the six anchorages above, by requiring vessels anchored in these anchorages for more than 48 consecutive hours, to obtain an extended anchorage permit from the COTP. This will reduce congestion in the deep draft anchorages within the breakwater of both ports, and reduce the need for deep draft vessels to wait outside the breakwater as other vessels are moved to accommodate them.

D. Discussion of Proposed Rule

The Coast Guard is proposing to disestablish Commercial Anchorage ''A'' in the regulations for the anchorage grounds of Los Angeles and Long Beach Harbors, California in 33 CFR 110.214(b)(1). Commercial Anchorage ''A'' is a circular area with a radius of 400 yards, centered in position 33°43′19.2″ N, 118°14′18.5″ W, approximately 600 yards to the east of Pier 400. Since its establishment, Commercial Anchorage ''A'' has become a Submerged Material Storage Site. It is now encircled by a submerged dike and can no longer be used as an anchorage.

The Coast Guard is proposing to revise the permit and notification requirements in the regulations for the anchorage grounds of Los Angeles and Long Beach Harbors, California in 33 CFR 110.214(a)(2). Under the proposed rule, no vessel may anchor in deep draft anchorages B–7, B–9, B–11, D–5, D–6 or D–7 within Los Angeles or Long Beach harbors for more than 48 consecutive hours unless an extended anchorage permit is obtained from the COTP. These anchorages are the only locations within the breakwater of Los Angeles and Long Beach harbors where vessels with lengths exceeding 800 feet overall and drafts greater than 40 feet can anchor.

The purpose of the 48 hour time requirement is to reduce vessel congestion in deep draft anchorages B–7, B–9, B–11, D–5, D–6 and D–7. Vessels within these anchorages will be required to justify remaining there beyond 48 hours to the COTP, or be prepared to move based on the needs of other vessels and the judgment of the Pilots for the Ports of Los Angeles and Long Beach. Limiting congestion in these anchorages will reduce the need for deep draft vessels to wait outside of the breakwater while other vessels are moved from the inside deep draft anchorages. As shipping volume and the size of vessels making calls to the Ports of Los Angeles and Long Beach continue to grow, maintaining anchorage space for deep draft vessels within the shelter of the breakwater is becoming increasingly important.

The proposed rule maintains the requirement for all vessels that anchor anywhere else within Los Angeles or Long Beach harbors to obtain an extended anchorage permit from the COTP if they wish to remain anchored for more than 10 consecutive days. In determining whether an extended anchorage permit will be granted (for vessels in any anchorage), consideration will be given, but not necessarily limited to: the current and anticipated demands for anchorage space within the harbor, the requested duration, the condition of the vessel, and the reason for the request.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

We expect minimal additional cost impacts to the maritime industry, because this rule does not impose fees or more specialized requirements to utilize these anchorage grounds. The effect of this rule would not be significant, as it removes an obsolete anchorage ground that is no longer used and revises the permit and notification requirements for six of the deep draft anchorage grounds in Los Angeles and Long Beach Harbors, California. The revised permit and notification requirements do not restrict vessels from utilizing these deep draft anchorages. They will simply require

vessels in these anchorages to obtain permission from the COTP to remain longer than 48 hours. While we recognize that the proposed rule will shorten the amount of time that a vessel may remain in the deep draft anchorages for B–7, B–9, B–11, D–5, D–6 and D–7 from 10 days to 48 hours before being required to obtain an extended anchorage permit from the COTP and may also increase the number of times that a vessel operator may be required to obtain an extended anchorage permit, we anticipate this 48-hour notice requirement will not have a have significant impact on vessel owners or operators. We further anticipate the 48 hour requirement will provide the pilots and COTP with more accurate and more up-to-date information on vessel movements and will help reduce the need to move vessels out of deep draft anchorages on short notice. This will also assist in minimizing the number of deep draft vessels waiting outside of the breakwater while other vessels are moved from these anchorages to accommodate them. The COTP and pilots for Los Angeles and Long Beach retain their authority to move any vessel inside the breakwater when necessary.

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 will not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of commercial vessels intending to anchor in the affected areas. The impact to these entities is not expected to be significant because the only anticipated impact on vessel owners or operators will be the requirement to obtain an extended anchorage permit if they wish to remain in the deep draft anchorages for more than 48 hours. We expect this 48 hour notice requirement will help toward reducing the need to move vessels out of these deep draft anchorages by providing better awareness of vessel schedules and movements to pilots and the COTP. The proposed rule will reduce congestion, enhance the effectiveness of anchorage management, and increase the availability of deep draft anchorages. It will not hamper the ability of commercial vessels to anchor inside of the Los Angeles and Long Beach harbor breakwater. Disestablishing Commercial Anchorage ''A'' will have no affect on these entities because the anchorage area is no longer usable and has not been for some 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 will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves disestablishing one unusable anchorage ground and revising the permit and notification requirements for six deep draft anchorage grounds at Los Angeles and Long Beach Harbors, California. The revised requirements will assist the COTP and the pilot stations for the Ports of Los Angeles and Long Beach in managing anchorages inside the harbor breakwater. This rule is categorically excluded from further review under paragraph 34(f) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 110.214, remove and reserve paragraph (b)(1) and revise paragraph (a)(2)(i) to read as follows:

§ 110.214 Los Angeles and Long Beach Harbors, California.

(a) * * *

(2) * * *

(i) No vessel may anchor in deep draft anchorages B–7, B–9, B–11, D–5, D–6 or D–7 within Los Angeles or Long Beach harbors for more than 48 consecutive hours unless an extended anchorage permit is obtained from the Captain of the Port. No vessel may anchor anywhere else within Los Angeles or Long Beach harbors for more than 10 consecutive days unless an extended anchorage permit is obtained from the Captain of the Port. In determining whether an extended anchorage permit will be granted, consideration will be given, but not necessarily limited to: the current and anticipated demands for anchorage space within the harbor, the requested duration, the condition of the vessel, and the reason for the request.

* * * * *

Dated: December 24, 2013.

K. L. Schultz,

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

[FR Doc. 2014–03469 Filed 2–24–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–HQ–OAR–2011–0151; FRL–9907–17–OAR]

RIN 2060–AQ95

General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The EPA published in the **Federal Register** on January 14, 2014 (79 FR 2546), the proposed rule, ''General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country.'' The EPA is announcing a public hearing date for the proposed rule.

DATES: The public hearing will be held on March 12, 2014.

ADDRESSES: The public hearing will be held on March 12, 2014 at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246 (Sabin-Cleere Conference Rooms). The hearing will convene at 8:30 a.m. (Mountain Standard Time) and end at 5:00 p.m. (Mountain Standard Time) or after the last pre-registered speaker has spoken, whichever is earlier. A lunch break is scheduled from 12:00 p.m. until 1:00 p.m. The EPA's Web site for the rulemaking, which includes the proposal and information about the hearing, can be found at: *http://www.epa.gov/air/tribal/tribalnsr.html.*

FOR FURTHER INFORMATION CONTACT: If you would like to present oral testimony at the public hearing, please register by contacting Mr. Matthew Langenfeld, Environmental Protection Agency Region 8, Air Program, Air Permitting, Monitoring and Modeling Unit, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202, telephone number (303) 312–6284, facsimile number (303) 312–6064, email address: *langenfeld.matthew@epa.gov.* Please register to present oral testimony by March 10, 2014. If using email, please provide the following information: name, affiliation, address, email address and telephone and fax numbers. All speakers are encouraged to pre-register by March 10, 2014 in order to speak at the public hearing. Registration is not required to attend and listen to the testimony at the public hearing.

Questions concerning the proposed rule that was published in the **Federal Register** on January 14, 2014 should be addressed to Mr. Christopher Stoneman, Outreach and Information Division, Office of Air Quality Planning and Standards, (C–304–03), Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number (919) 541–0823, facsimile number (919) 541–0072, email address: *stoneman.chris@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public Hearing

The proposal for which the EPA is holding the public hearing was published in the **Federal Register** on January 14, 2014, and is available at: *http://www.epa.gov/air/tribal/tribalnsr.html* and also in the docket identified below. The public hearing will provide interested parties the opportunity to present oral comments regarding the EPA's proposed rule. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing.

Commenters should notify Mr. Langenfeld if they will need specific equipment or if there are other special needs related to providing comments at the public hearing. The EPA will provide equipment for commenters to make computerized slide presentations if we receive special requests in advance. Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to submit to the docket a copy of their oral

testimony electronically (via email or CD) or in hard copy form.

The public hearing schedule, including lists of speakers, will be posted on the EPA's Web site at: *http://www.epa.gov/air/tribal/tribalnsr.html.* Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing.

How can I get copies of this document and other related information?

The EPA has a docket for the proposed rule, ''General Permits for the Minor NSR Program,'' under No. EPA–HQ–OAR–2011–0151, available at www.regulations.gov.

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practices and procedures, Air pollution control, Indians, Indians-law, Indians-tribal government, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 19, 2014.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2014–04089 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0005; FRL–9907–09–Region–3]

Approval and Promulgation of Implementation Plans; Delaware; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a revision to the Delaware State Implementation Plan (SIP) submitted by the State of Delaware through the Delaware Department of Natural Resources and Environmental Control (DNREC). Delaware's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the State's existing implementation plan addressing regional haze (regional haze SIP). EPA is proposing approval of Delaware's SIP revision on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0005, by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0005, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, 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–2014–0005. 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 Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

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III. EPA's Analysis of Delaware's Regional Haze Progress Report and Adequacy Determination
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I. Background

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area within the state and in each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). In addition, the provisions under 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze SIP. The first progress report SIP is due five years after submittal of the initial regional haze SIP. On September 25, 2008, Delaware DNREC submitted the State's first regional haze SIP in accordance with 40 CFR 51.308(b).[1]

On September 24, 2013, DNREC submitted, as a SIP revision (progress report SIP) a report on progress made in

[1] On July 19, 2011, EPA finalized an approval of Delaware's September 25, 2008 regional haze SIP to address the first implementation period for regional haze. *See* 76 FR 42557.

the first implementation period towards RPGs for the Class I area outside the State that is affected by emissions from Delaware's sources. This progress report SIP and accompanying cover letter also included a determination that Delaware's existing regional haze SIP requires no substantive revision to achieve the established regional haze visibility improvement and emissions reduction goals for 2018. EPA is proposing to approve Delaware's September 24, 2013 SIP revision on the basis that it satisfies the requirements of 40 CFR 51.308(g) and 308(h).

II. Requirements for the Regional Haze Progress Report SIPs and Adequacy Determinations

Under 40 CFR 51.308(g), states must submit a regional haze progress report as a SIP revision every five years and must address, at a minimum, the seven elements found in 40 CFR 51.308(g). As described in further detail in section III of this rulemaking action, 40 CFR 51.308(g) requires: (1) A description of the status of measures in the approved regional haze SIP; (2) a summary of emissions reductions achieved; (3) an assessment of visibility conditions for each Class I area in the state; (4) an analysis of changes in emissions from sources and activities within the state; (5) an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded progress in Class I areas impacted by the state's sources; (6) an assessment of the sufficiency of the approved regional haze SIP; and (7) a review of the state's visibility monitoring strategy.

Under 40 CFR 51.308(h), states are required to submit, at the same time as the progress report SIP, a determination of the adequacy of their existing regional haze SIP and to take one of four possible actions based on information in the progress report. As described in further detail in section III of this rulemaking action, 40 CFR 51.308(h) requires states to either: (1) Submit a negative declaration to EPA that no further substantive revision to the state's existing regional haze SIP is needed; (2) provide notification to EPA (and other state(s) that participated in the regional planning process) if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in other state(s) that participated in the regional planning process, and collaborate with these other state(s) to develop additional strategies to address deficiencies; (3) provide notification with supporting information to EPA if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in another country; or (4) revise its regional haze SIP to address deficiencies within one year if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress in one or more Class I areas due to emissions from sources within the state.

III. EPA's Analysis of Delaware's Regional Haze Progress Report and Adequacy Determination

On September 24, 2013, DNREC submitted a revision to Delaware's regional haze SIP to address progress made towards RPGs of the Class I area outside the State that is affected by emissions from Delaware's sources. This progress report SIP also includes a determination of the adequacy of the State's existing regional haze SIP. Delaware does not have any Class I areas within its borders. However, in Delaware's September 25, 2008 Regional Haze submittal, DNREC had identified, through an area of influence modeling analysis based on back trajectories in consultation with the regional planning organization, Mid-Atlantic/Northeast Visibility Union (MANE–VU), only one Class I area, Edwin B. Forsythe National Wildlife Refuge (Brigantine Wilderness Area), in the neighboring State of New Jersey, that can be potentially impacted by Delaware sources. *See* 76 FR 42557.

A. Regional Haze Progress Report SIPs

This section summarizes each of the seven elements that must be addressed by the progress report under 40 CFR 51.308(g); how Delaware's progress report SIP addressed each element; and EPA's analysis and proposed determination as to whether the State satisfied each element.

The provisions under 40 CFR 51.308(g)(1) require a description of the status of implementation of all measures included in the regional haze SIP for achieving RPGs for Class I areas both within and outside the state. Delaware evaluated the status of all measures included in its 2008 regional haze SIP in accordance with the requirements under 40 CFR 51.308(g)(1). Specifically, in its progress report SIP, Delaware summarizes the status of the emissions reduction measures that were included in the coordinated course of action agreed to by the Mid-Atlantic and Northeast States to assure reasonable progress toward preventing any future, and remedying any existing impairment of visibility in mandatory Class I Federal areas within MANE–VU. Delaware discusses its implementation of best available retrofit technology (BART) at the BART sources in the State and discusses how Delaware has far exceeded the MANE–VU goal of 90 percent (%) reduction in sulfur dioxide (SO_2) at electricity generating unit (EGU) stacks through implementation of its non-trading emissions control regulation for EGUs, 7 DE Admin. Code 1146, and control requirements on SO_2 emissions at EGUs established in state consent decrees and permits. Delaware discusses its implementation of 7 DE Admin. Code 1144 and 1148 which yielded nitrogen oxide (NO_X) reductions from generators and combustion turbines at EGUs and discusses reductions from the shutdown of coal-fired boilers pursuant to a Federal consent decree with Invista. While Delaware did not include any regulation for low sulfur fuel oil in its regional haze SIP, Delaware has subsequently implemented a low sulfur fuel oil regulation which will be effective in 2016 and will reduce SO_2 emissions further. Delaware also discusses SO_2 and NO_X reductions from a consent decree with the Delaware City Refinery which required installation of controls and discusses emission reductions from the NO_X SIP Call and reasonably available control technology (RACT) requirements within the State. Finally, Delaware discusses its implementation of other measures included in its regional haze SIP including Maximum Achievable Control Technology (MACT) requirements and mobile source and non-road control measures.

The State also discusses the status of those measures that were not included in the MANE–VU coordinated course of action and were not relied upon in the initial regional haze SIP to meet RPGs. The State notes that the emissions reductions from these measures will help ensure the Class I area impacted by Delaware sources achieves its RPGs. The measures include the Mercury and Air Toxics Standards (MATS) for EGUs and the 2010 SO_2 National Ambient Air Quality Standard (NAAQS) which Delaware expects will yield additional SO_2 reductions. Delaware also discusses Federal and state consent agreements as well as facility shutdowns and fuel conversions which were not included in the regional haze SIP but which have yielded emission reductions within the State.

Delaware's progress report includes a discussion of the benefits associated with each measure and quantified these benefits wherever possible. In instances where implementation of a measure did not occur on schedule, information is provided on the source category and the

measure's relative impact on the overall future year emissions inventories. In aggregate, as noted later in section III.A of this rulemaking action, the emissions reductions from the identified measures exceed the original projections in Delaware's regional haze SIP and result in lower emissions than originally projected.

EPA finds that Delaware's analysis adequately addresses the provisions under 40 CFR 51.308(g)(1). The State documents the implementation status of measures from its regional haze SIP in addition to describing additional measures not originally accounted for in the coordinated course of action with MANE–VU states or in Delaware's approved regional haze SIP. Delaware's progress report also describes significant measures resulting from EPA regulations other than the regional haze program as they pertain to the State's sources. The progress report SIP further highlights the effects of state regulations, such as Delaware's multi-pollutant control regulation for EGUs (7 DE Admin. Code 1146), as well as several Federal and state consent decrees for various facilities.

The State's progress report adequately discusses the status of key control measures that Delaware relied upon in the first implementation period to make reasonable progress. In its regional haze SIP, Delaware identified SO_2 emissions from coal-fired EGUs as a key contributor to regional haze in the MANE–VU region, with the EGU sector as a major contributor to visibility impairment at the Class I area impacted by Delaware sources. The State's progress report SIP provides additional information on EGU control strategies and the status of existing and future expected controls for Delaware's EGUs, with updated actual SO_2 emissions data for the years 2009 through 2011 reflecting significant reductions of SO_2 in 2009, 2010, and 2011. In its regional haze SIP, Delaware determined that no additional controls of non-EGU sources were reasonable for the first implementation period. Delaware's progress report SIP demonstrates SO_2 reductions from EGUs in 2009–2011 far exceed projected SO_2 reductions by approximately 10,000 tons of SO_2 compared to the MANE–VU request to reduce SO_2 emissions at EGUs.

Regarding Delaware's implementation of BART, Delaware's progress report SIP reviews the status of the State's BART sources (Edge Moor Unit 4, Edge Moor Unit 5, Indian River Unit 3, and McKee Run Unit 3). Delaware's regional haze SIP included Delaware's multi-pollutant EGU regulation, 7 DE Admin. Code 1146, as an alternative to BART for SO_2 and NOx emissions control for the BART sources pursuant to 40 CFR 51.308(e)(2)(i). The progress report SIP indicates that the four BART sources have implemented the stringent control requirements in 7 DE Admin. Code 1146 for NOx and SO_2 emissions through unit-specific annual NOx and SO_2 mass emissions caps and short-term (rolling 24-hour) NOx and SO_2 emissions rate limits (in pounds per million British thermal units (lb/MMBtu)). Delaware has demonstrated that the BART sources complied with 7 DE Admin. Code 1146 by installation of controls, fuel switches, and permit restrictions on operating conditions. Delaware's progress report SIP demonstrates significant SO_2 reductions (and NOx reductions) from EGUs in 2011 compared to 2002 and 2008 through implementation of 7 DE Admin. Code 1146.

Delaware's regional haze SIP also established BART for particulate matter (PM) for these same four sources through control requirements, and Delaware's progress report SIP adequately demonstrates compliance with and implementation of the PM BART at these sources which has yielded PM reductions in addition to the PM reductions projected in the regional haze SIP.

EPA proposes to conclude that Delaware has adequately addressed the status of control measures in its regional haze SIP as required by the provisions under 40 CFR 51.308(g)(1). The State adequately addressed the status of control measures in its regional haze SIP including BART and the coordinated action measures from MANE–VU, described the status of significant measures resulting from EPA regulations and Federal and state consent decrees other than the regional haze program as they pertain to Delaware sources, and included the status of key control measures that the State relied upon in the first implementation period to make reasonable progress. EPA finds Delaware has demonstrated significant reductions in SO_2, NOx, and PM through implementation of measures in its regional haze SIP and other Federal and state measures.

The provisions under 40 CFR 51.308(g)(2) require a summary of the emissions reductions achieved in the state through the measures subject to the requirements under 40 CFR 51.308(g)(1). In its regional haze SIP and progress report SIP, Delaware focuses its assessment on the largest contributor to visibility impairment, SO_2 emissions from EGUs. Delaware made this decision for the first implementation period because of MANE–VU's findings that sulfate accounted for more than 70 percent of the visibility-impairing pollution in the northeast and mid-Atlantic and because SO_2 point source emissions in 2018 were projected to represent the majority of the total SO_2 emissions inventory.

Overall, SO_2 emissions have decreased significantly in Delaware. Delaware states that the large reductions in SO_2 emissions from EGUs resulted from compliance with 7 DE Admin. Code 1146 and from permit conditions and consent decrees which further restricted emissions from EGUs. By 2011, the EGUs subject to 7 DE Admin. Code 1146 had reduced SO_2 mass emissions by 21,905 tons per year (tpy) (approximately 70%) from 2002 and reduced NOx mass emissions by 5,412 tpy (approximately 66%) from 2002.[2] Delaware stated these actual reductions are greater than the 8,681 tons of SO_2 reductions and zero tons of NOx reductions estimated from presumptive BART for Delaware's BART sources.

Delaware also identifies specific additional SO_2 and NOx emissions reductions since the submittal in 2008 of its regional haze SIP. Delaware identified reductions of 1,158 tpy NOx, 290 tpy fine particulate matter ($PM_{2.5}$), and 4,694 tpy of SO_2 which resulted from unit shutdowns at several facilities and imposition of a NOx permit limit on the Delaware City refinery. Delaware also includes in its progress report SIP additional projected reductions of SO_2 emissions of 2,605 tpy (as calculated from the 2002 base year) upon full implementation of its low-sulfur fuel regulation in 2016. Delaware states that these additional emissions reductions will further help to ensure that the Brigantine Wilderness Area will achieve its RPGs for visibility improvement by 2018.

Delaware also submitted data for the other states identified as significant contributors of SO_2 to Brigantine Wilderness Area showing similar trends in SO_2 reductions from EGUs in those states between 2002 and 2011. Because sulfates have been shown to be the predominant species of concern to visibility impairment at Brigantine Wilderness Area during the first round of regional haze planning and SO_2 EGU emissions are trending downward, Delaware concludes in its progress report SIP that visibility improvements should continue into the future from the reduced sulfate contribution.

[2] Delaware's progress report SIP includes emissions data for SO_2 and NOx from EGUs from EPA's Clean Air Markets Division (CAMD) for the years 2002–2011.

EPA proposes to conclude that Delaware has adequately addressed the provisions under 40 CFR 51.308(g)(2). The State provides estimates, and where available, actual emissions reductions of SO_2 and NO_X from EGUs in Delaware since the State submitted its regional haze SIP. Although Delaware appropriately focused on SO_2 emissions from its EGUs in its progress report SIP because the State had previously identified these emissions as the most significant contributors to visibility impairment at Brigantine Wilderness Area, the State also provided NO_X emissions from its EGUs as well. Delaware also adequately provided estimates and where available, actual emissions reductions for certain non-EGU control measures discussed in its regional haze SIP. Delaware's progress report SIP has shown that Delaware has exceeded expected emissions reductions and is expected to continue to do so in order to meet reasonable progress goals by 2018.

The provisions under 40 CFR 51.308(g)(3) require that states with Class I areas within their borders provide the following information for the most impaired and least impaired days for each area, with values expressed in terms of five-year averages of these annual values: [3] (1) Current visibility conditions; (2) the difference between current visibility conditions and baseline visibility conditions; and (3) the change in visibility impairment over the past five years.

Because Delaware does not have any Class I areas within its borders, EPA therefore proposes to conclude that Delaware's progress report SIP was not required to address 40 CFR 51.308(g)(3).

The provisions under 40 CFR 51.308(g)(4) require an analysis tracking emissions changes of visibility-impairing pollutants from the state's sources by type or category over the past five years based on the most recent updated emissions inventory. In its progress report SIP to address the requirements of 40 CFR 51.308(g)(4), Delaware presents data from statewide emissions inventories developed for the years 2002 and 2008 and compares the 2002 and 2008 data for SO_2, NO_X, and $PM_{2.5}$ to two sets of data for the same pollutants, including the projected emissions inventory for 2018 (from its 2008 regional haze SIP) and a ''hybrid'' emissions inventory created using 2011 EGU emissions data from EPA's CAMD database combined with 2008 emissions inventory data from non-EGU sources. Delaware's hybrid emissions inventory also includes adjusted mobile source emissions data for NO_X, and $PM_{2.5}$ from a 2012 model run using EPA's Motor Vehicle Emission Simulator (MOVES) model.[4] Delaware states this hybrid inventory reflects the latest data available to the State for comparison for 40 CFR 51.308(g)(4). Delaware claims its inventory data in its progress report SIP captures the majority of SO_2 emissions (as of 2011) because EGUs are the largest emitters of SO_2 and states the inventory is adequate to show Delaware's significant progress in reducing SO_2 emissions in comparison to future year projections. Delaware's emissions inventories include the following source classifications: Stationary point sources, area sources, and off-road and on-road mobile sources. As noted in section III.A.2 of this action, Delaware's overall EGU SO_2 emissions exceeded the reductions projected in the State's regional haze SIP for 2018 due to compliance with 7 DE Admin. Code 1146, additional fuel switches to natural gas, shutdowns, and other measures implemented for EGUs not previously projected.

EPA proposes to conclude that Delaware has adequately addressed the provisions under 40 CFR 51.308(g)(4). While ideally the five-year period to be analyzed for emissions inventory changes is the time period since the current regional haze SIP was submitted, availability of quality-assured data may not always correspond with this period and there is an inevitable time lag in developing and reporting inventories such that the most recent data may not be available. Therefore, EPA believes that there is some flexibility in the five-year time period states can practically select for tracking emissions changes to meet this requirement. While Delaware used portions of its 2008 emissions inventory for comparison with 2002, Delaware also supplemented this 2008 inventory with emissions data for 2011 for the EGU sector and with additional adjustments for 2012 mobile emissions. EPA believes that Delaware presented an adequate analysis tracking emissions trends for SO_2, NO_X, and $PM_{2.5}$ since the SIP was submitted in 2008 to reflect trends over an approximate five year period using the emissions data available to Delaware. Delaware's hybrid emissions inventory including 2011 EGU emissions data shows significant reductions of approximately 28,000 tons of SO_2, 13,000 tons of NO_X, and 200 tons of $PM_{2.5}$ from 2008. Furthermore, Delaware has demonstrated that these significant emissions reductions particularly of SO_2 are well beyond what was projected for 2018, demonstrating greater progress than projected in 2008.[5] EPA has also reviewed SO_2 and NO_X emissions data from CAMD for Delaware's EGUs for 2012 and preliminary data for 2013 and notes similar significantly reduced emissions from these sources in 2012 and 2013. EPA believes this provides sufficient information to support the representativeness of the five-year period evaluated by Delaware given that the State identified SO_2 emissions from the EGU sector as a main contributor to visibility impairment at Brigantine Wilderness Area.

The provisions under 40 CFR 51.308(g)(5) require an assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred over the past five years that have limited or impeded progress in reducing pollutant emissions and improving visibility in Class I areas impacted by the state's sources. In its progress report SIP, Delaware states that sulfates continue to be the biggest single contributor to regional haze at Brigantine Wilderness Area. However, while Delaware focused its analysis on addressing large SO_2 emissions from point sources, the State also has addressed NO_X, and $PM_{2.5}$. In its progress report SIP, Delaware demonstrates that the State's SO_2, NO_X, and $PM_{2.5}$ emissions reductions have by 2012 already significantly exceeded the Delaware 2018 emissions inventory projections for SO_2, NO_X, and $PM_{2.5}$ and demonstrates these reductions have occurred prior to other, additional state and Federal measures not included in the regional haze SIP but which Delaware projects will further reduce SO_2 emissions including the 2010 SO_2 NAAQS, Delaware's new low-sulfur fuel oil regulation, and the shutdown of Indian River Unit 3. Therefore, Delaware states that it has not limited nor impeded progress in reducing pollutant emissions and improving visibility at Brigantine Wilderness Area.

[3] The ''most impaired days'' and ''least impaired days'' in the regional haze rule refers to the average visibility impairment (measured in deciviews) for the twenty percent of monitored days in a calendar year with the highest and lowest amount of visibility impairment, respectively, averaged over a five-year period. *See* 40 CFR 51.301

[4] Delaware's progress report SIP focused on inventories of SO_2, NO_X and $PM_{2.5}$ because Delaware states these pollutants are reasonably anticipated to cause or contribute to visibility impairment.

[5] EPA notes that the State included SO_2 and NO_X emissions data for EGUs in Tables 7 and 8 of the progress report SIP using data from EPA's CAMD database, along with trends comparing SO_2, NO_X, and $PM_{2.5}$ actual emissions for 2002, 2008, and 2008 plus 2011 EGU data to projected 2018 emissions in Tables 39–43.

EPA proposes to conclude that Delaware has adequately addressed the provisions under 40 CFR 51.308(g)(5). The State adequately demonstrated that there are no significant changes in emissions of SO_2, $PM_{2.5}$, or NO_X that have impeded progress in reducing emissions and improving visibility in the Class I area impacted by Delaware sources. The State provided data demonstrating present emission reductions of SO_2 from EGUs were greater than originally projected for 2018 in the State's regional haze SIP and show an overall significant downward trend in emissions over the period 2002 to 2011.

The provisions under 40 CFR 51.308(g)(6) require an assessment of whether the current regional haze SIP is sufficient to enable the state, or other states, to meet the RPGs for Class I areas affected by emissions from the state. In its progress report SIP, Delaware states that it believes that the elements and strategies outlined in its original regional haze SIP are sufficient to enable neighboring states to meet all established RPGs. To support this conclusion, Delaware notes that emissions of SO_2 as calculated using the 2008 emissions inventory adjusted with 2011 EGU emissions are significantly less than the 2018 projected emissions of SO_2 (16,304 tpy versus 20,511 tpy, respectively). In addition, Delaware expects even further reduction of SO_2 emissions, particularly for the EGU sector, due to additional reductions not accounted for in the original regional haze SIP as discussed in detail previously in this rulemaking action, further supporting the State's conclusion that the regional haze SIP's elements and strategies are sufficient to meet established RPGs. Delaware discusses visibility data from the April 30, 2013 report, *Tracking Visibility Progress, 2004–2011,* prepared by the Northeast States for Coordinated Air Use Management (NESCAUM), which updated the progress at MANE–VU Class I areas during the five year period ending in 2011 including information for Brigantine Wilderness Area between 2000 and 2011 in the context of short- and long-term visibility goals. The report indicates that haze levels on the best and worst days from 2000 through 2011 have dropped at Brigantine Wilderness Area. Delaware notes the NESCAUM report indicates the states continue to be on track to meet their 2018 RPGs for improved visibility and that further progress may occur through recently adopted or proposed regulatory programs. Based upon the NESCAUM report and visibility data within the report for Brigantine Wilderness Area, Delaware states visibility improvement at Brigantine Wilderness Area has occurred for the most impaired days and no degradation of visibility has occurred for the least impaired days. Therefore, Delaware states that New Jersey's RPGs for Brigantine Wilderness Area are on track to be met based on visibility improvement and available data.

EPA proposes to conclude that Delaware has adequately addressed the provisions under 40 CFR 51.308(g)(6). EPA views this requirement as a qualitative assessment that should evaluate emissions and visibility trends and other readily available information, including expected emissions reductions associated with measures with compliance dates that have not yet become effective. Delaware referenced the improving visibility trends detailed in the NESCAUM report and the downward emissions trends in the State, with a focus on SO_2 emissions from Delaware EGUs, that support the State's determination that the State's regional haze SIP is sufficient for the neighboring state of New Jersey to meet its RPGs for the Class I area impacted by Delaware sources.

The provisions under 40 CFR 51.308(g)(7) require a review of the state's visibility monitoring strategy and an assessment of whether any modifications to the monitoring strategy are necessary. This requirement only applies to states with Class I areas within their borders. EPA proposes to conclude that Delaware has adequately addressed 40 CFR 51.308(g)(7) because Delaware does not have any Class I areas within its borders and Delaware is not required to address the provisions under 40 CFR 51.308(g)(7).

B. Determination of Adequacy of Existing Regional Haze Plan

Under 40 CFR 51.308(h), states are required to take one of four possible actions based on the information gathered and conclusions made in the progress report SIP. The following section summarizes the action taken by Delaware under 40 CFR 51.308(h); Delaware's rationale for the selected action; and EPA's analysis and proposed determination regarding the State's action.

In its progress report SIP, Delaware took the action provided for by the provisions under 40 CFR 51.308(h)(1), which allow a state to submit a negative declaration to EPA if the state determines that the existing regional haze SIP requires no further substantive revision at this time to achieve the RPGs for Class I areas affected by the state's sources. The basis for the State's negative declaration is the findings from the progress report SIP (as discussed in section III of this rulemaking action), including the findings that: SO_2 emissions from the State's sources have decreased beyond original projections; additional EGU control measures not relied upon in the State's regional haze SIP have occurred or will occur in the implementation period; and the EGU SO_2 emissions in Delaware are already below the levels projected for 2018 in the regional haze SIP and are expected to continue to trend downward for the next five years. EPA and Delaware also expect the downward trend in SO_2 emissions from EGUs in the other MANE–VU states to continue. EPA proposes to conclude that Delaware has adequately addressed the provisions under 40 CFR 51.308(h) because the visibility trends at the Class I area impacted by the State's sources and the emissions trends of the State's largest emitters of visibility-impairing pollutants both indicate that Brigantine Wilderness Area, which is the Class I area impacted by Delaware sources, will be able to meet or exceed the RPGs for 2018.

IV. EPA's Proposed Action

EPA is proposing to approve Delaware's Regional Haze five-year progress report SIP revision, submitted September 24, 2013, as meeting the applicable regional haze requirements as set forth in 40 CFR 51.308(g) and 51.308(h).

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the 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 to approve Delaware's regional haze five-year progress report SIP revision 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 dioxide, Volatile organic compounds.

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

Dated: February 11, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–04074 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2013–0414, EPA–R05–OAR–2013–0424, EPA–R05–OAR–2013–0425, EPA–R05–OAR–2013–0432; FRL–9906–49-Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Allen, Greene, Vanderburgh, Warrick, and Vigo Counties; 1997 8-Hour Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to approve requests by Indiana to revise the 1997 8-hour ozone maintenance air quality state implementation plan (SIP) for Allen, Greene, Vanderburgh, Warrick, and Vigo Counties to replace onroad emissions inventories and motor vehicle emissions budgets (budgets) with inventories and budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) emissions model. Indiana submitted the SIP revision requests for Allen, Vigo, Vanderburgh, and Warrick Counties on July 2, 2013, and submitted the SIP revision request for Greene County on July 8, 2013.

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Nos. EPA–R05–OAR–2013–0414 (Vanderburgh and Warrick Counties), EPA–R05–OAR–2013–0424 (Allen County), EPA–R05–OAR–2013–0425 (Greene County), EPA–R05–OAR–2013–0432 (Vigo County), by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. Hand Delivery: Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: January 31, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–03169 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2012–0761; FRL–9907–11–Region–8]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the Governor of North Dakota on April 14, 2011. The revisions affect North Dakota's air pollution control rules regarding general provisions, ambient air quality standards (sulfur dioxide (SO_2), nitrogen dioxide (NO_X), and lead), and permitting. EPA acted separately on other provisions in the April 14, 2011 submittal related to North Dakota's regulation of greenhouse gases (GHGs) under its Prevention of Significant Deterioration (PSD) program. This action is being taken under section 110 of the Clean Air Act.

DATES: Written comments must be received on or before March 27, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2012–0761, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: Fallon.Gail@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** section if you are faxing comments).
- *Mail:* Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2012–0761. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. 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 Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *http://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 at *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Gail Fallon, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6281, *Fallon.Gail@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. General Information
II. Background
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Definitions

For the purpose of this document, the following definitions apply:

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

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

(iii) The initials *GHG* mean or refer to greenhouse gases.

(iv) The initials *NAAQS* mean or refer to the National Ambient Air Quality Standards.

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

(vi) The initials *NDDH* mean or refer to the North Dakota Department of Health.

(vii) The initials *NESHAP* mean or refer to National Emissions Standards for Hazardous Air Pollutants.

(viii) The initials NO_X mean or refer to nitrogen oxides.

(ix) The initials *NSPS* mean or refer to New Source Performance Standards.

(x) The initials *NSR* mean or refer to New Source Review.

(xi) The initials $PM_{2.5}$ mean or refer to fine particulate matter.

(xii) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(xiii) The initials *SAAQS* mean or refer to State Ambient Air Quality Standards.

(xiv) The initials *SIP* mean or refer to State Implementation Plan.

(xv) The initials SO_2 mean or refer to sulfur dioxide.

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

I. General Information

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

1. *Submitting CBI.* Do not submit this information to EPA through *http://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:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. Background

The Act requires states to follow certain procedures in developing implementation plans and plan revisions for submission to EPA. Sections 110(a)(2) and 110(l) of the Act provide that each implementation plan must be adopted after reasonable notice and public hearing.

To provide for public comment, the North Dakota Department of Health (NDDH), after providing notice, held a public hearing on August 19, 2010 to consider the revisions to its Air Pollution Control Rules. Following the public hearing, comment period, and legal review by the North Dakota Attorney General's Office, NDDH adopted the revisions. The revisions to the Air Pollution Control Rules became effective on April 1, 2011. The North Dakota Governor submitted the SIP revisions to us with a letter dated April 14, 2011.

III. Analysis of SIP Revisions

We are proposing action on the April 14, 2011 submittal for SIP revisions that involve the following chapters of the North Dakota Administrative Code (NDAC): 33–15–01, ''General Provisions;'' 33–15–02, ''Ambient Air Quality Standards;'' and 33–15–14, ''Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V permit to Operate.'' We previously acted on the revisions to NDAC 33–15–15, ''Prevention of Significant Deterioration of Air Quality'' in the April 14, 2011 submittal regarding regulation of GHGs and fine particulate matter ($PM_{2.5}$) under North Dakota's PSD program in 2012 (77 FR 64734, October 23, 2012). The following is our description and analysis of the revisions in this proposed action which the State submitted to us for approval.

A. Chapter 33–15–01, NDAC, General Provisions

The State revised section 33–15–01–04.52 and cross-referenced and incorporated by reference the version of 40 CFR 51.100(s) as it existed on July 2, 2010 for purposes of defining ''volatile organic compounds'' (the prior date used was March 1, 2008). This change is minor and is consistent with relevant CAA and regulatory requirements.

B. Chapter 33–15–02, NDAC, Ambient Air Quality Standards

In section 33–15–02–04.1, ''Particulates and Gases,'' the State deleted the language, ''Except as provided in section 33–15–02–07 . . .'' at EPA's request. We were concerned that the cross reference to subsection 33–15–02–07.4 in 33–15–02–07, ''Concentrations of Air Contaminants in the Ambient Air Restricted,'' gave discretion to the state director to exempt, from ambient air quality standards, emissions during malfunctions and maintenance shutdowns. We asked the State to address our concern. The deletion of subsection 33–15–02–07.4 from 33–15–02–07 and the deletion of the language cross referencing to it in subsections 33–15–02–04.1, 33–15–02–07.1 and 33–15–02–07.2 addresses our concern and is consistent with CAA requirements.

In section 33–15–02–07, ''Concentrations of Air Contaminants in the Ambient Air Restricted,'' the State deleted subsection 33–15–02–07.3 and the cross references to this subsection in 33–15–02–07.1 and 33–15–02–07.2. Prior to this revision, there was a 1-hour state ambient air quality standard (SAAQS) for SO_2 of 273 parts per billion (ppb). There was no 1-hour SO_2 national ambient air quality standard (NAAQS) at that time. Because there were both a 24-hour and annual SAAQS and NAAQS for SO_2, coal conversion facilities and petroleum refineries were exempt from the SAAQS per North Dakota Century Code (NDCC) 23–25–03.2. North Dakota NDAC 33–15–02–07.3 clarified that these source categories only had to meet the NAAQS. The State's rule revision eliminated the 1-hour SAAQS for SO_2 and adopted the 1-hour NAAQS (75 ppb). The revision makes the SO_2 SAAQS and the NAAQS the same; NDAC 33–15–02–07.3 is thus unnecessary. This revision is consistent with CAA and regulatory requirements.

Also in section 33–15–02–07, Tables 1 and 2 were revised. Table 1, ''Ambient Air Quality Standards,'' that lists the State ambient air quality standards was revised to add the new 2010 federal 1-hour standards for NO_X and SO_2 and to amend the standard for lead to the 2008 federal standard. Table 2, ''National Ambient Air Quality Standards,'' includes the old federal standards for SO_2. The State initially proposed that Table 2 be deleted and that the new federal SO_2 standards be incorporated into Table 1. We asked the State to retain the old federal SO_2 standards for one year after designation of the new standard.[1] The State addressed our concerns by retaining the old primary SO_2 standards in Table 2, by adding the new primary SO_2 standards to Table 1, and by moving the secondary SO_2 standard from Table 2 to Table 1. The State added an explanation after Table 2 regarding the federal requirement to retain the standards for one year after designation. These revisions were made to reflect the federal standards and are consistent with CAA and regulatory requirements.

C. Chapter 33–15–14, NDAC, Designated Air Contaminant Sources, Permit To Construct, Minor Source Permit To Operate, Title V Permit To Operate

In Chapter 33–15–14, in addition to several housekeeping revisions, the State made revisions to sections 33–15–14–01 and 33–15–14–02 with the intent to change the permitting requirement for sources subject to a new source performance standard (NSPS) or national emission standard for

[1] Per revised 40 CFR 50.4, effective August 23, 2010 (75 FR 35520, June 22, 2010), ''[t]he SO_2 NAAQS set forth in this section will no longer apply to an area one year after the effective date of the designation of that area, pursuant to section 107 of the Clean Air Act, for SO_2 NAAQS set forth in § 50.17 . . .''

hazardous air pollutant (NESHAP). Previously, the SIP-approved minor source permit rule required any source subject to a NSPS or NESHAP to obtain a permit from the State regardless of the quantity of source emissions. The State has changed the rule so the permit requirement only applies to sources subject to a state-adopted NSPS or NESHAP. The State made this change to avoid the burden of permitting the numerous oil and gas facilities that became subject to the newly promulgated federal NSPS at 40 CFR part 60, subpart OOOO (Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution). The effect of these revisions is the State, by not adopting subpart OOOO into state law (and with no intention to adopt it in the future) will not have to permit the sources subject to subpart OOOO. Coupled with an existing exemption for oil and gas production operations at subsection 33–15–14–02.13.o and the State's oil and gas registration program at Chapter 33–15–20, the sources the State intends to exclude from permitting include the multitude of small units, such as tanks, engines, and other oil and gas production related units normally subject to the State's minor source New Source Review (NSR) program. State permitting requirements aside, national emissions standards in any NSPS or NESHAP including 40 CFR part 60, subpart OOOO still apply to the subject sources. The revisions related to NSPS and NESHAP permitting result in a relaxation of North Dakota's SIP since now a narrower subset of sources subject to NSPS and NESHAP requirements (only those sources subject to NSPS and NESHAP requirements that are adopted by the State) are subject to permitting. While the State has not indicated any intention to return delegation of any currently state-adopted NSPS or NESHAP requirements, EPA has considered this possibility. Regarding the potential impacts to any future relaxation related to such returned delegation, should this occur, EPA will continue to work closely with the State to review these requirements as well as the rest of its minor NSR program. Like other states, EPA has some concerns with the stringency of North Dakota's minor NSR program, and we acknowledge that there are ongoing discussions with North Dakota to clarify and strengthen the State's minor NSR program including addressing oil and gas production. North Dakota approached this current SIP revision in a prospective manner, revising its rules prior to EPA issuing the subpart OOOO requirements.

CAA section 110(l) requires a demonstration that a SIP revision does not interfere with any requirement concerning attainment and that a relaxation is sufficiently protective of air quality and other CAA requirements in order for EPA to approve the relaxation. EPA conducted such a demonstration for the permitting rule revision in the April 2011 submittal finding the revisions are not presently interfering with the State's SIP control strategy or causing NAAQS violations in North Dakota. Our demonstration is included in the docket for this action.

The specific revisions related to the minor source NSPS and NESHAP permitting issue as well as other revisions to the minor source NSR program are described below.

In section 33–15–14–01, ''Designated Air Contaminant Sources,'' the State revised the list of sources ''capable of causing or contributing to air pollution.'' The revised sections read as follows:

33–15–14–01.9. Any source for which an applicable federal standard of performance (40 CFR 60) has been adopted in chapter 33–15–12.

33–15–14–01.10. Any source for which an applicable national emission standard for hazardous air pollutants (40 CFR 61) has been adopted in chapter 33–15–13.

In section 33–15–14–02, ''Permit to construct,'' the State made the following revisions:

In subsection 33–15–14–02.1, ''Permit to construct required,'' the State deleted the following language from the end of the first paragraph, ''This requirement shall also apply to any source for which a federal standard of performance has been promulgated prior to such filing of an application for a permit to construct. A list of sources for which a federal standard has been promulgated, and the standards which apply to such sources, must be available at the department's offices.'' The subsection now reads, ''No construction, installation or establishment of a new stationary source within a source category designated in section 33–15–14–01 may be commenced unless the owner or operator thereof shall file an application for, and receive, a permit to construct in accordance with this chapter.''

In subsection 33–15–14–02.13, ''Exemptions,'' the State deleted the following language from the end of the introductory sentence, ''and there is no applicable new source performance standard, or national emission standard for hazardous air pollutants.'' This subsection now reads, ''A permit to construct is not required for the following stationary sources provided there is no federal requirement for a permit or approval for construction or operation.''

In subsection 33–15–14–02.13.o, the State made a revision deleting an unnecessary subsection reference for the definition of major source which we are approving. The subsection now reads, ''Oil and gas production facilities as defined in chapter 33–15–20 which are not a major source as defined in section 33–15–14–06.'' The State is moving towards less precise numbering references, in some cases, to simplify any future rule renumbering requirements. In addition, under this provision, oil and gas production facilities that are not major sources are exempted from review and permitting. While EPA approved this provision in 1995, we do have concerns now that the provision may need to be strengthened in order to conform with the CAA and EPA's minor NSR regulations 40 CFR 51.150–51.164. EPA has not reviewed the substance of this rule as part of this action. The EPA is now merely approving the deletion of the numbering cross reference submitted by the State. The current version of the NDAC rule does not contain substantive changes from the prior codification that we approved into the SIP. EPA acknowledges that there are ongoing discussions with North Dakota to address EPA's concerns with the rule language that EPA previously approved into the North Dakota SIP. In a December 10, 2013 letter from Terry O'Clair, Director of North Dakota's Division of Air Quality to Gail Fallon, EPA Region 8, North Dakota committed to provide clarification of the applicability of the oil and gas production operations registration program and guidance. Because this rule revision in the SIP only deletes a numbering cross reference, we are proposing to approve this revision

Also in Chapter 33–15–14, the State made several housekeeping revisions. A revision in subsection 1.12 is clarifying in nature and replaced language about a source's emissions ''affecting'' state air quality with language regarding a source that the State determined to ''cause or contribute to a violation'' of air quality standards. A revision in subsection 1.15 added the word ''stationary'' to clarify the State's intent to regulate only stationary sources under its permitting program.[2] The revised subsections read as follows:

33–15–14–01.12. Any source which is determined by the department to cause or contribute to a violation of any SAAQS or violates the other provisions of chapter 33–15–02.

33–15–14–01.15. Other stationary sources subject to a standard or requirement under the Federal Clean Air Act as amended.

In section 33–15–14–03, ''Minor source permit to operate,'' the State deleted exception language in subsection 33–15–14–03.1.c related to the requirement for a minor source

[2] We acted previously on other revisions in the April 14, 2011 submittal, pertaining to the State's regulation of greenhouse gases. Federal greenhouse gas requirements deal largely with mobile sources. See our 2012 action, 77 FR 64734, October 23, 2012, for a more detailed explanation.

permit to operate when a source is transitioning to a title V permit to operate as well as language for fees related to such sources that meet the title V applicability requirements. The subsection now reads, ''Sources that are subject to the title V permitting requirements of section 33–15–14–06 are exempt from the requirements of this section.'' While the time frame related to the State issuing initial title V permits has largely passed, in the event a minor source's emissions grow to the extent that a title V permit becomes necessary, any applicable requirements in the minor source permit to operate will transition into the title V permit to operate. In such a case, until a title V permit is issued, the minor source permit remains in effect.

The changes in Chapter 33–15–14 only affect the applicability of certain permitting requirements contained in this Chapter. These changes do not affect emission limits in the SIP or other requirements that would affect ambient concentrations of criteria pollutants. These changes are consistent with CAA and regulatory requirements.

IV. Proposed Action

EPA is proposing to approve revisions to the North Dakota SIP that the Governor of North Dakota submitted with a letter dated April 14, 2011 and that were state-effective April 1, 2011. Specifically, EPA is proposing to approve North Dakota's revisions to the following portions of the North Dakota Administrative Code: Chapter 33–15–01, ''General Provisions,'' section 33–15–01–04.52 ; Chapter 33–15–02, ''Ambient Air Quality Standards,'' sections 33–15–02–04.1, 33–15–02–07.1, 33–15–02–07.2, 33–15–02–07.3, 33–15–02–07.4, section 33–15–02, Tables 1 and 2. EPA is proposing to approve Chapter 33–15–14, ''Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate,'' sections 33–15–14–01.9, 33–15–14–01.10, 33–15–14–01.12, 33–15–14–01.15, 33–15–14–02.1, 33–15–14–02.13, 33–15–14–02.13.o, 33–15–14–03.1c with the understanding that the State and EPA will continue discussions to clarify and strengthen the State's current minor source program as it relates to oil and gas production facilities. See section III of this action for a description of these revisions. EPA acted previously on the revisions to Chapter 33–15–15, ''Prevention of Significant Deterioration of Air Quality,'' that were also included in the April 14, 2011 submittal. See 77 FR 64734, October 23, 2012.

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 14, 2014.

Howard M. Cantor,

Acting Regional Administrator, Region 8.

[FR Doc. 2014–04073 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2014–0006; FRL–9907–10–Region–3]

Approval and Promulgation of Implementation Plans; Virginia; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a revision to the Virginia State Implementation Plan (SIP) submitted by the Commonwealth of Virginia through the Virginia Department of Environmental Quality (DEQ). Virginia's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the Commonwealth's existing SIP addressing regional haze (regional haze SIP). EPA is proposing approval of Virginia's SIP revision on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0006, by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0006, Cristina Fernandez, Associate Director,

Office of Air Program Planning, Mailcode 3AP30, 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–2014–0006. 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 Virginia's submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area within the state and in each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). States are also required to submit, at the same time as the progress report, a determination of the adequacy of the state's existing regional haze SIP. *See* 40 CFR 51.308(h). The first progress report SIP is due five years after submittal of the initial regional haze SIP. On October 4, 2010, Virginia DEQ submitted the Commonwealth's first regional haze SIP in accordance with the requirements of 40 CFR 51.308.[1]

On November 8, 2013, the Commonwealth of Virginia submitted, as a SIP revision (progress report SIP), a report on progress made in the first implementation period towards RPGs for Class I areas in the Commonwealth and Class I areas outside the Commonwealth that are affected by emissions from Virginia's sources. This progress report SIP and accompanying cover letter also included a determination that the Commonwealth's existing regional haze SIP requires no substantive revision to achieve the established regional haze visibility improvement and emissions reduction goals for 2018. EPA is proposing to approve Virginia's progress report SIP on the basis that it satisfies the requirements of 40 CFR 51.308(g) and 51.308(h).

II. Requirements for the Regional Haze Progress Report SIPs and Adequacy Determinations

Under 40 CFR 51.308(g), states must submit a regional haze progress report as a SIP revision every five years and must address, at a minimum, the seven elements found in 40 CFR 51.308(g). As described in further detail in section III of this rulemaking action, 40 CFR 51.308(g) requires: (1) A description of the status of measures in the approved regional haze SIP; (2) a summary of emissions reductions achieved; (3) an assessment of visibility conditions for each Class I area in the state; (4) an analysis of changes in emissions from sources and activities within the state; (5) an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded progress in Class I areas impacted by the state's sources; (6) an assessment of the sufficiency of the approved regional haze SIP; and (7) a review of the state's visibility monitoring strategy.

Under 40 CFR 51.308(h), states are required to submit, at the same time as the progress report SIP, a determination of the adequacy of their existing regional haze SIP and to take one of four possible actions based on information in the progress report. As described in further detail in section III of this rulemaking action, 40 CFR 51.308(h) requires states to either: (1) Submit a negative declaration to EPA that no further substantive revision to the state's existing regional haze SIP is needed; (2) provide notification to EPA (and other state(s) that participated in the regional planning process) if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in other state(s) that participated in the regional planning process, and collaborate with

[1] On June 13, 2012, EPA finalized a limited approval of Virginia's October 4, 2010 regional haze SIP to address the first implementation period for regional haze (77 FR 35287). In a separate action, published on June 7, 2012 (77 FR 33642), EPA finalized a limited disapproval of the Virginia regional haze SIP because of the Commonwealth's reliance on the Clean Air Interstate Rule (CAIR) to meet certain regional haze requirements, which EPA replaced in August 2011 with the Cross-State Air Pollution Rule (CSAPR) (76 FR 48208, August 8, 2011). In the aforementioned June 7, 2012 action, EPA finalized a Federal Implementation Plan (FIP) for Virginia to replace the Commonwealth's reliance on CAIR with reliance on CSAPR. Following these EPA actions, the DC Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), *cert. granted* 133 U.S. 2857 (2013) vacating CSAPR and keeping CAIR in place pending the promulgation of a valid replacement rule. EPA believes that the *EME Homer City* decision impacts the reasoning that formed the basis for EPA's limited disapproval of Virginia's regional haze SIP based on Virginia's reliance upon CAIR and expects to propose an appropriate action regarding the limited approval and limited disapproval of the regional haze SIP upon final resolution of *EME Homer City.*

these other state(s) to develop additional strategies to address deficiencies; (3) provide notification with supporting information to EPA if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in another country; or (4) revise its regional haze SIP to address deficiencies within one year if the state determines that its existing regional haze SIP is or may be inadequate to ensure reasonable progress in one or more Class I areas due to emissions from sources within the state.

III. EPA's Analysis of Virginia's Regional Haze Progress Report and Adequacy Determination

On November 8, 2013, Virginia submitted a SIP revision to address progress made towards RPGs of Class I areas in the Commonwealth and Class I areas outside the Commonwealth that are affected by emissions from Virginia's sources. This progress report SIP also includes a determination of the adequacy of the Commonwealth's existing regional haze SIP.

Virginia has two Class I areas within its borders: James River Face Wilderness Area (James River) and Shenandoah National Park (Shenandoah). Virginia mentions in the progress report SIP that Virginia sources were also identified, through an area of influence modeling analysis based on back trajectories, as potentially impacting nine Class I areas in five neighboring states: Dolly Sods Wilderness Area in West Virginia; Great Smoky Mountains National Park and Joyce Kilmer—Slickrock Wilderness Area in North Carolina and Tennessee; Linville Gorge, Shining Rock and Swanquarter Wilderness Areas in North Carolina; Cohutta and Wolf Island Wilderness Areas in Georgia; and Cape Romaine Wilderness Area in South Carolina.

A. Regional Haze Progress Report SIPs

This section summarizes each of the seven elements that must be addressed by the progress report under the provisions of 40 CFR 51.308(g); how Virginia's progress report SIP addressed each element; and EPA's analysis and proposed determination as to whether the Commonwealth satisfied each element.

The provisions under 40 CFR 51.308(g)(1) require a description of the status of implementation of all measures included in the regional haze SIP for achieving RPGs for Class I areas both within and outside the state. The Commonwealth of Virginia evaluated the status of all measures included in its 2010 regional haze SIP in accordance with the requirements under 40 CFR 51.308(g)(1). Specifically, in its progress report SIP, Virginia summarizes the status of the emissions reduction measures that were included in the final iteration of the Visibility Improvement—State and Tribal Association of the Southeast (VISTAS) regional haze emissions inventory and RPG modeling. The Commonwealth also discusses the status of those measures that were not included in the final VISTAS emissions inventory and were not relied upon in the initial regional haze SIP to meet RPGs. The Commonwealth notes that the emissions reductions from these measures, which are relied upon by Virginia for reasonable progress, will help ensure Class I areas impacted by Virginia sources achieve their RPGs. The measures include applicable Federal programs (e.g., mobile source rules, Maximum Achievable Control Technology (MACT) standards, Federal and state consent agreements, and Federal and state control strategies for electric generating units (EGUs) such as CAIR, CSAPR, and state multi-pollutant regulations for EGUs). Virginia's summary includes a discussion of the benefits associated with each measure and quantifies those benefits wherever possible. In instances where implementation of a measure did not occur on schedule, information is provided on the source category and the measure's relative impact on the overall future year emissions inventories. The progress report SIP also discusses the status and implementation of the best available retrofit technology (BART) determinations for BART sources in Virginia, the implementation status of BART for sources in neighboring states, and the implementation of a reasonable progress determination for one Virginia source. Finally, Virginia's progress report SIP discusses implementation of regulations and requirements developed after Virginia's regional haze SIP was prepared which Virginia asserts will provide extra assurance that Virginia's Class I areas will meet their RPGs including the Mercury and Air Toxics Standard (MATS) for EGUs, the 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS), several control measures for volatile organic compound (VOC) reductions, Federal consent decrees which include SO_2 and nitrogen oxide (NO_X) reductions at sources, and plant shutdowns.

In aggregate, as noted later in section III.A of this rulemaking action, the emissions reductions from the identified measures are expected to exceed significantly the original projections in Virginia's regional haze SIP and result in lower emissions by 2018 than originally projected. Virginia states that it did not expect reasonable progress to be adversely impacted in any of the Class I areas in Virginia or neighboring states by any of the changes to the emissions reductions projected.

EPA proposes to find that Virginia's analysis adequately addresses the provisions under 40 CFR 51.308(g)(1). The Commonwealth documents the implementation status of measures from its regional haze SIP such as regulations, Federal and state consent decrees, and BART determinations in addition to describing additional measures that came into effect since the VISTAS analysis for the Virginia regional haze SIP was completed, including new regulations for EGUs, Federal consent decrees, and unanticipated plant shutdowns. Virginia's progress report also describes significant measures resulting from EPA regulations other than the regional haze program as they pertain to Virginia sources. The progress report SIP highlights the effect of several Federal control measures both nationally and in the VISTAS region, and when possible, in Virginia.

The Commonwealth's progress report discusses the status of key control measures that the Commonwealth relied upon in the first implementation period to make reasonable progress. In its regional haze SIP, Virginia identified SO_2 emissions from coal-fired EGUs as a key contributor to regional haze in the VISTAS region and identified the EGU sector as a major contributor to visibility impairment at all Class I areas in the VISTAS region. The Commonwealth's progress report SIP provides additional information on EGU control strategies and the status of existing and future expected controls for Virginia's EGUs, with updated actual SO_2 emissions data for the years 2002–2012 reflecting large reductions of SO_2 through 2012. In its regional haze SIP, Virginia had determined that no additional controls of non-EGU sources were reasonable for the first implementation period.

Regarding the status of BART and reasonable progress control requirements for sources in the Commonwealth, EPA finds Virginia's progress report SIP adequately reviews the status of the Commonwealth's four BART sources and its reasonable progress determination source by mentioning that controls are currently operational at these sources or that units

have been shutdown.[2] Because the Commonwealth found no additional controls to be reasonable for the first implementation period for sources evaluated for reasonable progress in Virginia, no further discussion of the status of controls was necessary in the progress report SIP. EPA proposes to conclude that Virginia has adequately addressed the status of control measures in its regional haze SIP as required by the provisions under 40 CFR 51.308(g)(1) by discussing the status of key measures that the Commonwealth relied upon in the first implementation period to make reasonable progress.

The provisions under 40 CFR 51.308(g)(2) require a summary of the emissions reductions achieved in the state through the measures subject to the requirements under 40 CFR 51.308(g)(1). In its regional haze SIP and progress report SIP, Virginia focused its assessment on the largest contributor to visibility impairment, SO_2 emissions from EGUs. Virginia made this decision for the first implementation period due to VISTAS' findings that sulfate accounted for more than 70 percent of visibility-impairing pollution in the Southeast and that SO_2 point source emissions in 2018 represent more than 95 percent of the total projected SO_2 emissions inventory.

Overall, Virginia states SO_2 emissions have decreased significantly in the Commonwealth. Virginia states there has been a large reduction in SO_2 emissions from EGUs, an 87 percent decrease from 2002 to 2012, which resulted from many process and operational changes, including SO_2 control installations, switches to cleaner fuels by emission units, retirements of units, and curtailments of certain coal-fired operations. Based on utility emissions data from 2002 through 2012 as reported in EPA's Clean Air Markets Division (CAMD) database, Virginia indicates that actual emissions of SO_2 from the coal-fired EGU sector have dropped from 216,341 tons per year (tpy) in 2002 to 28,345 tpy in 2012, reflecting the 87 percent decrease.[3] Additionally, the 2012 actual emissions of SO_2 (30,732 tpy) are substantially less than originally projected in the 2018 modeling inventory (82,121 tpy).

While heat input to Virginia's EGUs has decreased approximately 27 percent from 2002 values, Virginia states in its progress report SIP that SO_2 and NO_X emission rates for the coal-fired EGUs have decreased by 82 percent for SO_2 and 67 percent for NO_X due to installation of controls and fuel switches. Given these substantial reductions in emission rates, Virginia states it expects the significant reductions of SO_2 should be maintained even if heat inputs increase in the future. Virginia states that similar progress in emissions reductions across all VISTAS states have been observed between 2002 and 2012 as well. Based on EPA's CAMD data, 2012 heat input data decreased only 8 percent from 2002 values, while SO_2 and NO_X emission rates declined 76 percent and 73 percent respectively. Virginia also states in its progress report SIP that it expects additional retirements of EGU sources through 2018 and asserts the remaining coal-fired EGUs in Virginia have operational SO_2 controls which should greatly reduce the visibility impact of such sources on Class I areas.

EPA proposes to conclude that Virginia has adequately addressed the requirements under 40 CFR 51.308(g)(2) with its summary of the large emissions reductions, particularly in SO_2 and NO_X from EGUs, achieved in the Commonwealth through the measures in Virginia's regional haze SIP. The Commonwealth provides estimates, and where available, actual emissions reductions of SO_2 (and NO_X) from EGUs in Virginia that have occurred since the Commonwealth submitted its regional haze SIP. The Commonwealth appropriately focused on SO_2 emissions from its EGUs in its progress report SIP because Virginia had previously identified these emissions as the most significant contributors to visibility impairment at James River and Shenandoah and at additional Class I areas that Virginia sources impact. In addition, Virginia provides estimates, and where available, actual emissions reductions for certain non-EGU control measures that were in its regional haze SIP when addressing the requirements under 40 CFR 51.308(g)(1) for implementation status. Because no additional controls were found to be reasonable for the first implementation period for evaluated sources in Virginia for reasonable progress, EPA proposes to find that no further discussion of emissions reductions from controls was necessary in the progress report SIP.

The provisions under 40 CFR 51.308(g)(3) require that states with Class I areas provide the following information for the most impaired and least impaired days for each area, with values expressed in terms of five-year averages of these annual values:[4] (1) Current visibility conditions; (2) the difference between current visibility conditions and baseline visibility conditions; and (3) the change in visibility impairment over the past five years.

The Commonwealth provides visibility data for 2001 through 2011 that addresses the three requirements of 40 CFR 51.308(g)(3) for James River and Shenandoah. In the Virginia regional haze SIP, for the 20% worst days, Virginia established a RPG for James River of 6.7 deciview (dv) reduction in visibility impairment by 2018, which is significantly greater than the 4.2 dv reduction required to meet the uniform rate of progress necessary to achieve a natural background condition of 11.1 dv by 2064. For Shenandoah, Virginia established a RPG for the 20% worst days of 7.4 dv reduction in visibility impairment by 2018, which is significantly greater than the 4.2 dv reduction required to meet the uniform rate of progress necessary to achieve the natural background condition of 11.4 dv by 2064. Likewise, Virginia also adopted a RPG for the 20% best days that would result in a 2.2 dv reduction in visibility impairment for James River and 1.8 dv reduction in visibility impairment for Shenandoah. Based on Virginia's analysis of emissions reductions and visibility data for 2001–2011, Virginia states it is on track to achieve its RPGs by 2018, visibility is improving at James River and Shenandoah, and no additional controls on non-EGUs are needed as SO_2 emission reductions from EGUs are expected to continue over the next five years.

EPA finds the difference between current and baseline visibility and the five-year rolling averages for the most impaired (20% worst) and least impaired (20% best) days at both Virginia Class I areas indicates that visibility has significantly improved since 2001 (as illustrated in Table 1 of this rulemaking action) and finds Virginia's assessment that it is on track

[2] Virginia also identified 66 BART-subject sources in other states determined to be in the area of influence of either James River or Shenandoah using the Commonwealth's methodology for determining sources eligible for a reasonable progress control determination. EPA finds the progress report SIP adequately summarizes the BART control determinations and their implementation for these facilities in the surrounding States of Maryland, Pennsylvania, Kentucky, Delaware, West Virginia, Tennessee, and North Carolina.

[3] In comparing 2002 and 2012 emissions to report the 87 percent decrease in SO_2 emissions from the EGU sector, Virginia excluded SO_2 emissions from EGU sources which did not report to CAMD in 2002 from the 2012 SO_2 emissions of 28,345 tpy. The complete SO_2 emissions from all Virginia EGUs reporting to CAMD in 2012 is 30,732 tpy.

[4] The ''most impaired days'' and ''least impaired days'' in the regional haze rule refers to the average visibility impairment (measured in deciviews) for the twenty percent of monitored days in a calendar year with the highest and lowest amount of visibility impairment, respectively, averaged over a five-year period. *See* 40 CFR 51.301.

to meet its RPGs at James River and Shenandoah reasonable given the downward trend in visibility impairment and in SO_2 emissions from EGUs.

TABLE 1—VISIBILITY DATA FOR VIRGINIA CLASS I AREAS

Year	James River Face Wilderness Area				Shenandoah National Park			
	20% Worst days		20% Best days		20% Worst days		20% Best days	
	Annual	5-Year average	Annual	5-Year average	Annual	5-Year average	Annual	5-Year average
2001	29.5	.....	14.5	.....	29.2	.....	13.2	.....
2002	30.4	.....	15.7	.....	30.5	.....	11.5	.....
2003	28.4	.....	12.9	.....	28.9	.....	9.5	.....
2004	28.2	.....	13.8	.....	29.3	.....	9.4	.....
2005	30.5	29.4	14.9	14.4	30.8	29.8	10.2	10.8
2006	29.0	29.3	14.8	14.4	29.3	29.8	10.6	10.3
2007	28.5	28.9	13.8	14.0	28.8	29.4	11.1	10.2
2008	25.5	28.4	13.0	14.1	25.7	28.8	8.2	10.0
2009	22.9	27.3	11.6	13.6	21.8	27.3	8.2	9.7
2010	23.9	26.0	13.4	13.3	23.4	25.8	9.7	9.6
2011	24.3	24.4	11.5	12.7	23.4	24.6	7.8	9.0

EPA finds Virginia provided the required information regarding visibility conditions and changes to meet the requirements under 40 CFR 51.308(g)(3), specifically providing current conditions based on the latest available Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data, the difference between current visibility conditions and baseline visibility conditions (2001–2004), and the change in visibility impairment over the most recent five-year period (2007–2011) for which data were available at the time of the progress report SIP development. For the 2007–2011 time period for James River, visibility impairment for the 20-percent worst days improved by 4.5 dv (comparing 5 year averages) and for the 20-percent best days improved by 1.3 dv (comparing 5 year averages). For the 2007–2011 time period for Shenandoah, visibility impairment for the 20-percent worst days improved by 4.8 dv (comparing 5 year averages) and for the 20-percent best days improved by 1.2 dv (comparing 5 year averages). Given the visibility improvement in Virginia's Class I areas, EPA finds that the Commonwealth's assessment that it is on track to meet RPGs by 2018 is reasonable. EPA proposes to conclude that Virginia has adequately addressed 40 CFR 51.308(g)(3).

The provisions under 40 CFR 51.308(g)(4) require an analysis tracking emissions changes of visibility-impairing pollutants from the state's sources by type or category over the past five years based on the most recent updated emissions inventory. In its progress report SIP, Virginia presents emissions inventories for 2002, 2007, 2009, 2011, and 2018 in accordance with the requirements of 40 CFR 51.308(g)(4). The progress report SIP includes Virginia's baseline emissions inventory from 2002 and estimated emissions inventories for 2009 and 2018 (as updated by VISTAS in 2008).[5] Virginia's progress report SIP includes the 2007 emissions inventory prepared by the Southeastern Modeling, Analysis, and Planning (SEMAP) project, which was funded by EPA and the ten states in VISTAS and which is the most recent historical inventory that has been fully quality-assured according to Virginia.[6] Virginia then compares emissions from 2002 and 2007 to its 2011 emissions inventory which was prepared from 2011 National Emissions Inventory, version 1 (NEIv1) data and available state-level information.[7]

The pollutants inventoried include carbon monoxide (CO), VOCs, NO_X, fine particulate matter ($PM_{2.5}$), coarse particulate matter (PM_{10}), ammonia (NH_3), and SO_2. The emissions inventories include the following source classifications: Stationary point and area sources, off-road and on-road mobile sources, and biogenic sources. The comparison of emissions inventory data shows that emissions of the key visibility-impairing pollutant for the southeast, SO_2, continued to drop from 428,070 tpy in 2002 to 268,877 tpy in 2007 to 115,436 tpy in 2011. The emissions inventories also show similar substantial declines in other pollutants, including CO, NO_X, PM_{10}, and VOCs between 2007 and 2011.[8] Finally, the 2011 emissions inventory shows emissions levels of SO_2, CO, NH_3, PM_{10}, $PM_{2.5}$, and VOCs well below levels projected for 2018.

For meeting the requirements under 40 CFR 51.308(g)(2), Virginia documented substantial emissions reductions in SO_2 and NO_X from EGUs that already have occurred and discussed further emissions expected by 2018 for this sector. As noted in section III.A of this rulemaking action, Virginia expects overall EGU SO_2 emissions to continue to decline beyond the reductions projected in the Commonwealth's regional haze SIP due the retirement of many coal-fired power plants and additional fuel switches not previously projected which should result in further visibility improvement

[5] VISTAS improved model performance for the 2002 base year emissions inventory used by Virginia in its original regional haze SIP, resulting in updates to the 2002 inventory and the 2009 and 2018 projection inventories. VISTAS provided the final iteration of these inventories to the states in 2008.

[6] Pursuant to 40 CFR 51.308(b), regional haze SIPs for the first implementation period were due on December 17, 2007. Therefore, EPA finds that the 2007 emissions inventory used by Virginia in this progress report SIP reflects an appropriate emissions inventory for Virginia to use for 40 CFR 51.308(g)(4) to track emissions changes of visibility-impairing pollutants from the state's sources.

[7] The 2011 NEI inventory uses state-supplied data or model inputs for area and non-road estimates. The 2011 on-road estimates are based on Virginia's application of EPA's Motor Vehicle Emission Simulator (MOVES) model using both county-specific inputs for all Virginia jurisdictions and the model's inventory mode. The 2011 point source data is based on 2011 CAMD data for those sources reporting to CAMD or on data from Virginia's Comprehensive Environmental Data System (CEDS).

[8] EPA notes that emissions of $PM_{2.5}$ remained relatively stable in Virginia between 2007 and 2011; however, significant reductions in emissions of $PM_{2.5}$ occurred from 2002 (85,762 tpy) to 2011 (72,441 tpy), and the 2011 emissions of $PM_{2.5}$ are still well below the 2018 projections of 93,895 tpy of $PM_{2.5}$ demonstrating Virginia's progress in reductions of $PM_{2.5}$.

at Class I areas affected by Virginia sources.

EPA proposes to conclude that Virginia has adequately addressed the requirements under 40 CFR 51.308(g)(4). While ideally the five-year period to be analyzed for emissions inventory changes is the time period since the current regional haze SIP was submitted, availability of quality-assured data may not always correspond with this period. Therefore, EPA believes that there is some flexibility in the five-year time period states can select for tracking emissions changes to meet this requirement. EPA proposes to find Virginia appropriately compared its 2011 emissions inventory with the 2007 emissions inventory.[9] Virginia also included more recent SO_2 and NO_X emissions data from 2012 for the EGU sector which shows continuing declining trends in emissions of these pollutants. EPA also reviewed preliminary SO_2 and NO_X emissions data from CAMD for Virginia's EGUs for 2013 and notes similar significantly reduced emissions from these EGU sources in 2013. EPA believes that Virginia presented an adequate analysis tracking emissions trends for visibility impairing pollutants such as SO_2, NO_X, PM_{10} and $PM_{2.5}$ since 2007 using the emissions data available to Virginia. Virginia's 2011 emissions inventory shows significant reductions of 153,441 tpy of SO_2, 92,081 tpy of NO_X, and 16,373 tpy of PM_{10} from 2007 with even larger reductions when compared to 2002 and well beyond what was projected for 2018, demonstrating greater progress than Virginia had projected in 2010. EPA believes this provides sufficient information to support the representativeness of the period evaluated by Virginia.

The provisions under 40 CFR 51.308(g)(5) require an assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred over the past five years that have limited or impeded progress in reducing pollutant emissions and improving visibility in Class I areas impacted by the state's sources. In its progress report SIP, Virginia states that sulfates continue to be the biggest single contributor to regional haze at James River and Shenandoah. Accordingly, Virginia focused its analysis on addressing large SO_2 emissions from point sources but has also addressed in its analysis NO_X and $PM_{2.5}$. In its progress report SIP, Virginia demonstrates that the Commonwealth's reduced emissions in 2012 have already exceeded Virginia's 2018 emissions inventory projections for SO_2, NO_X, and $PM_{2.5}$ particularly for the EGU sector and discusses further emissions reductions expected from additional state and Federal measures not included in the regional haze SIP such as MATS, the 2010 SO_2 NAAQS, Federal consent decrees with SO_2 and NO_X reductions at sources, and plant shutdowns.

EPA proposes to find that Virginia has adequately addressed the provisions under 40 CFR 51.308(g)(5). The Commonwealth adequately demonstrated that there are no significant changes in emissions of SO_2, $PM_{2.5}$, or NO_X that have impeded progress in reducing emissions and improving visibility in the Class I areas within Virginia or impacted by Virginia sources. The Commonwealth provided data demonstrating present emission reductions of SO_2 from EGUs were greater than originally projected for 2018 in the State's regional haze SIP and showing an overall significant downward trend in emissions over the period 2002 to 2011. Furthermore, the progress report SIP shows that the Commonwealth is on track to meeting its 2018 RPGs for James River and Shenandoah.

The provisions under 40 CFR 51.308(g)(6) require an assessment of whether the current regional haze SIP is sufficient to enable the state, or other states, to meet the RPGs for Class I areas affected by emissions from the state. In its progress report SIP, Virginia states that it believes that the elements and strategies outlined in its original regional haze SIP are sufficient to enable Virginia and other neighboring states to meet all the established RPGs. To support this conclusion, the Commonwealth of Virginia notes that Virginia's actual 2012 EGU emissions of SO_2 are already below the 2018 projected emissions of SO_2, with further decreases expected. Virginia expects that the reduction of SO_2 emissions will in fact be even greater than originally anticipated, particularly for the EGU sector as previously discussed in this rulemaking notice. In particular, the Commonwealth notes the emissions reductions already achieved between 2007 and 2012 and the additional reductions projected for 2018 which were not included in the original regional haze SIP (as discussed previously for purposes of 40 CFR 51.308(g)(1)) further support the Commonwealth's conclusion that the regional haze SIP's elements and strategies are sufficient to meet the established RPGs. Virginia also provides information on all the Class I areas where any Virginia point source was found to have contributed to the calculated sulfate visibility impairment in 2018 and shows each Class I area has made significant progress toward improving visibility. Virginia's progress report SIP contains visibility data supporting the conclusion that each Class I area impacted by sources in Virginia is meeting or below its ''glidepath,'' making reasonable progress towards achieving natural visibility conditions.

EPA proposes to conclude that Virginia has adequately addressed under the requirements of 40 CFR 51.308(g)(6). EPA views this requirement as a qualitative assessment that should evaluate emissions and visibility trends and other readily available information, including expected emissions reductions associated with measures with compliance dates that have not yet become effective. The Commonwealth referenced the improving visibility trends with appropriately supported data and referenced the downward emissions trends in the Commonwealth, with a focus on SO_2 emissions from Virginia EGUs, that support the Commonwealth's determination that the Commonwealth's regional haze SIP is sufficient to meet RPGs for Class I areas within and outside the Commonwealth impacted by Virginia sources.

The provisions under 40 CFR 51.308(g)(7) require a review of a state's visibility monitoring strategy and an assessment of whether any modifications to the monitoring strategy are necessary. In its progress report SIP, Virginia summarizes the existing monitoring network at James River and Shenandoah and discusses its intended continued reliance on the IMPROVE monitoring network for its visibility planning. Virginia also expresses its continued commitment to operate monitors supporting regional haze investigations where appropriate and when support is available. Virginia also encourages VISTAS and other regional planning organizations to maintain support of the existing data management system or an equivalent to facilitate availability analysis of IMPROVE and visibility-related data. Virginia concludes that the existing network is adequate and that no modifications to the Commonwealth's visibility monitoring strategy are necessary at this time.

EPA proposes to conclude that Virginia has adequately addressed the

[9] As stated above, Virginia's 2007 emissions inventory reflects emissions in the year the first regional haze SIP was due per 40 CFR 51.308(b), and EPA finds the 2007 inventory to be an appropriate emissions inventory for Virginia to use for 40 CFR 51.308(g)(4) to track emissions changes of visibility-impairing pollutants.

sufficiency of its monitoring strategy as required by the provisions under 40 CFR 51.308(g)(7). The Commonwealth reaffirmed its continued reliance upon the IMPROVE monitoring network and discussed its additional $PM_{2.5}$ monitoring network used to further understand visibility trends in the Commonwealth. Virginia also explained the importance of the IMPROVE monitoring network for tracking visibility trends at James River and Shenandoah and identified no expected changes in this network.

B. Determination of Adequacy of Existing Regional Haze Plan

Under 40 CFR 51.308(h), states are required to take one of four possible actions based on the information gathered and conclusions made in the progress report SIP. The following section summarizes: the action taken by Virginia under 40 CFR 51.308(h); Virginia's rationale for the selected action; and EPA's analysis and proposed determination regarding the Commonwealth's action.

In its progress report SIP, Virginia submitted a negative declaration that it had determined that the existing regional haze SIP requires no further substantive revision to achieve the RPGs for Class I areas affected by Virginia's sources. The basis for the Commonwealth's negative declaration is the findings from the progress report (as discussed in section III of this rulemaking action), including the findings that: Visibility data has improved at James River and Shenandoah; SO_2 emissions from the Commonwealth's sources have decreased beyond original projections; additional EGU control measures not relied upon in the Commonwealth's regional haze SIP have been implemented or will occur in the implementation period; and the EGU SO_2 emissions in Virginia are already below the levels projected for 2018 in the regional haze SIP and are expected to continue to trend downward for the next five years, as will the SO_2 emissions from EGUs in the other VISTAS states. EPA proposes to conclude Virginia has adequately addressed under the requirements of 40 CFR 51.308(h) because the visibility data trends at the Class I areas impacted by the Commonwealth's sources and the emissions trends of the Commonwealth's largest emitters of visibility-impairing pollutants both indicate that the Commonwealth's RPGs for 2018 will be met or exceeded.

IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts . . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

V. EPA's Proposed Action

EPA is proposing to approve Virginia's regional haze five-year progress report SIP revision, submitted by the Commonwealth of Virginia on November 8, 2013, as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and 51.308(h).

VI. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the 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 to approve Virginia's regional haze progress report SIP revision 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 dioxide, Volatile organic compounds.

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

Dated: February 11, 2014.

W.C. Early,

Acting Regional Administrator, Region III

[FR Doc. 2014–04087 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0008; FRL–9906–77]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

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

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (RD) (7505P), email address: *RDFRNotices@epa.gov;* main telephone number: (703) 305–7090; Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), (21 U.S.C. 346a), requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available online at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerance

1. *PP 3E8211.* (EPA–HQ–OPP–2013–0255). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide metrafenone, (3-bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl)methanone, in or on apricot at 0.7 parts per million (ppm); cherry, subgroup 12–12A at 2.0 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 4.5 ppm; hop, dried cones at 70.0 ppm; peach, subgroup 12–12B at 0.7 ppm; and vegetable, cucurbit, group 9 at 0.5 ppm. The residues of parent metrafenone in/on cherry, hops, peach, cucumber, cantaloupe, and squash raw agricultural commodities (RAC) samples were quantitated using a liquid chromatography/mass spectrometer/mass spectrometer (LC/MS/MS) multi-residue QuEChERS method (BASF Study No. 398340). An independent laboratory validation demonstrated good performance of the QuEChERS method.

2. *PP 3E8215.* (EPA–HQ–OPP–2013–0797). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide boscalid, 3-pyridinecarboxamide,2-chloro-N-(4′-chloro[1,1′-biphenyl]-2-yl), in or on herb, subgroup 19A at 190 ppm; and dill, seed at 300 ppm. In plants, the parent residue is extracted using an aqueous organic solvent mixture followed by liquid/liquid partitioning and a column clean up. Quantitation is by GC using MS (GC/MS). In livestock, the residues are extracted with methanol. The extract is treated with enzymes in order to release the conjugated glucuronic acid metabolite. The residues are then isolated by liquid/liquid partition followed by column chromatography (CC). The hydroxylated metabolite is acetylated followed by a column clean-up. The parent and acetylated metabolite are quantitated by GC with electron capture detection (GC/ECD).

3. *PP 3E8216.* (EPA–HQ–OPP–2013–0798). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide pyraclostrobin, carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl]phenyl]methoxy-, methyl ester and its desmethoxy metabolite (methyl-N-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl] phenylcarbamate) (BF 500–3); expressed as parent compound, in or on herb, subgroup 19A at 85 ppm; and dill, seed at 100 ppm. In plants, the method of analysis is aqueous organic solvent extraction, column clean up and quantitation by LC/MS/MS. In animals, the method of analysis involves base hydrolysis, organic extraction, column clean up and quantitation by LC/MS/MS or derivatization (methylation) followed by quantitation by GC/MS.

4. *PP 3E8223.* (EPA–HQ–OPP–2014–0110). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the molluscicide metaldehyde, 2,4,6,8-tetramethyl-1,3,5,7-tetroxocane, in or on clover, forage at 0.5 ppm; clover, hay at 0.5 ppm; ginseng at 0.05 ppm; vegetable legume, edible podded, subgroup 6A at 0.8 ppm; pea and bean, succulent shelled, subgroup 6B at 0.2 ppm; vegetable, foliage of legume, except soybean, subgroup 7A at 1.5 ppm; tomato subgroup 8–10A at 0.24 ppm; and fruit, citrus, group 10–10 at 0.26 ppm. Clover, forage and clover, hay are proposed as tolerances with regional registrations. A GC/MS analytical method has been developed for analyzing residues of metaldehyde in food crops including all of the crops identified above. The limit of quantitation (LOQ) for the method is 0.05 ppm.

5. *PP 4F8229.* (EPA–HQ–OPP–2014–0124). BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide saflufenacil, 2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2H)-pyrimidinyl]-4-fluoro-N-[[methyl(1-methylethyl)amino]sulfonyl]benzamide, and its metabolites N-[2-chloro-5-(2,6-dioxo-4-(trifluoromethyl)-3,6-dihydro-1(2H)-pyrimidinyl)-4-fluorobenzoyl]-N′-isopropylsulfamide and N-[4-chloro-2-fluoro-5-({[(isopropylamino)sulfonyl]amino} carbonyl)phenyl]urea, calculated as the stoichiometric equivalent of saflufenacil, in or on olive at 0.03 ppm. Adequate enforcement methodology, LC/MS/MS methods, for plant and livestock commodities are available to enforce the tolerance expression.

Amended Tolerance

1. *PP 2E8138.* (EPA–HQ–OPP–2013–0653). Bayer CropScience LP, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709, requests to amend their previously requested tolerances in 40 CFR part 180 by establishing: An increased tolerance for the fungicide tebuconazole, in or on orange, juice from 0.15 ppm to 0.7 ppm; a decreased tolerance in or on orange, oil from 400 ppm to 200 ppm; the proposed tolerance for orange, whole fruit remained the same at 1 ppm. An enforcement method for plant commodities has been validated on various commodities. It has undergone successful EPA validation and has been submitted for inclusion in Pesticide Analytical Method, Volume II (PAM II). The animal method has also been approved as an adequate enforcement method.

2. *PP 3E8211.* (EPA–HQ–OPP–2013–0255). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to remove the existing tolerance in 40 CFR 180.624 for residues of the fungicide metrafenone, (3-bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl) methanone, in or on grape at 4.5 ppm, upon establishment of the proposed tolerances listed in paragraph 1. under ''New Tolerance.''

3. *PP 3E8215.* (EPA–HQ–OPP–2013–0797). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to update the existing crop groups in 40 CFR 180.589 for residues of the fungicide boscalid, 3-pyridinecarboxamide,2-chloro-N-(4′-chloro[1,1′-biphenyl]-2-yl), by changing them from ''fruit, stone, group 12 at 3.5 ppm'' to ''fruit, stone, group 12–12 at 3.5 ppm''; and ''nut, tree, group 14 at 0.70 ppm'' to ''nut, tree, group 14–12 at 0.70 ppm''; and, in addition, remove the existing tolerance for ''pistachio at 0.70 ppm.''

4. *PP 3E8216.* (EPA–HQ–OPP–2013–0798). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to update the existing crop groups in 40 CFR 180.582 for residues of the fungicide pyraclostrobin, carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl] phenyl]methoxy-, methyl ester and its desmethoxy metabolite (methyl-N-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl] phenylcarbamate) (BF 500–3); expressed as parent compound, by changing them from ''fruit, stone, group 12 at 2.5 ppm'' to ''fruit, stone, group 12–12 at 2.5 ppm''; and ''nut, tree, group 14 at 0.04 ppm'' to ''nut, tree, group 14–12, except pistachio at 0.04 ppm.

5. *PP 3E8223.* (EPA–HQ–OPP–2014–0110). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR 180.523 by removing the established tolerances for residues of the molluscicide metaldehyde, 2,4,6,8-tetramethyl-1,3,5,7-tetroxocane, in or on fruit, citrus, group 10 at 0.26 ppm; and tomato at 0.24 ppm, upon establishment of the proposed tolerances listed in paragraph 4. under ''New Tolerance.''

6. *PP 4E8243.* (EPA–HQ–OPP–2014–0143). Taminco US, Inc., Two Windsor Plaza, Suite 411, Allentown, PA 18195, requests to amend 40 CFR 180.132 by amending a time-limited import tolerance for residues of the fungicide thiram, in or on banana at 0.8 ppm. The time-limited tolerance is proposed for extension to March 31, 2015. Banana samples were analyzed according to Analytical Method No. Meth-100, Revision #4, ''Determination of Thiram in Raw Agricultural Commodities, Processed Commodities and Other Plant Material.'' Detection and quantitation for thiram (as CS_2) were conducted using GC employing sulfur-specific flame photometric detection (FPD). The limit of quantitation (LOQ) was 0.05 ppm.

7. *PP 3F8200.* (EPA–HQ–OPP–2013–0264). Y–TEX Corporation, 1825 Big Horn Avenue, P.O. Box 1450, Cody, WY 82414, requests to amend their previously requested tolerance in 40 CFR part 180 by establishing an increased tolerance for the combined residues of the insecticide avermectin B_1 (a mixture of avermectins containing greater than or equal to 80% avermectin B_{1a} (5-O-demethyl avermectin A_1) and less than or equal to 20% avermectin B_{1b} (5-O-demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A_1)) and its delta-8,9-isomer, in or on milk from 0.005 ppm to 0.01 ppm. The analytical method is titled ''Determination of Macrocyclic Lactone Residues in Animal Tissues and Milk,'' referenced as Method No. AATM–R–53, Revision 9, Agrisearch Analytical Pty Ltd, August 2011. The method involves mixing the sample with acetonitrile, evaporation, filtration, partition, extraction and cleanup with analysis by high performance liquid chromatography (HPLC)—fluorescence detection. The method has undergone independent laboratory validation as required by Pesticide Registration Notice 96–1.

New Tolerance Exemption

PP IN–10654. (EPA–HQ–OPP–2014–0073). Ecolab, Inc., EPA Company Number 1677, 370 N. Wabasha Street, St. Paul, MN 55102, requests to establish an exemption from the requirement of a tolerance for residues of sulfuric acid, (CAS No. 7664–93–9), for use as an inert ingredient in antimicrobial pesticide formulations applied to food-contact surfaces in public eating places, dairy processing equipment and food processing equipment and utensils in accordance with 40 CFR 180.940(a). The petitioner believes no analytical method is needed because it is not required for the establishment of a tolerance exemption for inert ingredients.

Amended Tolerance Exemption

PP IN–10544. (EPA–HQ–OPP–2013–0210). Spring Trading Co., 10805 W. Timberwagon Circle, Spring, TX 77380–4030, on behalf of Akzo Nobel Surface Chemistry, LLC, 525 West Van Buren, Chicago, IL 60607–3823, is requesting a change in the 40 CFR sections under which the requested tolerance exemptions would be established from 180.920, 180.930, or 180.960 to 180.910, 180.930, 180.940(a) or 180.960. Their initial Notice of Filing (NOF) published in the **Federal Register** of July 19, 2013 (78 FR 43115) (FRL–9392–9), where EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the filing of a pesticide petition (IN–10544). The petitioner is now requesting, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA). 21 U.S.C. 346a(d), to amend 40 CFR part 180 to amend the exemption from the requirement of a tolerance for [alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons under 40 CFR 180.910, 180.930, 180.940(a) or 180.960 in or on the raw agricultural commodities after harvest or growing crops, animals and food contact surface sanitizing solutions and [alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, minimum number average molecular weight (in amu) 1,100 to include: Alcohols, cetyl oleyl, ethoxylated, propoxylated (CAS No. 116810–31–2). An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 12, 2014.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–03861 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Chapter 2

[Docket No. DARS–2014–0012]

Review of Statutory and Regulatory Requirements

AGENCY: DARS, Department of Defense.

ACTION: Notice of extension of public comment period.

SUMMARY: The Defense Procurement and Acquisition Policy (DPAP) gives notice that the comment period announced in the February 12, 2014 (79 FR 8402) notice of request for public comments on DPAP's review of statutory and regulatory requirements, will be extended an additional 40 days until April 23, 2014. DPAP is currently conducting an assessment to identify impacts experienced by industry resulting from contracting statutes.

DATES: Submit written comments to the address shown below on or before April 23, 2014. Comments received will be considered by DoD in the formation of a recommendation to the Secretary of Defense if a revision to the definition is necessary and appropriate.

ADDRESSES: Submit comments to: Mr. Michael Canales, Room 5E621, 3060 Defense Pentagon, Washington, DC 20301–3060. Comments may also be submitted by fax at (703) 614–1254, or by email at *michael.j.canales4.civ@mail.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Michael Canales, DPAP/CPIC, by telephone at (703) 695–8571, or by email at *michael.j.canales4.civ@mail.mil.*

SUPPLEMENTARY INFORMATION: The purpose of the assessment is to support an internal Department of Defense (DoD) effort to reduce compliance impacts that do not achieve the benefits intended by contracting statutes. As part of this assessment, DPAP would like to receive the views of interested parties identifying particular impacts associated with specific contracting statutes. There is an extensive body of law and regulation that govern the Department's business. We are seeking to better understand the impact experienced by industry resulting from requirements based on statute. Our initial review identified approximately 400 DFARS requirements based solely on statute. The Director, DPAP, is soliciting public input to identify particular impacts associated with specific contracting statutes, with reference to—

- Particular impacts associated with specific contracting statutes;
- Why the identified impact does not achieve the intended benefit of the identified legislation, or why the intended benefit is not helpful to the Department; and
- Any recommendations for alternative approaches to achieve the intended benefit of the identified legislation.

We are also interested in candidate DFARS and component supplements requirements that, although not based in statute, warrant similar consideration.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2014–04067 Filed 2–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 177

[Docket Number PHMSA–2007–28119 (HM–247)]

RIN 2137–AE37

Hazardous Materials: Cargo Tank Motor Vehicle Loading and Unloading Operations

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA is closing this rulemaking proceeding under this docket having reconsidered our proposal for additional regulations associated with cargo tank motor vehicle (CTMV) loading or unloading operations. This action is based on the findings of the regulatory assessment, comments to docket of this rulemaking, and completion of a supplementary policy analysis on how best to address the safety risks of bulk loading and unloading operations. As an alternative to new regulatory requirements, PHMSA will be issuing a guidance document to provide best practices for CTMV loading and unloading operations; and will be conducting research to better understand the wide range of human factors that contribute to hazardous materials incidents including those associated with CTMV loading and unloading operations.

DATES: Effective February 25, 2014, the proposed rule published in the **Federal Register** on March 11, 2011 at 76 FR 13313 is withdrawn.

FOR FURTHER INFORMATION CONTACT: Dirk Der Kinderen, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, telephone (202–366–8553.

SUPPLEMENTARY INFORMATION:

I. Background
II. Regulatory Assessment
III. Comments on the NPRM
  A. Scope
  B. Risk Assessment
  C. Operating Procedures
  D. Training and Qualification
  E. Recordkeeping
  F. Compliance
IV. Reconsideration of the NPRM
  A. Guidance
  B. Outreach Campaign
  C. Human Factors Study
  D. Memorandum of Understanding
V. Conclusion

I. Background

On March 11, 2011, PHMSA published an NPRM under Docket PHMSA–2007–28119 (76 FR 13313) (HM–247) to amend the hazardous materials regulations (HMR; 49 CFR Parts 171–180) by requiring each person who engages in CTMV loading or unloading operations to perform a risk assessment of its loading and unloading operations and develop and implement safe operating procedures based upon the results of the risk assessment. PHMSA also proposed additional personnel training and qualification requirements for persons who perform these operations.

In the NPRM, PHMSA discussed the safety problem associated with CTMV loading and unloading operations, including:

- A summary of loading and unloading incident data;
- National Transportation Safety Board (NTSB) and Chemical Safety Board (CSB) safety recommendations issued to PHMSA as a result of accident

investigations related to bulk loading and unloading operations; [1]

- Recommended operating procedures proposed by the Interested Parties for Hazardous Materials Transportation (Interested Parties) (an informal association of offerors, carriers, and industrial package manufacturers);
- A petition (P–1506) for rulemaking submitted by the Dangerous Goods Advisory Council (DGAC); and
- Comments received in response to PHMSA's notice of recommended practices published on January 4, 2008 under Docket Number PHMSA–2007–28119 (73 FR 916) (Notice No. 07–9).

In the NPRM, PHMSA indicated that adopting regulations to require offerors, carriers, or facility operators to develop and implement operating procedures governing the loading and unloading of a CTMV would enhance the safety of such operations. We solicited comments on the regulations proposed and the accuracy of PHMSA's cost and benefits estimates set forth in the preliminary regulatory impact assessment. The NPRM and supporting documents are available for review in the docket for this rulemaking at *www.regulations.gov.* A summary of the proposed changes is provided in the following Table 1:

TABLE 1—PROPOSED NEW REQUIREMENTS AND AFFECTED ENTITIES

Affected entities	New requirements
Cargo tank carriers and facilities that engage in part 177 loading or unloading operations.	• Assess the risks of loading and unloading operations and develop written operating procedures. • Train hazmat employees in the relevant aspects of the operational procedures. • Annually qualify hazmat employees who perform loading and unloading operations.
Facilities providing transfer equipment for cargo tank loading and unloading operations under part 177.	• Develop and implement a periodic maintenance schedule to prevent deterioration of equipment and conduct periodic operational tests to ensure that the equipment functions as intended. • Ensure that the equipment meets the performance standards in part 178 for specification CTMVs.

II. Regulatory Assessment

As part of PHMSA's initial rulemaking efforts in this area, a preliminary analysis was completed. Through this analysis it was apparent that shipments of hazardous materials (hazmat) by CTMV pose some level of risk to public safety on a daily basis. A 2007 Commodity Flow Survey by the Bureau of Transportation Statistics highlights this by indicating that an estimated 323.5 billion-ton-miles of hazardous materials were transported in 2007 of which approximately a third (104 billion-ton-miles) was transported by truck and an additional 7 percent was by multimodal transport that included truck. We believe we can safely reason that a similar amount is transported annually today, which presents ample opportunity for incidents to occur during the course of highway transportation including during CTMV loading and unloading operations.

As the HMR currently requires function specific training and recordkeeping of this training (See 49 CFR Part 172 Subpart H) and has loading and unloading requirements for transport via public highways (See 49 CFR Part 177 Subpart B), PHMSA expects that most entities already have some manner of documentation surrounding process review, training of personnel, and maintenance of equipment involved in these operations. Other federal agencies also have requirements associated with loading and unloading operations that encompass bulk transport vehicles. The Occupational Safety and Health Administration (OSHA) Process Safety Management (PSM) standard (See *29 CFR 1910.119*) contains requirements for processes that use, store, manufacture, handle, or transport highly hazardous chemicals on-site including bulk-loading and unloading operations involving PSM-covered chemicals. Additionally, the Environmental Protection Agency (EPA) regulations establish a general duty clause for facility owners or operators of facilities that produce, handle, process, distribute, or store certain chemicals. The regulations entail identification of hazards associated with the accidental releases of extremely hazardous substances; prevention of such releases, and minimization of the consequences of releases.

Despite these requirements incidents do continue to occur. An analysis of CTMV loading and unloading incidents during the 10-year period 2000–2009 revealed that, among other causes, human error is the greatest primary cause of accidents. Most human error accidents can be attributed to inattention to detail in performing a loading or unloading function, including failure to follow attendance requirements, leaving valves in open or closed positions, improperly connecting hoses and other equipment, or not disconnecting hoses prior to vehicles having completed fill operation. This leads to accidents such as overfilling receiving tanks, over-pressurizing CTMVs, or loading/unloading incompatible materials. About 3,500 incidents could be attributed to CTMV loading and unloading incidents. These incidents resulted in an estimated $68 million in societal damages, or $6.8 million per year, during the 10-year analysis period. Thus, there is a cost to society from CTMV loading and unloading incidents.

Following the publication of the HM–247 NPRM, PHMSA updated the regulatory assessment. The updated analysis estimated benefits associated with the proposed rule from avoidance of incidents at $1.7 million annually while costs are estimated to be $1.1 million annually. The overall estimated impacts identified in the analysis are predicated on the level of existing pre-compliance and the overall effectiveness of the regulations. We assume 50 percent [2] of affected entities would already be in compliance with the

[1] NTSB Safety Recommendations I–02–1, I–02–2, and R–04–10 and CSB Recommendation 2006–06–I–LA–RI. On July 12, 2013 PHMSA published safety advisory guidance (78 FR 41853) on safety precautions and recommended guidance for persons responsible for unloading or transloading hazardous materials from rail tank cars, specifically, heating of rail tank cars for unloading or transloading. The publication of this guidance resulted in the NTSB closing recommendations I–02–1 and I–02–2 as ''Closed—Acceptable Alternative Action.''

[2] The 50 percent compliance rate is based on comments to the docket noting the prevalence of other non-DOT governmental requirements and anecdotal reports of use of industry codes.

proposed measures, and that implementation of the proposed regulations would reduce incidents by 40 percent.[3]

Furthermore, in the absence of true data, we rely heavily on estimates of variables used in calculating the benefits and costs, either from previous analyses for other rulemaking efforts or from newly calculated estimates. Although, we did not receive adverse comments on our estimates and also received some supportive comments, we remain concerned about achieving a valid result. Despite the 1.5 benefit-cost ratio PHMSA is concerned that the overall benefit of regulatory action is overestimated based on the role that human error plays in loading and unloading incidents. Due to this uncertainty, PHMSA conducted a supplementary policy analysis to help decision-makers determine whether regulatory action was the best path forward or if non-regulatory approaches may be just as effective. This supplementary analysis is discussed in Section IV of this withdrawal notice.

III. Comments on the NPRM

In response to PHMSA's March 11, 2011 NPRM, PHMSA received comments from 44 organizations and individuals:

TABLE 2—COMMENTERS TO THE NPRM

Commenter	Docket No. PHMSA–2007–28119–XXXX
Agricultural Retailers Association (ARA)	0084
Akzo Nobel Chemicals, Inc.	0097
American Chemistry Council (ACC)	0053; 0085
American Gas Association (AGA)	0075
American Trucking Association (ATA)	0047; 0091
Anonymous	0059, 0061; 0062; 0063; 0064; 0067
Arkema, Inc.	0046
Association of American Railroads	0048
Bayer Material Science	0082
BP Products North America, Inc.	0096
Brian T. Knapp	0086
Dangerous Goods Advisory Council (DGAC)	0065; 0081
Distrigas of Massachusetts, LLC	0078
Dow Chemical Company (Dow)	0070
Dupont Global Logistics	0080
Far West Agribusiness Association (FWAA)	0066
Illinois Fertilizer & Chemical Association (IFCA)	0069
International Brotherhood of Teamsters (IBT)	0089
Institute of Makers of Explosives (IME)	0079
Joyce Dillard	0094
National Association of Chemical Distributers (NACD)	0052; 0087
National Association of State Fire Marshals	0054
National Grid	0050
National Propane Gas Association (NPGA)	0088
National Tank Truck Carriers (NTTC)	0051; 0095
National Transportation Safety Board (NTSB)	0098
New England Fuel Institute	0093
Petroleum Marketers Association of America (PMAA)	0092; 0099
PPG Industries, Inc.	0090
Salt River Project Agricultural Improvement and Power District (SRP)	0073
Sara Thane	0060
Society of Independent Gasoline Marketers of America (SIGMA)	0076
Syngenta Crop Protection	0071
The Chlorine Institute	0083
The Fertilizer Institute (TFI)	0084
U.S. Chemical Safety and Hazard Investigation Board (CSB)	0035; 0100
Utility Solid Waste Activities Group (USWAG)	0049; 0074
Valero Energy Corporation	0068
Veolia ES Technical Solutions, LLC	0077

The comments are available for review in the docket for this rulemaking at *www.regulations.gov*. The comments generally opposed adoption of this rulemaking and covered the following range of topics associated with the proposed requirements: Scope; risk assessment; operating procedures; training and qualification; recordkeeping; and the compliance date. A brief summary of the essence of comments for each topic follows:

A. Scope

Commenters noted confusion about the applicability of the proposed rule, namely, how the rulemaking would apply in the absence of a carrier at a facility as well as the extent of the reach of the applicability (e.g., Does it end at the first permanent valve on the receiving equipment?). Additionally, commenters questioned whether there is a minimum threshold before the rulemaking would apply (i.e., 3,000 liters) and whether the rulemaking truly is performance-based rather than prescriptive.

B. Risk Assessment

PHMSA proposed to require any person who loads or unloads hazmat or

[3] The 40 percent effectiveness rate is based on a literature review and our best judgment that indicates this rate is a reasonable estimate of the reduction of human errors should the NPRM be implemented.

provides transfer equipment to load or unload a CTMV to prepare a risk assessment of the operation. The risk assessment was to include specific minimum measures to address the safety of such operations. PHMSA received a substantial number of comments on the proposed provisions associated with this requirement to conduct a risk assessment. Commenters primarily expressed concern over the possibility of duplication of efforts by facilities and carriers.

C. Operating Procedures

PHMSA proposed to require each person who is subject to the risk assessment requirement to develop, maintain, and adhere to an operating procedure for the specific loading or unloading operation based on the completed risk assessment. The operating procedures were to include provisions that address pre-loading/unloading, loading/unloading, emergency management, post-loading/unloading, design, maintenance and testing of transfer equipment, facility oversight of carrier personnel, and recordkeeping. Commenters questioned the intent of provisions for the maintenance and testing of transfer equipment within the operating procedure requirements. Commenters discussed additional issues such as alternative measures for attendance during a loading operation.

D. Training and Qualification

PHMSA proposed annual evaluation of hazmat employees performing CTMV loading and unloading operations through measures such as direct observation of routine performance of duties or through practice sessions and drills. Many commenters strongly opposed this proposal. They generally asserted that PHMSA significantly underestimated the costs of such a requirement in the preliminary assessment for the NPRM.

E. Recordkeeping

PHMSA proposed recordkeeping requirements for the written risk assessment and operating procedure. Several commenters suggested that this proposed requirement to document and retain risk assessments is overly burdensome and unnecessary.

F. Compliance

Commenters requested an extended compliance date to allow for time to conduct a complete review of current practices and to implement improvements or updates while others suggested that a significant majority of potentially affected entities already have operating procedures in place that would satisfy the regulations set forth in this proposed rule such that an extended compliance period would not be necessary.

IV. Reconsideration of the NPRM

PHMSA conducts a policy analysis to identify and manage risks in the transportation of hazmat. The policy analysis makes use of a risk management framework that defines the main elements of identified risk(s) and outlines possible ways to address the risk(s). The process begins when a risk in the transportation of hazmat is first assessed (e.g., when a risk is presented to PHMSA through an NTSB safety recommendation), and ends with an agency decision on implementation of an identified approach of how to manage the risk, such as implementing a new regulation.

In consideration of the negative comments on the NPRM and uncertainties about regulatory action as well as the uncertainties of the regulatory assessment, PHMSA conducted a supplementary policy analysis to help decision-makers determine whether this effort is the best course of action. After this policy analysis, we reconsidered our approach to address the safety risks of bulk loading and unloading operations through rulemaking. The analysis raised concerns on the effectiveness of implementing any new regulations covering loading and unloading operations including whether any proposed regulations would be: (1) Redundant because the activity is already covered in some manner under the current HMR; (2) impactful in that many of the incidents having occurred in the past would probably continue to occur because of the human element in incidents indicating that further regulation may be ineffective; and (3) confusing to implement without an memorandum of understanding (MOU) among the agencies that have oversight clearly defining roles and enforcement of these types of operations.

The subsequent recommendations of the assessment include (in no particular order of priority): (1) Preparing a guidance document that, together with current regulations, provides direction on bulk loading and unloading operational procedures, use of personal protective equipment, and maintenance and inspection of transfer equipment; (2) engaging in a rigorous outreach campaign to raise awareness; (3) implementing a human factor study associated with bulk loading and unloading operations; and (4) finalizing a (MOU) with the Occupational Safety and Health Administration (OSHA) and, possibly, the Environmental Protection Agency (EPA) in order to specify any new regulatory requirements and enforcement roles. These recommendations are discussed in further detail below.

A. Guidance

Agency guidance includes any statement of policy, interpretation of a regulation, or any other method used to communicate to the regulated public the agency expectations. Guidance is not legally binding and may not mandate or require a particular action but rather is intended to provide helpful information, clarify a rule's or statute's meaning, or communicate our policy for implementing requirements. Based on concerns raised on the effectiveness of further regulation in the supplementary policy analysis, it is better served that PHMSA prepare a guidance document that provides helpful information on CTMV loading and unloading operations in addition to what is required by regulation. The guidance would cover, in part, training on operational procedures, provision of personal protection equipment, and maintenance and inspection of transfer equipment including emergency shutdown systems and would be based on the content and structure of the proposed regulations in the NPRM. Although not binding as stated earlier, we believe issuing a guidance document still provides an opportunity to enhance safety by clarifying the current requirements, providing helpful information, outlining our expectations for CTMV loading and unloading operations, and clearly attributing human error to loading and unloading incidents.

B. Outreach Campaign

To supplement the abovementioned plans for issuing guidance, PHMSA plans to develop and implement an outreach program to raise awareness of the ongoing risk of CTMV loading and unloading incidents and to educate regulated entities on ways to prevent or mitigate the risks.

C. Human Factors Study

Human factors research involves the study of the way humans relate to the world around them. Human factors certainly play a role in hazmat transportation especially bulk loading and unloading operations because individuals are directly involved (e.g., handling of transfer equipment) and thus, human factors research is included among the priorities of PHMSA's Office of Hazardous Materials Safety (OHMS)

research and development (R&D) five-year strategic plan (2012–2017). In general, from review of hazmat incident report data for all incident types, we have found that human error is the fourth-most cited cause of failure as is similarly indicated above in Section II specific to loading and unloading incidents.

The goal of the OHMS R&D program is to enhance the safety mission and identify and mitigate the emerging risks associated with hazmat transportation and to better understand the factors contributing to these risks. This human factors research effort is, among other things, designed to supply information necessary to guide future changes in regulations. OHMS created this priority to examine human involvement in the release of hazmat (e.g., human error), to research regulations that involve human impact, and develop new strategies to reduce human handling errors. Although historically overlooked in hazmat transportation safety research, we view this type of research essential as the safe transportation of all hazmat involves human interaction within the transportation system. This research would involve some manner of assessment of human factors in bulk loading and unloading operations including for CTMV operations. Results of such research may bear out significant information that can be used to support future rulemaking action.

D. Memorandum of Understanding

As part of a plan to enhance safety of bulk loading and unloading operations (including CTMV operations), PHMSA had envisioned development of an MOU with OSHA to clarify responsibilities. This plan called for a two-pronged approach of an MOU supplemented by a phased rulemaking approach (i.e., first a rulemaking to address CTMV loading and unloading operations followed by rulemakings for tank cars and other bulk packaging). But, since we are withdrawing this rulemaking, PHMSA does not plan to develop an MOU at this time because development of the MOU was intended to be directly linked to the new regulations proposed in the NPRM.

V. Conclusion

PHMSA has concluded that adopting the regulations proposed under the NPRM is not the best course of action at this time. PHMSA has based this decision on its concerns that further regulation would create redundancies, confusion, and possibly be ineffective in preventing many of the very same incidents it is intended to address. Non-regulatory approaches are available in the short term that would still provide an opportunity to enhance safety of CTMV loading and unloading operations by raising awareness and communicating our expectations. Key non-regulatory activities include:

1. Issuing a guidance document for CTMV loading and unloading operations;
2. Implementing an outreach campaign to educate the regulated community on current regulatory requirements and best safety practices; and
3. Conducting human factors research to examine human involvement in release of hazmat and to potentially use this to support future consideration of rulemaking to address CTMV loading and unloading operations.

Accordingly, PHMSA is withdrawing the March 11, 2011 NPRM and terminating this rulemaking proceeding.

Issued in Washington, DC on February 10, 2014, under authority delegated in 49 CFR Part 106.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2014–03205 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 130722646–4081–01]

RIN 0648–BD54

International Fisheries; Pacific Tuna Fisheries; Establishment of Tuna Vessel Monitoring System in the Eastern Pacific Ocean; Correction

ACTION: Proposed rule; request for comments; correction.

SUMMARY: This action corrects a web address provided for the submission of electronic public comments in a notice that published on February 6, 2014.

DATES: Comments on the proposed rule and the initial regulatory flexibility analysis (IRFA) must be submitted on or before March 10, 2014. A public hearing will be held from 1 p.m. to 4 p.m. PST, February 28, 2014, in Long Beach, CA.

FOR FURTHER INFORMATION CONTACT: Heidi Taylor, NMFS West Coast Region, 562–980–4039, or Rachael Wadsworth, NMFS West Coast Region, 562–980–4036.

SUPPLEMENTARY INFORMATION: NMFS proposed regulations that would establish requirements for a satellite-based vessel monitoring system (VMS) for U.S. commercial fishing vessels, 24 meters or more in overall length, used to target any fish of the genus *Thunnus* or of the species *Euthynnus* (*Katsuwonus*) *pelamis* (skipjack tuna) in the area bounded by the west coast of the Americas and on the north, south and west respectively, by the 50° N. and 50° S. parallels, and the 150° W. meridian.

Need for Correction

NMFS provided methods to submit public comments that include electronic, mail and a public hearing. However, the web address provided for the submission of electronic public comments is incorrect.

Correction

Accordingly, in the notice published on February 6, 2014 (79 FR 7152), on page 7152, third column, in the first bullet point of the **ADDRESSES** section, the web address provided for the submission of electronic public comments is corrected to read as follows: *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0117*

Dated: February 18, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–03911 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 37

Tuesday, February 25, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 19, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 27, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant and Health Inspection Service

Title: Swine Health Protection.

OMB Control Number: 0579–0065.

Summary Of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of P.O. 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. Veterinary Services, a program with the Animal and Plant Health Inspection Service (APHIS), is responsible for administering regulations intended to prevent the dissemination of animal diseases within the United States. Garbage is one of the primary media through which numerous infections or communicable diseases of swine are transmitted. Because of the serious threat to the U.S. swine industry, Congress passed Public Law 96–468 ''Swine Health Protection Act'' on October 17, 1980. This law requires USDA to ensure that all garbage is treated prior to its being fed to swine that are intended for interstate or foreign commerce or that substantially affect such commerce. The Act and the regulations will allow only operators of garbage treatment facilities, which meet certain specification to utilize garbage for swine feeding. APHIS will use various forms to collect information.

Need and Use of the Information: APHIS collects information from persons desiring to obtain a permit (license) to operate a facility to treat garbage. Prior to issuance of a license, an inspection will be made of the facility by an authorized representative to determine if it meets all requirements of the regulations. Periodic inspections will be made to determine if licenses are meeting the standards for operation of their approved facilities. Upon receipt of the information from the Animal Health Officials, the information is used by Federal or State animal health personnel to determine whether the waste collector is feeding garbage to swine, whether it is being treated, and whether the feeder is licensed or needs to be licensed.

Description of Respondents: Business or other for profit; State, Local or Tribal Government.

Number of Respondents: 2,110.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 11,333.

Animal and Plant Health Inspection Service

Title: Importation of Live Swine, Pork, and Pork Products from Certain Regions Free of CSF in Chile, Mexico and Brazil.

OMB Control Number: 0579–0230.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pest or diseases of livestock or poultry. The regulations under which the Animal and Plant Health Inspection Service (APHIS) conduct disease prevention activities are contained in Title 9, Chapter 1, Subchapter D, Parts 94, place certain restrictions on the importation of swine, pork, and pork products into the United States.

Need and Use of the Information: APHIS will collect information to ensue regulatory compliance for mitigation of classical swine fever (CFS) from imports of swine, pork, and pork products into the United States. One requirement is completion of a certificate issued by a salaried veterinary officer of the Governments of Mexico, Chile and/or Brazil that must accompany swine, pork, and pork products from their respective regions. Other requirements are a compliance agreement that is required by the operators of the processing establishment located in a non-CSF free region that processes pork products from CSF free regions and a cooperative service agreement that is required by the processing establishment located in a non-CSF free region that processes pork products from CSF free regions, or a party on its behalf, must enter into a cooperative service agreement with APHIS to pay all expenses incurred by APHIS for the initial evaluation of the processing establishment and periodically thereafter. If the information was not collected APHIS would be unable to establish an effective defense against the entry and spread of CSF from Mexican,

Chilean, and Brazilian swine, pork, and pork product imports. This would cause serious health consequences from U.S. swine and economic consequences for the U.S. pork industry.

Description of Respondents: Business or other for profit; Federal Government.

Number of Respondents: 11.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 768.

Title: Importation of Clementines, Mandarins, and Tangerines from Chile.

OMB Control Number: 0579–0242.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. The regulations in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56 through 319.56–58) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world, to prevent the introduction and dissemination of plant pests, including fruit flies that are new to or not widely distributed within the United States. The Animal and Plant Health Inspection Service (APHIS) fruits and vegetables regulations allow the importation, under certain conditions, of clementines, mandarins, and tangerines from Chile into the United States.

Need and Use of the Information: APHIS requires that some plants or plant products are accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country. APHIS will use the information on this certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity of the inspection that APHIS must conduct when the shipment arrives. Without the information, all shipments would need to be inspected very thoroughly, thereby requiring considerable more time, this would slow the clearance of international shipments.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 39.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 163.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–03943 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 19, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Pathogen Reduction/Hazard Analysis and Critical Control Point (HACCP) Systems.

OMB Control Number: 0583–0103.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451). These statutes mandate that FSIS protect the public by verifying that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS has established requirements applicable to meat and poultry establishments designed to reduce the occurrence and numbers of pathogenic microorganisms on meat and poultry products, reduce the incidence of foodborne illness associated with the consumption of those products, and provide a new framework for modernization of the current system of meat and poultry inspection.

Need and Use of the Information: FSIS will collect information to ensure that (1) establishments have developed and maintained an standard operating plan for sanitation that is used by inspection personnel in performing monitoring regulations; (2) establishments have developed written procedures outlining specimen collection and handling for *E.coli* process control verification testing; (3) establishments developed written HAACP plans; (4) establishments will keep records for measurements during slaughter and processing, corrective action, verification check results, and related activities that contain the identify of the product, the product code or slaughter production lot, and the date the record was made; (5) establishments may have prerequisite programs that are designed to provide the basic environmental and operating conditions necessary for the production of safe, wholesome food; and (6) establishment maintain and are able to supply upon request the following information concerning the suppliers of source materials; the name, point of contact, and phone number for the establishment supplying the source materials for the lot of ground beef sampled; and the supplier lot numbers, production dates, and other information that would be useful to know about suppliers.

Description of Respondents: Business or other for-profit.

Number of Respondents: 7,298.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Other (daily).

Total Burden Hours: 6,263,327.

Title: Procedures for the Notification of New Technology.

OMB Control Number: 0583–0127.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS established flexible procedures to actively encourage the development and use of new technologies in meat and poultry establishments and egg products plants. These new procedures will facilitate notification to the Agency of any new technology that is intended for use in meat and poultry establishments and egg products plants so that the Agency can decide whether the new technology requires a pre-use review. A pre-use review often includes an in-plant trail.

Need and Use of the Information: FSIS will collect information to determine if a pre-use review is needed, FSIS will request that the firm submit a protocol for an in-plant trial of the new technology. The firm then must submit a protocol that is designed to collect relevant data to support the use of the new technology. To not collect this information would reduce the effectiveness of the meat, poultry, and egg products inspection program.

Description of Respondents: Business or other for-profit.

Number of Respondents: 65.

Frequency of Responses: Recordkeeping; Reporting: on occasion.

Total Burden Hours: 3,616.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–03944 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–LPS–14–0001]

Notice of Request for Extension and Revision of a Currently Approved Information Collection for Voluntary Grading.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for an extension of and revision to the currently approved information collection in support of the Regulations for Voluntary Grading of Shell Eggs—7 CFR Part 56. With this submission we will merge the burden and forms of the 0581–0127 Regulations for Voluntary Grading of Poultry Products and Rabbit Products; 7 CFR Part 70, approved on December 26, 2013; and 0581–0128 Regulations Governing the Voluntary Grading of Shell Eggs, 7 CFR Part 56, approved on June 4, 2011. With this merge we will change the title to Regulations for Voluntary Grading of Shell Eggs, Poultry Products, and Rabbit Products—7 CFR Part 56 and 70.

DATES: Comments on this notice must be received by April 28, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this information collection notice. Comments should be submitted online at *www.regulations.gov* or sent to Michelle Degenhart, Assistant to the Director, Quality Assessment Division, Livestock, Poultry and Seed Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 3842–S, Washington, DC 20250–0256, or by facsimile to (202) 690–2746. All comments should reference the docket number (AMS–LPS–14–0001), the date, and the page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, online at *http://www.regulations.gov* and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Michelle Degenhart at the above physical address, or by email at *Michelle.Degenhart@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations for Voluntary Grading of Shell Eggs, Poultry Products, and Rabbit Products—7 CFR Part 56 and 70.

OMB Number: 0581–0128.

Expiration Date of Approval: June 30, 2014.

Type of Request: Extension and revision of a currently approved information collection.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.1538 hours per response.

Respondents: State or local governments, businesses or other for profits, and small businesses or organizations.

Estimated Number of Respondents: 1,348.

Estimated Total Annual Responses: 47,198.50.

Estimated Number of Responses per Respondent: 35.01.

Estimated Total Annual Burden on Respondents: 7,259.29 hours.

Abstract: The Agricultural Marketing Act of 1946 (AMA) (7 U.S.C. 1621–1627) directs and authorizes the United States Department of Agriculture (USDA) to develop standards of quality, grades, grading programs, and services which facilitate trading of agricultural products, assure consumers of quality products that are graded and identified under USDA programs. To provide programs and services, section 203(h) of the AMA (7 U.S.C.1622(h)) directs and authorizes the Secretary of Agriculture to inspect, certify, and identify the grade, class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of service. The regulations in 7 CFR Part 56 and 70 provides a voluntary program for grading shell eggs, poultry products, and rabbit products on the basis of U.S. standards and grades. AMS also provides other types of voluntary services under the regulations, e.g., contract and specification acceptance services and certification of quantity. All of the voluntary grading services are available on a resident basis or lot-fee basis. Respondents may request resident service on a continuous or temporary basis. The service is paid for by the user (user-fee). Because this is a voluntary program, respondents need to request or apply for the specific service they wish, and in doing so, they provide information. Since the AMA requires that the cost of service be assessed and collected, information is collected to establish the Agency's cost. The information collection requirements in this request are essential to carry out the intent of the AMA, to provide the respondents the type of service they request, and to administer the program. Examples of information collected includes, but not limited to: total received volume in pounds or cases, volume in pounds of graded and processed poultry, case volume of graded and sized shell eggs, applicant's name, billing and facility address, and requests for approval of commodity specifications or chemical compounds.

The information collected is used only by authorized representatives of the USDA (AIMS, Livestock, Poultry and Seed Program's national staff; regional directors and their staffs; Federal-State supervisors and their staffs; and resident Federal-State graders, which includes State agencies). The information is used to administer and conduct grading services requested by respondents. The Agency is the primary user of the information. Information is also used by each authorized State agency that has a cooperative agreement with AMS.

Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products—7 CFR Part 70.

This collection was approved by OMB on December 26, 2013 and all forms, responses and burden will be included with this submission. Total burden to be merged is 2,005 burden hours and 24,053 responses.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: February 18, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–03856 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FV–14–0003; FV14–900–1]

Notice of Request for a Revision to and Extension of Approval of an Information Collection: Qualitative Feedback on Agency Service Delivery

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget (OMB), for a revision to and an extension of approval of an information collection associated with qualitative customer and stakeholder feedback on service delivery by ANS.

DATES: All comments received by April 28, 2014 will be considered.

Additional Information: Contact Andrew Hatch, Supervisory Marketing Specialist, Marketing Order and Agreement Division, Fruit and Vegetable Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Stop 0237, Room 1406–S, Washington, DC 20250–0237. Phone: (202) 720–2491. Fax: (202) 720–8938. Email: *andrew.hatch@ams.usda.gov.*

Comments: Comments are welcome and should reference OMB N 0581–0269 and AMS' Qualitative Feedback on Agency Service Delivery, and the date and page number of this issue of the **Federal Register**. Comments may be submitted by mail to the Docket Clerk, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Room 1406–S, Washington, DC 20250–0237; Fax: (202) 720–8938; or submitted online at *www.regulations.gov.* All comments received will be available for public inspection in the Office of the Docket Clerk during regular USDA business hours or they can be viewed at *www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery-AMS.

OMB Number: 0581–0269.

Expiration Date of Approval: June 30, 2014.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The proposed information collection activity provides a means for AMS to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with AMS' commitment to improving service delivery.

By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative and actionable communications between AMS and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on AMS services will be unavailable. AMS will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of AMS (if released, AMS must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information,

but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding this study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, this information collection will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

AMS currently has approval from OMB for this information collection under Executive Order 12862. This approval is for 60,000 burden hours, based on our initial request to OMB in April 2011. We are asking OMB to approve our use of these information collection activities for three years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of AMS, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .50 hours per response.

Average Expected Annual Number of Activities: 8.

Respondents: Individuals and households; businesses and organizations; State, local, or Tribal government agencies; academia; or other Federal departments.

Estimated Annual Number of Respondents: 110,000.

Estimated Number of Responses: 110,000.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 60,000. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: February 18, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–03853 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0006]

Notice of Request for Revision To and Extension of Approval of an Information Collection; Animal Disease Traceability

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the animal disease traceability framework.

DATES: We will consider all comments that we receive on or before April 28, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2014-0006-0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0006, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0006* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the animal disease traceability framework, contact Dr. John Wiemers, Senior Staff Veterinarian-ADT, VS, APHIS, APHIS, 2100 South Lake Storey Road, Galesburg, IL 61401; (309) 344–1942. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Animal Disease Traceability.

OMB Control Number: 0579–0327.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: As part of its ongoing efforts to safeguard animal health, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) developed the Animal Disease Traceability (ADT) framework to provide a system that could provide for animal traceability. Traceability helps document the movement history of an animal throughout its life, including during an emergency response or for ongoing animal disease programs. States and Tribal Nations are able to establish the ability to trace animals moving interstate back to their State of origin.

APHIS made systems for animal disease traceability available to Tribal Nations for managing the issuance of unique location identification numbers, including the Standardized Premises Location System and a Tribal Premises Location System, which required completion and submission of Veterinary Services Form 1–63, Tribal Location Identification System Implementation Request.

The above information collection activity was previously approved by the Office of Management and Budget (OMB) under this collection. However, on January 9, 2013, APHIS published a final rule in the **Federal Register** (78 FR 2040–2075, Docket No. APHIS–2009–

0091) [1] to establish minimum national official identification and documentation requirements for the traceability of livestock moving interstate. States, Tribes, and territories are responsible for implementing their own traceability systems that align with the new framework and other activities to advance animal disease traceability. These systems, which the States and Tribes will describe in their long-term traceability plans, are referred to as ADT Road Maps. In addition, the ADT framework includes the National Uniform Eartagging System (NUES). The ADT Road Maps and NUES include information collection activities that we are including in this collection. As a result, we are revising each of our burden estimates accordingly.

In addition, the previous name for this collection was ''Animal Disease Traceability; Tribal Nations Using Systems for Location Identification.'' However, based on the January 2013 final rule, there are other entities who must meet the animal disease traceability requirements; therefore, we are changing the name of this collection to ''Animal Disease Traceability.''

We are asking OMB to approve these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.3045 hours per response.

Respondents: Animal producers, market/buying station operators, and feedlot operators; laboratory staff; State, Tribal, and territorial animal health officials; device manufacturers; Dairy Herd Information Association officials; and slaughter plant personnel.

Estimated annual number of respondents: 273,439.

Estimated annual number of responses per respondent: 10.083.

Estimated annual number of responses: 2,757,105.

Estimated total annual burden on respondents: 839,600 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 21st day of February 2014.

Michael C. Gregoire,

Associate Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–04191 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–34–P

[1] *http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0091.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0042]

Dow AgroSciences LLC; Draft Environmental Impact Statement for Determination of Nonregulated Status of Herbicide Resistant Corn and Soybeans; Comment Period

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The comment period for a draft environmental impact statement (EIS) on environmental impacts that may result from the potential approval of petitions seeking a determination of nonregulated status of three cultivars of herbicide resistant corn and soybeans produced by Dow AgroSciences LLC will remain open until March 11, 2014. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the draft EIS announced in the notice published January 10, 2014 (79 FR 1861–1862) will remain open until March 11, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0042-0050.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0042, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0042* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Sid Abel, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1238; (301) 851–3896.

SUPPLEMENTARY INFORMATION: On January 10, 2014, the Environmental Protection Agency published in the **Federal Register** (79 FR 1861–1862) a notice announcing the availability of a draft environmental impact statement (EIS) for the potential determinations of nonregulated status of cultivars of corn and soybeans produced by Dow AgroSciences LLC that are resistant to certain broadleaf herbicides in the synthetic auxin group (particularly the herbicide 2,4–D).

Comments on the draft EIS were required to be received on or before February 24, 2014. We will now accept all comments on the draft EIS received through March 11, 2014. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 21st day of February 2014.

Michael C. Gregoire,

Associate Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–04188 Filed 2–24–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Vessel Monitoring System (VMS) Requirement in the Pacific Coast Groundfish Fishery.

OMB Control Number: 0648–0573.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 1,000.

Average Hours Per Response: VMS installation and activation reports, and exemption reports, 5 minutes; gear declaration reports, 4 minutes.

Burden Hours: 771.

Needs and Uses: This request is for extension of a currently approved information collection.

NOAA has established large-scale depth-based management areas, referred to as Groundfish Conservation Areas (GCAs), where groundfish fishing is prohibited or restricted. These areas were specifically designed to reduce the catch of species while allowing healthy fisheries to continue in areas and with gears where little incidental catch of overfished species is likely to occur. Because NOAA needs methods to effectively enforce area restrictions, certain commercial fishing vessels are required to install and use a vessel monitoring system (VMS) that automatically sends hourly position reports. Exemptions from the reporting requirement are available for inactive vessels or vessels fishing outside the monitored area. The vessels are also required to declare what gear will be used.

To ensure the integrity of the GCAs and Rockfish Conservation Areas (RCA), a pilot VMS program was implemented on January 1, 2004. The pilot program required vessels registered to Pacific Coast groundfish fishery limited entry permits to carry and use VMS transceiver units while fishing off the coasts of Washington, Oregon and California. On January 1, 2007, the VMS program coverage was expanded on to include all open access fisheries in addition to the limited entry fisheries.

Affected Public: Business or other for-profit organizations.

Frequency: Every four years, annually and on occasion.

Respondent's Obligation: Mandatory.

This information collection can be viewed at *http://www.reginfo.gov.* Follow the instructions to review Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax no. (202) 395–5806.

Dated: February 20, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–04025 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The NAC will address census policies, research and methodology, tests, operations, communications/messaging, and other activities to ascertain needs and best practices to improve censuses, surveys, operations, and programs. The NAC will meet in a plenary session on March 20–21, 2014. Last-minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: March 20–21, 2014. On March 20, the meeting will begin at approximately 8:30 a.m. and end at approximately 5:00 p.m. On March 21, the meeting will begin at approximately 8:30 a.m. and end at approximately 2:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, *Jeri.Green@census.gov,* Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H182, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–6590. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC comprises up to thirty-two members. The Committee provides an organized and continuing channel of communication between race, ethnic, and other populations and the Census Bureau. The Committee will advise the Director of the Census Bureau on the full range of economic, housing, demographic, socioeconomic, linguistic, technological, methodological, geographic, behavioral, and operational variables affecting the cost, accuracy, and implementation of Census Bureau programs and surveys, including the decennial census.

The NAC also assists the Census Bureau on ways that census data can best be disseminated to diverse race and ethnic populations and other users. The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on March 21. However, individuals with extensive questions or statements must submit them in writing to Ms. Jeri Green at least three days before the meeting. If you plan to attend the meeting, please register by Monday, March 17, 2014. You may access the online registration form with the following link: *http://www.regonline.com/mar_nac2014_meeting.* Seating is available to the public on a first-come, first-served basis.

These meetings are physically accessible to people with disabilities. Requests for sign-language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer as soon as possible, preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: February 19, 2014.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2014–04107 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology and Research Advisory Committee; Notice of Partially Closed Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on March 12 and 13, 2014, 8:30 a.m., Room 3884, at the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

Agenda

Wednesday, March 12

1. Welcome and Introductions.

2. Remarks by Assistant Secretary for Export Administration.
3. Review of Emerging Technologies and Methodologies for the Identification of Emerging Technologies.
4. Membership Recruitment.
5. Export Control Reform—developments in definition of technology data, fundamental research and public domain.
6. Massive Online Courses.
7. GOV and TSU exceptions.
8. Deemed Re-Export Ruling.
9. Presentations—speakers from organizations involved in tracking emerging technologies.
10. Closed Session

Thursday, March13

Closed Session

11. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open sessions will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than, March 5, 2014.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 3, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the portion of the meeting dealing with matters of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)1 and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: February 19, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–04005 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: The Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty order on pure magnesium from the People's Republic of China (''PRC''). The period of review (''POR'') is May 1, 2012, through April 30, 2013. This review covers one PRC company, Tianjin Magnesium International, Co., Ltd. (''TMI'') and Tianjin Magnesium Metal Co., Ltd. (''TMM'') (collectively ''TMI/TMM'').[1] The Department preliminarily finds that TMI/TMM did not have reviewable entries during the POR. We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Brendan Quinn, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone: (202) 482–4243 or (202) 482–5848, respectively.

Scope of the Order

Merchandise covered by the order is pure magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of the order. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as ''ultra pure'' magnesium);

(2) Products that contain less than 99.95% but not less than 99.8% primary magnesium, by weight (generally referred to as ''pure'' magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as ''off–specification pure'' magnesium).

''Off–specification pure'' magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the order are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (i.e., length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

Pure magnesium products covered by the order are currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Background

On May 1, 2013, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on pure magnesium from the PRC for the period

[1] The Department initiated the instant review on both TMM and TMI. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 38924 (June 28, 2013) (''*Initiation Notice*''). In the interim, for the prior 2011–2012 review of the order, the Department determined TMM and TMI to be collapsed and treated as a single entity for purposes of the proceeding. *See Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 94 (January 2, 2014) and accompanying Issues and Decision Memorandum at Comment 5. As this collapsing determination remains unchallenged in this review, the instant preliminary results of this review cover the single TMM/TMI entity.

May 1, 2012 through April 30, 2013.[2] On May 31, 2013, U.S. Magnesium LLC (''U.S. Magnesium''), a domestic producer and Petitioner in the underlying investigation of this case, made a timely request that the Department conduct an administrative review of TMI and TMM.[3] On June 28, 2013, in accordance with section 751(a) of the Tariff Act of 1930, as amended (''the Act''), the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review.[4] On August 26 and August 27, 2013, TMM and TMI separately submitted letters to the Department certifying that they did not export pure magnesium for consumption in the United States during the POR.[5]

On January 6, 2014, the Department placed on the record information obtained in response to the Department's query to U.S. Customs and Border Protection (''CBP'') concerning imports into the United States of subject merchandise during the POR.[6] This information indicates that there were no entries of subject merchandise during the POR that had been exported by TMI or TMM. In addition, on January, 8, 2014, we notified CBP that we were in receipt of a no-shipment certification from TMI and TMM and requested CBP to report any contrary information within 10 days.[7] CBP did not report any contrary information.

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[8] Thus, all deadlines in this segment of the proceeding have been extended by 16 days. The revised deadline for the preliminary results of review is Tuesday, February 18, 2014.[9]

Preliminary Determination of No Shipments

As noted in the ''Background'' section above, TMI and TMM each submitted timely-filed certifications indicating that it had no shipments of subject merchandise to the United States during the POR. In addition, CBP did not provide any evidence that contradicts TMI or TMM's claim of no shipments.[10] The Department received no comments from interested parties concerning the results of the CBP query.

Based on TMI and TMM's certification and our analysis of CBP information, we preliminarily determine that the single TMI/TMM entity did not have any reviewable entries during the POR. In addition, the Department finds that consistent with its recently announced refinement to its assessment practice in non-market economy (''NME'') cases, it is appropriate not to rescind the review in part in this circumstance but, rather, to complete the review with respect to TMI/TMM and to issue appropriate instructions to CBP based on the final results of the review.[11]

Public Comment

Interested parties are invited to comment on the preliminary results and may submit case briefs and/or written comments within 30 days of the date of publication of this notice, pursuant to 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days after the due date for case briefs, pursuant to 19 CFR 351.309(d). Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each argument a statement of the issue, a summary of the argument not to exceed five pages, and a table of statutes, regulations, and cases cited, in accordance with 19 CFR 351.309(c)(2) and (d)(2).

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[12] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. Additionally, pursuant to a recently announced refinement to its assessment practice in NME cases, if the Department continues to determine that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[13]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For TMI/TMM, which claimed no shipments, the

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 78 FR 25420, 25424 (May 1, 2013).

[3] *See* letter from U.S. Magnesium, ''Pure Magnesium from the People's Republic of China: Request for Administrative Review,'' dated May 31, 2013.

[4] *See Initiation Notice.*

[5] *See* letter from TMM, ''Pure Magnesium from the People's Republic of China; A–570–832; Certification of No Sales by Tianjin Magnesium Metal, Co., Ltd.,'' dated August 26, 2013, at 1; *see also* letter from TMI, ''Pure Magnesium from the People's Republic of China; A–570–832; Certification of No Sales by Tianjin Magnesium International, Co., Ltd.,'' dated August 27, 2013, at 1.

[6] *See* Memorandum to the File, ''2012–2013 Administrative Review of Pure Magnesium from the People's Republic of China: U.S. Customs and Border Protection Data,'' dated January 6, 2014 (''CBP Query'').

[7] *See* Customs Message #4008304, ''No Shipments Inquiry,'' dated January 8, 2014.

[8] *See* Memorandum to the File, ''Pure Magnesium From the People's Republic of China: Tolling of Deadlines for Shutdown of the Federal Government,'' dated December 29, 2013.

[9] *See id.* Because Monday, February 17, 2014, is a federal holiday, the deadline extended deadline becomes Tuesday, February 18, 2014, consistent with *Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[10] *See* CBP Query.

[11] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) and the ''Assessment Rates'' section, below.

[12] *See* 19 CFR 351.310(c).

[13] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

cash deposit rate will remain unchanged from the rate assigned to TMI/TMM in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 141.49 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement off antidumping duties prior to liquidation of the relevant entries during this period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–04122 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–944]

Certain Oil Country Tubular Goods From the People's Republic of China: Partial Rescission and Preliminary Results of Countervailing Duty Administrative Review; 2012

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain oil country tubular goods (OCTG) from the People's Republic of China (PRC). The period of review (POR) is January 1, 2012, through December 31, 2012. We preliminarily determine that Wuxi Seamless Oil Pipe Co., Ltd. (Wuxi) and Jiangsu Chengde Steel Tube Share Co., Ltd. (Jiangsu Chengde) received countervailable subsidies during the POR. We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Christopher Siepmann, Joseph Shuler, or Sergio Balbontin, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7958, (202) 482–1293, (202) 482–6478, respectively.

Scope of the Order

The scope of the order consists of OCTG.[1] The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The OCTG coupling stock covered by the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00,, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, and 7304.59.80.80.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description, available in *Certain Oil Country Tubular Goods From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 3203 (January 20, 2010), remains dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Certain Oil Country Tubular Goods from the People's Republic of China,'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/enforcement/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

[1] On 02/07/2014, the Department issued a final scope determination that seamless unfinished OCTG that are produced in the PRC and further processed into certain grades of finished OCTG by particular finishing processes (indicated below) are within the scopes of the antidumping and countervailing duty orders on OCTG from the PRC, regardless of the country in which the further processing occurs. Because the imported finished products do not undergo any significant physical and chemical changes from, and are of the same class or kind of merchandise as seamless unfinished OCTG produced in the PRC, the Department found these products to be within the scope of the order. Specifically, the Department found seamless unfinished OCTG manufactured in the PRC and finished in countries other than the United States and the PRC (*i.e.,* third countries) are within the scope of the order where (a) the finishing consists of heat treatment by quenching and tempering, upsetting and threading (with integral joint), or threading and coupling; and (b) the products are made to the following specifications and grades: API specification 5CT, grades P–110, T–95 and Q–125.

Partial Rescission of the 2012 Administrative Review

On May 29, 2013, United States Steel Corporation timely withdrew its request for the 2012 administrative review with respect to all companies except Wuxi and Jiangsu Chengde.[2] This withdrawal affects over 525 PRC producers/exporters of the subject merchandise covered in the *Initiation Notice.*[3] In accordance with 19 CFR 351.213(d)(1),[4] and consistent with our practice,[5] we are rescinding this review in its entirety with the exception of Wuxi and Jiangsu Chengde.

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

In making these findings, we relied, in part, on facts available and, because one or more respondents did not act to the best of their ability to respond to the Department's requests for information, we have drawn an adverse inference in selecting from among the facts otherwise available.[7] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Finally, the Department was not able to make a preliminary determination of countervailability for certain programs because it requires additional information.[8] We intend to seek that information prior to our final results, and issue a post-preliminary determination with the Department's findings with regard to those programs.

For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated individual subsidy rates for Wuxi and Jiangsu Chengde for the period January 1, 2012, through December 31, 2012.

We preliminarily find the net subsidy rates for the producers/exporters under review to be as follows:

Producer/exporter	Net subsidy rate (percent)
Wuxi Seamless Oil Pipe Co., Ltd.; Bazhou Seamless Oil Pipes Co. Ltd.; Liaoyang Seamless Oil Pipes Co. Ltd.; Mengfeng Special Steel Co. Ltd.; Songyuan Seamless Oil Pipes Co. Ltd	31.78
Jiangsu Chengde Steel Tube Share Co., Ltd	1.49

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[9] Due to the anticipated timing of the release of post-preliminary analysis memoranda, interested parties may submit written comments (case briefs) for this administrative review no later than one week after the issuance of the last post-preliminary analysis memorandum, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[10] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[11] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.[12] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates

For the rescinded companies, countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2012, through December 31, 2012, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) 15 days after publication of this notice.

For Wuxi and Jiangsu Chengde, consistent with section 751(a)(1) of the Act, upon issuance of the final results, the Department shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

If the final results of this review are the same as these preliminary results, the Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above for Wuxi and Jiangsu Chengde. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated

[2] *See* letter from Petitioner, ''Certain Oil Country Tubular Goods from the People's Republic of China: Partial Withdrawal of Request for Administrative Review'' dated May 29, 2013.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 13631 (February 28, 2013) (*Initiation Notice*).

[4] In accordance with 19 CFR 351.213(d)(1), the Department will rescind an administrative review ''if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' The instant review was initiated on February 28, 2013. Therefore, the deadline to withdraw review requests was May 29, 2013. Thus, Petitioners' withdrawal request is timely.

[5] *See, e.g., Brass Sheet and Strip from Germany: Notice of Rescission of Antidumping Duty Administrative Review,* 73 FR 49170 (August 20, 2008); *see also Certain Lined Paper Products from India: Notice of Partial Rescission of Antidumping Duty Administrative Review and Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review,* 74 FR 21781 (May 11, 2009).

[6] *See* sections 771(5)(B)and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

[7] *See* sections 776(a) and (b) of the Act.

[8] *See* Preliminary Decision Memorandum at ''Analysis of Programs—II. Programs For Which More Information is Required.''

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[11] *See* 19 CFR 351.310(c).

[12] *See* 19 CFR 351.310.

countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: February 18, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Scope of the Order
2. Use of Facts Otherwise Available and Adverse Inferences
3. Subsidies Valuation Information
4. Analysis of Programs

[FR Doc. 2014–04119 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–921]

Lightweight Thermal Paper From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

DATES: *Effective Date:* February 25, 2014.

SUMMARY: The Department of Commerce (Department) finds that revocation of the countervailing duty (CVD) order on lightweight thermal paper (thermal paper) from the People's Republic of China (the PRC) would be likely to lead to continuation or recurrence of countervailable subsidies.

FOR FURTHER INFORMATION CONTACT: Joshua Morris or Nancy Decker, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1779 or (202) 482–0196, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2013, the Department initiated the first sunset review of the *CVD Order*[1] on thermal paper from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2]

On October 28, 2013, the Department received a notice of intent to participate from the petitioner in the investigation, Appvion, Inc.[3] (hereinafter, Petitioner), within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] On November 18, 2013, the Department received an adequate substantive response from Petitioner within the 30-day deadline specified in 19 CFR 351.218(d)(3).[5]

The Department did not receive any submissions from other interested parties. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(B)–(C), the Department is conducting an expedited (120-day) sunset review of the *CVD Order.*

Scope of the Order

This order covers certain lightweight thermal paper. A full description of the scope of the order is contained in the Issues and Decision Memorandum,[6] which is hereby adopted by this notice.

The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/enforcement/*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the order were revoked.

Final Results of Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *CVD Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Manufacturers/Producers/Exporters	Net subsidy rate (percent)
Guangdong Guanhao High-Tech Co., Ltd	13.63
Shenzhen Yuanming Industrial Development Co., Ltd	138.53
MDCN Technology Co., Ltd	124.93
Xiamen Anne Paper Co., Ltd	124.93
All Others	13.63

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

[1] *See Lightweight Thermal Paper from the People's Republic of China: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order,* 73 FR 70958 (November 24, 2008) (*CVD Order*).

[2] *See Initiation of Five-Year* (''*Sunset*'') *Review,* 78 FR 60253 (October 1, 2013).

[3] Appvion, Inc. was formerly known as Appleton Papers Inc.

[4] The deadline for domestic interested party notification of intent to participate would have been October 16, 2013 (15 days after the date of publication of the initiation notice). However, as explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013. *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013) (*Tolling Memorandum*). Therefore, the revised deadline for notification of intent to participate was November 1, 2013.

[5] The deadline substantive responses would have been October 31, 2013. However, due to the tolling of deadlines resulting from the closure of the Federal Government, the revised deadline for substantive responses was November 16, 2013. *See Tolling Memorandum.* Because that day fell on a Saturday, the new deadline was November 18, 2013. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[6] *See* ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Lightweight Thermal Paper from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Issues and Decision Memorandum).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. History of the Order
3. Background
4. Scope of the Order
5. Discussion of the Issues
   a. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
   b. Net Countervailable Subsidy Likely To Prevail
6. Nature of the Subsidies
7. Final Results of Review
8. Recommendation

[FR Doc. 2014–04068 Filed 2–24–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–817]

Certain Oil Country Tubular Goods From the Socialist Republic of Vietnam: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, in Part, and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods (OCTG) from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less-than-fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation (POI) is January 1, 2013, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. The final determination will be issued 135 days after publication of this preliminary determination in the **Federal Register**. We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Baker, Tyler Weinhold, or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2924, (202) 482–1121, or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (the sole mandatory respondent in the concurrent LTFV investigation of OCTG from Thailand) submitted scope comments to the Department regarding ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations. Petitioners filed rebuttal comments on August 22, 2013. We have made no modifications to the scope of the investigations. For more information, see the Preliminary Decision Memorandum.[1]

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[2] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[3] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.[4]

Methodology

The Department conducted this investigation in accordance with section 731 of the Act. Constructed export price (CEP) has been calculated in accordance with section 772 of the Act. Because Vietnam is a non-market economy within the meaning of section 771(18) of the Act, and available information does not permit the calculation of normal value (NV) under 773(a) of the Act, we calculated NV in accordance with section 773(c) of the Act. Further, we determined to apply facts otherwise available with an adverse inference to the Vietnam-wide entity in accordance with section 776(a) and (b) of the Act.

For a full description of the methodology underlying our conclusions, please see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Affirmative Determination of Critical Circumstances, in Part

On December 18, 2013, petitioners[5] filed a timely critical circumstances

[1] *See* Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam, from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum).

[2] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[3] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[4] Due to the closure of the Federal Government on February 13, 2014, Commerce completed this determination on the next business day (*i.e.,* February 14, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[5] United States Steel Corporation, Maverick Tube Corporation, Boomerang Tube LLC, Energex Tube, Northwest Pipe Company, Tejas Tubular Products

allegation, pursuant to section 773(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of the merchandise under consideration.[6] We preliminarily determine that critical circumstances do not exist for SeAH VINA Corporation (SeAH) but do exist with respect to the Vietnam-wide entity. For a full description of the methodology and results of our analysis, please see the Preliminary Decision Memorandum.

Combination Rates

As explained in the Initiation Notice, the Department calculated exporter-producer combination rates for the respondents that are eligible for a separate rate in this investigation.[7]

Preliminary Determination

The Department preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter	Producer	Weighted-average dumping margin (percent)
SeAH Steel VINA Corporation	SeAH Steel VINA Corporation	9.57
Vietnam-Wide Entity Rate		111.47

Disclosure and Public Comment

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[8] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[9] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we shall direct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from Vietnam as described in the scope of the investigation. For entries of OCTG produced and exported by SeAH VINA, the suspension of liquidation shall apply to all entries of merchandise, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. As described above, we preliminarily find that critical circumstances exist for imports produced or exported by the Vietnam-wide entity. For the Vietnam-wide entity, in accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

We will instruct CBP to require a cash deposit for all suspended entries at an *ad valorem* rate equal to the weighted-average dumping margins, as indicated in the chart above.[10] These suspension of liquidation instructions will remain in effect until further notice.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to a request from SeAH VINA, we are postponing the final determination and extending the provisional measures from a four-month period to no more than six months . Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.[11]

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we notified the ITC of our preliminary determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry. Because we are postponing the deadline for our final determination to 135 days from the date of publication of this preliminary determination, as discussed above, the ITC will make its final determination no

Inc., TMK IPSCO, Vallourec Star, L.P., and Welded Tube USA, Inc. (collectively, petitioners).

[6] *See* Letter from petitioners to the Department, Re: "Amendment to Petition for the Imposition of Antidumping Duties: Oil Country Tubular Goods from Vietnam," December 18, 2013.

[7] *See Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations,* 78 FR 45505, 45511 (July 29, 2013).

[8] *See* 19 CFR 351.309.

[9] *See* 19 CFR 351.310(c).

[10] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[11] *See also* 19 CFR 351.210(e).

later than 45 days after our final determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Initiation
2. Postponement of Preliminary Determination
3. Postponement of Final Determination and Extension of Provisional Measures
4. Scope of Investigation
   a. Scope Comments
5. Non-Market Economy Country
6. Surrogate Country
   a. Economic Comparability
   b. Significant Producer of Identical or Comparable Merchandise
   c. Data Availability
7. Surrogate Value Comments
8. Separate Rates
9. Vietnam-Wide Entity
10. Date of Sale
11. Discussion of Methodology
    a. Fair Value Comparisons
    b. Export Price
    c. Normal Value
    d. Factor Values
    e. Application of Adverse Facts Available
    f. Rate for the Vietnam-Wide Entity
    g. Corroboration
    h. Determination of Comparison Method
    i. Results of Differential Pricing Analysis
12. Currency Conversion
13. Critical Circumstances
14. Verification

[FR Doc. 2014–04036 Filed 2–24–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–870]

Certain Oil Country Tubular Goods From the Republic of Korea: Negative Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods (OCTG) from the Republic of Korea is not being, or is not likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation (POI) is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins are shown in the ''Preliminary Determination'' section of this notice. The Department preliminarily found that critical circumstances do not exist. Finally, in response to a request from petitioners, we are postponing the final determination. The final determination will be issued 135 days after the publication of this preliminary determination in the **Federal Register**. We invite interested parties to comment on the preliminary determination.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Victoria Cho or Deborah Scott, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5075 or (202) 482–2657, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 2013, the Department received an antidumping duty (AD) petition [1] concerning imports of OCTG from Korea filed in proper form on behalf of the petitioners.[2] On July 22, 2013, the Department initiated a LTFV investigation of OCTG from Korea.[3] On December 18, 2013, petitioners filed a timely critical circumstances allegation. In accordance with 19 CFR 351.206(c)(2)(i), when a critical circumstances allegation is submitted 20 days or more before the scheduled date of the preliminary determination, the Department will issue a preliminary finding not later than the preliminary determination.[4]

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[1] *See* Petitions for the Imposition of Antidumping and Countervailing Duties: Certain Oil Country Tubular Goods From India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam, dated July 2, 2013.

[2] United States Steel Corporation, Vallourec Star L.P., TMK IPSCO, Energex (division of JMC Steel Group), Northwest Pipe Company, Tejas Tubular Products, Welded Tube USA Inc., Boomerang Tube LLC, and Maverick Tube Corporation (collectively, petitioners).

[3] *See Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations,* 78 FR 45505 (July 29, 2013) (*Initiation Notice*).

[4] Petitioners also alleged critical circumstances exist with respect to imports of merchandise in the companion CVD investigations. In accordance with 19 CFR 351.206(c)(2)(ii), the Department issued preliminary critical circumstances findings in those investigations on January 17, 2014. On December 31, 2013, the Department requested that respondents report their shipment data for a three-year period ending in February 2014, the month of the preliminary AD determinations, requesting Quantity and Value (Q&V) data from April 2010 to February 2014. On January 7, 2014 and January 17, 2014, HYSCO and NEXTEEL submitted its

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[5] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[6] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.[7]

Methodology

The Department has conducted this investigation in accordance with section 731 of the Act. Export price (EP) and constructed export price (CEP) have been calculated in accordance with section 772 of the Act. Normal value (NV) has been calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Republic of Korea,'' from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum). A list of the topics included in the Preliminary Decision Memorandum is included as Attachment II to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Negative Determination of Critical Circumstances

On December 18, 2013, petitioners filed a timely critical circumstances allegation, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of the merchandise under consideration. Based on our analysis, we preliminarily determine that there is not a reasonable basis to believe or suspect that critical circumstances exist with respect to OCTG from Korea. For a full description of the methodology and results of our analysis, please see the Preliminary Decision Memorandum.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter or producer	Weighted-average dumping margin (percent)
Hyundai HYSCO	0.00
NEXTEEL Co., Ltd	0.00

Consistent with section 733(d)(1)(A) of the Act, the Department has not calculated a weighted-average dumping margin for all other producers or exporters because it has not made an affirmative preliminary determination of sales at less than fair value.

Disclosure and Public Comment

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[8] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[9] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

requested monthly Q&V shipment data for the months, April 2010 through December 2013, respectively.

[5] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated October 18, 2013.

[6] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2005).

[7] Due to the closure of the Federal Government on February 13, 2014, Commerce completed this determination on the next business day (*i.e.,* February 14, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2005).

[8] *See* 19 CFR 351.309.

[9] *See* 19 CFR 351.310(c).

Suspension of Liquidation

Because the Department has not made an affirmative preliminary determination of sales at less than fair value, we are not directing U.S. Customs and Border Protection to suspend liquidation of any entries of OCTG from Korea.

Postponement of Final Determination

Pursuant to a request from U.S. Steel [10] in this investigation, we are postponing the final determination pursuant to 735(a)(2)(B) of the Act. Because our preliminary determination is negative, in accordance with section 735(a)(2)(B) of the Act, we are granting U.S. Steel's request and are postponing the final determination until no later than 135 days after the publication of the preliminary determination notice in the **Federal Register**.[11]

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary negative determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Period of Investigation
4. Postponement of Final Determination
5. Scope of the Investigation
6. Scope Comments
7. Model Match Comments
8. Affiliation
9. Critical Circumstances
10. Discussion of Methodology
11. Currency Conversion
12. Verification

[FR Doc. 2014–04110 Filed 2–24–14; 8:45 am]

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[10] On February 11, 2014, petitioner, United States Steel Corporation (U.S. Steel), requested that the Department postpone the final determination in the event of a negative preliminary determination.

[11] *See also* 19 CFR 351.210(e).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–815]

Certain Oil Country Tubular Goods From Ukraine: Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods (OCTG) from Ukraine are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. Interested parties are invited to comment on this preliminary determination. We intend to issue the final determination 135 days after publication of this preliminary determination in the **Federal Register**.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: David Lindgren, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3870.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by this investigation is OCTG, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete

description of the scope of the investigation, *see* Appendix I.

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (the sole mandatory respondent in the concurrent antidumping duty OCTG from Thailand investigation) submitted scope comments to the Department regarding ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations.[1] Petitioners[2] filed rebuttal comments on August 22, 2013. We have not made any modifications to the scope of the investigations. For more information, *see* the Preliminary Decision Memorandum.[3]

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[4] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[5] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.[6]

Methodology

The Department conducted this investigation in accordance with section 731 of the Tariff Act of 1930, as amended (the Act). Constructed export price (CEP) has been calculated in accordance with section 772 of the Act. Normal value (NV) has been calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Negative Determination of Critical Circumstances

On December 18, 2013, petitioners filed a timely critical circumstances allegation, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of the merchandise under consideration.[7] Based on our analysis, we preliminarily determine that there is not a reasonable basis to believe or suspect that critical circumstances exist with respect to OCTG from Ukraine. For a full description of the methodology and results of our analysis, please see the Preliminary Decision Memorandum.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margin (percent)
Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Niznedneprovsky Tube Rolling Pipe (aka Interpipe NTRP); LLC Interpipe Niko Tube[8]	5.31
All Others	5.31

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. The ''All Others'' rate is based on the weighted-average dumping margin calculated for Interpipe, the sole mandatory respondent in the investigation.[9]

Disclosure and Public Comment

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for

[1] *See* Letter from WSP Pipe Co., Ltd. Regarding ''Comments on Scope of Investigations: Antidumping Duty Investigations of Oil Country Tubular Goods From India, Korea, Philippines, Saudi Arabia, Taiwan, Thailand, Turkey, Ukraine and Vietnam; Countervailing Duty Investigation of Oil Country Tubular Goods from India and Turkey,'' dated August 12, 2013 at 2.

[2] United States Steel Corporation, Vallourec Star L.P., TMK IPSCO, Energex Tube (a division of JMC Steel Group), Northwest Pipe Company, Tejas Tubular Products, Welded Tube USA Inc., Boomerang Tube LLC, and Maverick Tube Corporation (collectively, petitioners).

[3] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods From Ukraine'', dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum).

[4] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated October 18, 2013.

[5] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2005).

[6] Due to the closure of the Federal Government on February 13, 2014, the Department completed this determination on the next business day (*i.e.,* February 14, 2014). *Id.*

[7] *See* Letter to the Department from Petitioners regarding ''Amendment to Petition for the Imposition of Antidumping Duties: Oil Country Tubular Goods from Ukraine,'' dated December 18, 2013.

[8] The Department preliminarily determines that Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Niznedneprovsky Tube Rolling Pipe (aka Interpipe NTRP); LLC Interpipe Niko Tube; North American Interpipe, Inc. (collectively, Interpipe) are affiliated and should be considered a single entity. For a more detailed discussion on the Department's analysis regarding affiliation and treatment of Interpipe Europe S.A. and certain affiliated companies as a single entity, *see* Preliminary Decision Memorandum at ''Affiliation and Single Entity.'' As North American Interpipe is the U.S.-based importer, it is excluded from the Exporter/Producer table above.

[9] *See* section 735(c)(5)(A) of the Act.

[10] *See* 19 CFR 351.309.

Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[11] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from Ukraine as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Pursuant to section 733(d)(1) of the Act and 19 CFR 351.205(d), we will instruct CBP to require a cash deposit equal to the weighted-average amount by which the NV exceeds CEP, as indicated in the chart above.[12] These suspension of liquidation instructions will remain in effect until further notice.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to a request from Interpipe, the respondent in this investigation, we are postponing the final determination. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.[13] Further, Interpipe requested to extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a six-month period. Suspension of liquidation will be extended accordingly.

[11] *See* 19 CFR 351.310(c).

[12] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[13] *See also* 19 CFR 351.210(e).

International Trade Commission Notification

In accordance with section 733(f) of the Act, we notified the International Trade Commission (ITC) of our preliminary affirmative determination of sales at LTFV. If our final determination is affirmative, section 735(b)(2) of the Act requires that the ITC make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of OCTG from Ukraine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretaryfor Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Postponement of Preliminary Determination
2. Postponement of Final Determination and Extension of Provisional Measures
3. Scope of the Investigation
4. Scope Comments
5. Affiliation and Single Entity
6. Fair Value Comparisons
7. Product Comparison
8. Determination of Comparison Method
9. Constructed Export Price
10. Normal Value
    a. Home Market Viability
    b. Level of Trade
    c. Cost of Production
    d. Constructed Value
    e. Price-to-CV Comparison
    f. Calculation of Normal Value Based on Comparison Market Prices
    g. Re-Export Sales
11. Date of Sale
12. Currency Conversion
13. Critical Circumstances
14. Verification

[FR Doc. 2014–04101 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–816]

Certain Oil Country Tubular Goods From the Republic of Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods from the Republic of the Turkey (Turkey) are being sold, or are likely to

be sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are listed in the ''Preliminary Determination'' section of this notice. Interested parties are invited to comment on this preliminary determination.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by this investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (the sole mandatory respondent in the concurrent antidumping duty investigation involving OCTG from Thailand) submitted scope comments to the Department regarding ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations. The petitioners [1] filed rebuttal comments on August 22, 2013. We have not made any modifications to the scope of the investigations. For more information, *see* the Preliminary Decision Memorandum.[2]

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[3] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[4] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.

Methodology

The Department conducted this investigation in accordance with section 731 of the Act. Export prices and constructed export prices have been calculated in accordance with section 772 of the Act. Normal value has been calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Negative Determination of Critical Circumstances

On December 18, 2013, the petitioners filed a timely critical circumstances allegation, pursuant to section 733(e)(1)

[1] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Maverick Tube Corporation, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, United States Steel Corporation, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, the petitioners).

[2] *See* the ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods From the Republic of Turkey'', from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum).

[3] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[4] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2005). Due to the closure of the Federal Government on February 13, 2014, Commerce completed these determinations on the next business day (i.e., February 14, 2014). *Id.*

of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of the merchandise under consideration.[5] We preliminarily determine that critical circumstances do not exist for imports of OCTG from Turkey. For a full description of the methodology and results of our analysis, *see* the Preliminary Decision Memorandum.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret and Borusan Istikbal Ticaret (collectively Borusan)	0.00
Çayirova Boru Sanayi ve Ticaret A.Ş. and Yücel Boru Ithalat-Ihracat ve Pazarlama A.Ş. (collectively Yücel)	4.87
All Others	4.87

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. The ''All Others'' rate is based on the weighted-average dumping margin calculated for Yücel, the only mandatory respondent for which the Department calculated a rate that was not zero or *de minimis*.[6]

Disclosure and Public Comment

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[8] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from Turkey as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** except for those produced and exported by Borusan. Because the estimated weighted-average dumping margin for Borusan is zero, we are not directing CBP to suspend liquidation of entries of the merchandise it produced and exported.

We will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds U.S. price, as indicated in the chart above.[9] The suspension of liquidation instructions will remain in effect until further notice.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to requests from Borusan and Yücel in this investigation, we are postponing the final determination. Accordingly, we will issue our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2)(A) of the Act.[10] Further, Borusan and Yücel requested to extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a six-month period. The suspension of liquidation described above will be extended accordingly.

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we notified the ITC of our preliminary affirmative determination of sales at LTFV. Because the preliminary determination in this proceeding is affirmative, section 735(b)(2) of the Act requires that the ITC make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of OCTG from Turkey before the later of 120 days after the date of this preliminary determination or 45 days after our final determination. Because we are postponing the deadline for our final determination to 135 days from the date of publication of this preliminary determination, as discussed above, the ITC will make its final determination no later than 45 days after our final determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Postponement of Final Determination and Extension of Provisional Measures
2. Scope of the Investigation
3. Scope Comments
4. Selection of Respondents
5. Affiliation and Single Entity
   a. Affiliation Findings: BMB and Istikbal
   b. Affiliation Findings: Çayirova and YIIP
   c. Single Entity Analysis
6. Critical Circumstances
7. Fair Value Comparisons
8. Product Comparisons
9. Date of Sale
10. U.S. Price
11. Duty Drawback
12. Normal Value

[5] *See* Letter from the petitioners, ''Amendment to Petition for the Imposition of Antidumping Duties: Oil Country Tubular Goods from Turkey'' dated December 18, 2013.

[6] *See* section 735(c)(5)(A) of the Act.

[7] *See* 19 CFR 351.309.

[8] *See* 19 CFR 351.310(c).

[9] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[10] *See also* 19 CFR 351.210(b)(2)(ii) and (e).

a. Home Market Viability and Comparison-Market Selection
b. Level of Trade
c. Calculation of Normal Value Based on Home-Market Prices
d. Calculation of Normal Value Based on Constructed Value
13. Cost of Production
14. Currency Conversion
15. Verification

[FR Doc. 2014–04108 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–832]

Certain Oil Country Tubular Goods From Thailand: Preliminary Determination of Sales at Less Than Fair Value, and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that certain oil country tubular goods (OCTG) from Thailand are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation (POI) is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. We intend to issue the final determination 135 days after publication of this preliminary determination in the **Federal Register**. We invite interested parties to comment on this preliminary determination.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: John Drury or Yasmin Nair, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–3813, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[1] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[2] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.[3]

Methodology

The Department conducted this investigation in accordance with section 731 of the Act. The Department preliminarily determined the estimated antidumping duty margins in accordance with section 776 of the Act. For a full description of the methodology underlying our conclusions, see the ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Thailand,'' from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum). The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (WSP), the sole respondent in this investigation, submitted scope comments to the Department regarding ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations. Petitioners filed rebuttal comments on August 22, 2013. We have not made any modifications to the scope of the investigation. For more information, see the Preliminary Decision Memorandum.

Application of Adverse Facts Available

On October 18, 2013, WSP submitted a letter informing the Department ''that WSP will not be responding to the Department of Commerce's August 28, 2013 Request for Information.'' Therefore, the Department preliminarily applied adverse facts available to WSP in accordance with section 776 of the Act. *See* the Preliminary Decision Memorandum for a complete explanation of the methodology and analysis underlying our preliminary application of adverse facts available.

Preliminary Determination

The Department preliminarily determines that the following dumping margins exist:

[1] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated October 18, 2013.

[2] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[3] On October 31, 2013, the Department extended the deadline for the issuance of the preliminary determination by 50 days, or until February 13, 2014. *See Certain Oil Country Tubular Goods From India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 78 FR 65268 (October 31, 2013).). Due to the closure of the Federal Government on February 13, 2014, Commerce completed this determination on the next business day (*i.e.,* February 14, 2014). *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

Exporter/Manufacturer	Dumping margin %
WSP Pipe Co., Ltd	118.32
All Others	118.32

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. We cannot apply the methodology described in section 735(c)(5)(A) of the Act to calculate the ''all others'' rate, as all of the margins in this preliminary determination were calculated under section 776 of the Act. In cases where no weighted-average dumping margins besides zero, *de minimis,* or those determined entirely under section 776 of the Act have been established for individually investigated entities, in accordance with section 735 (c)(5)(B) of the Act, the Department averages the margins calculated by the petitioners in the petition and applies the result to all other entities not individually examined.[4] In this case, however, petitioners calculated only one margin in the petition.[5] Therefore, we assigned as the all others rate the only margin in the petition; that rate is 118.32 percent.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from Thailand as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

We will instruct CBP to require a cash deposit equal to the margins indicated in the chart above.[6] These suspension of liquidation instructions will remain in effect until further notice.

Disclosure and Public Comment

Normally, the Department discloses the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). As the Department preliminarily applied adverse facts available to WSP in accordance with section 776 of the Act, there are no further calculations to disclose.

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 50 days after the date on which the the preliminary determination is published, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[8] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. The Department's regulations, at 19 CFR 351.210(e)(2), require that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to not more than six months.

On February 7, 2014, WSP requested that in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination by 60 days (135 days after publication of the preliminary determination), and agreed to extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a six-month period.[9] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because (1) our preliminary determination is affirmative; (2) the requesting producer/exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, we are postponing the final determination until no later than 135 days after the publication of this notice in the **Federal Register**. Suspension of liquidation will be extended accordingly. We are also extending the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2) from a four-month period to a six-month period.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our preliminary affirmative determination of sales at LTFV. Because the preliminary determination in this proceeding is affirmative, section 735(b)(2) of the Act requires that the ITC make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of

[4] *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909 (April 23, 2008); unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986 (July 8, 2008).

[5] *See Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations,* 78 FR 45505 (July 29, 2013) at 45508; *see also* Antidumping Duty Investigation Initiation Checklist: Oil Country Tubular Goods from Thailand at 7–8.

[6] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[7] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR 351.310(c).

[9] *See* Letter from WSP to the Department, dated February 7, 2014.

OCTG from Thailand before the later of 120 days after the date of this preliminary determination or 45 days after our final determination. Because we are postponing the deadline for our final determination to 135 days from the date of the publication of this preliminary determination, as discussed above, the ITC will make its final determination no later than 45 days after our final determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Application of Adverse Facts Available
2. All Others rate
3. Scope

[FR Doc. 2014–04096 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–517–804]

Certain Oil Country Tubular Goods From Saudi Arabia: Preliminary Determination of Sales at Less Than Fair Value, and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods (OCTG) from Saudi Arabia is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. The final determination will be issued 135 days after publication of this preliminary determination in the **Federal Register.** We invite interested parties to comment on this preliminary determination.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Jason Rhoads, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0123.

SUPPLEMENTARY INFORMATION:

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (the sole mandatory respondent in the concurrent antidumping duty investigation on OCTG from Thailand) submitted scope comments to the Department regarding certain ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations. Petitioners filed rebuttal comments on August 22, 2013. We have not made any modifications to the scope of the investigation. For more information, *see* the ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from Saudi Arabia,'' from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum).

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[1] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[2] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.[3]

Methodology

The Department conducted this investigation in accordance with section 731 of the Act. Constructed export price (CEP) has been calculated in accordance with section 772 of the Act. Normal value (NV) has been calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary

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[1] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[2] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[3] Due to the closure of the Federal Government on February 13, 2014, the Department completed this determination on the next business day (*i.e.,* February 14, 2014). *Id.*

Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Duferco SA	2.92
All Others	2.92

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. The ''All Others'' rate is based on the weighted-average dumping margin calculated for Duferco SA, the only company for which the Department calculated a rate.[4]

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[5] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[6] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from Saudi Arabia as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

We will instruct CBP to require a cash deposit equal to the weighted-average amount by which the NV exceeds CEP, as indicated in the chart above.[7] These suspension of liquidation instructions will remain in effect until further notice.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to a request from the respondent in this investigation, we are postponing the final determination and extending provisional measures from four to six months. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.[8]

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we notified the ITC of our preliminary determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

[4] *See* section 735(c)(5)(A) of the Act.

[5] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[6] *See* 19 CFR 351.310(c).

[7] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[8] *See also* 19 CFR 351.210(e).

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Scope of the Investigation
2. Affiliation
3. Postponement of Preliminary Determination
4. Postponement of Final Determination and Extension of Provisional Measures
5. Discussion of Methodology
   a. Home Market Viability
   b. Affiliated Party Transactions and Arm's-Length Test
   c. Cost of Production
   d. Constructed Value
   e. Constructed Export Price
   f. Level of Trade/CEP Offset
   g. Determination of Comparison Method
   h. Currency Conversion
6. Verification

[FR Doc. 2014–04102 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–565–802]

Certain Oil Country Tubular Goods From the Republic of the Philippines: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods from the Republic of the Philippines (the Philippines) are being sold, or are likely to be sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation (POI) is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are listed in the ''Preliminary Determination'' section of this notice. Interested parties are invited to comment on this preliminary determination.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0665.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (the sole mandatory respondent in the concurrent antidumping duty investigation involving OCTG from Thailand) submitted scope comments to the Department regarding ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations. The petitioners [1] filed rebuttal comments on August 22, 2013. We have not made any modifications to the scope of the investigations. For more information, *see* the Preliminary Decision Memorandum.[2]

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for

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[1] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Maverick Tube Corporation, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, United States Steel Corporation, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, the petitioners).

[2] *See* the ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from the Republic of the Philippines'', from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum).

Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[3] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[4] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.

Methodology

The Department has conducted this investigation in accordance with section 731 of the Act. Export prices have been calculated in accordance with section 772 of the Act. Normal value has been calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/*. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Negative Determination of Critical Circumstances

On January 7, 2014, the petitioners filed a timely critical circumstances allegation, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206(c)(1). We have preliminarily determined that critical circumstances do not exist for imports of OCTG from the Philippines. For a full description of the methodology and results of our analysis, *see* the Preliminary Decision Memorandum.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/Manufacturer	Weighted-average dumping margin %
HLD Clark Steel Pipe Co., Inc.	8.90
All Others	8.90

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. The ''All Others'' rate is based on the weighted-average dumping margin calculated for HLD Clark Steel Pipe Co., Inc., the only company for which the Department calculated a rate.[5]

Disclosure and Public Comment

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[7] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from the Philippines as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

We will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds export price, as indicated in the chart above.[8] The suspension of liquidation instructions will remain in effect until further notice.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to a request from HLD Clark Steel Pipe Co., Inc., in this investigation, we are postponing the final determination. Accordingly, we will issue our final determination no later

[3] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[4] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). Due to the closure of the Federal Government on February 13, 2014, Commerce completed this determination on the next business day (*i.e.,* February 14, 2014). *Id.*

[5] *See* section 735(c)(5)(A) of the Act.

[6] *See* 19 CFR 351.309.

[7] *See* 19 CFR 351.310(c).

[8] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.[9] Further, HLD Clark Steel Pipe Co., Inc., requested to extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a six-month period. The suspension of liquidation described above will be extended accordingly.

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary affirmative determination of sales at LTFV. Because the preliminary determination in this proceeding is affirmative, section 735(b)(2) of the Act requires that the ITC make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports OCTG from the Philippines before the later of 120 days after the date of this preliminary determination or 45 days after our final determination. Because we are postponing the deadline for our final determination to 135 days from the date of publication of this preliminary determination, as discussed above, the ITC will make its final determination no later than 45 days after our final determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Postponement of Final Determination and Extension of Provisional Measures
2. Scope of the Investigation
3. Scope Comments
4. Selection of Respondents
5. Critical Circumstances
6. Fair Value Comparisons
7. Product Comparisons
8. Date of Sale
9. U.S. Price
10. Normal Value
    a. Home Market Viability and Comparison-Market Selection
    b. Level of Trade
    c. Calculation of Normal Value Based on Third-Country Prices
    d. Calculation of Normal Value Based on Constructed Value
11. Cost of Production
12. Currency Conversion
13. Verification

[FR Doc. 2014–04093 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See also* 19 CFR 351.210(b)(2) and (e).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–857]

Certain Oil Country Tubular Goods From India: Preliminary Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods (OCTG) from India are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. We invite interested parties to comment on this preliminary determination. The final determination will be issued 135 days after publication of this preliminary determination in the **Federal Register**.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Emily Halle, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0176.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by this investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock. For a complete description of the scope of the investigation, *see* Appendix I to this notice.

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (the sole mandatory respondent in the concurrent LTFV investigation of OCTG from Thailand) submitted scope comments to the Department regarding ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations. The petitioners [1] filed rebuttal comments on August 22, 2013. We made no modifications to the scope of the investigations. For more information, *see* the Preliminary Decision Memorandum.[2]

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[3] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[4] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.[5]

[1] Boomerang Tube, Energex Tube, a division of JMC Steel Group, Maverick Tube Corporation, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, United States Steel Corporation, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, the petitioners).

[2] *See* Memorandum to Paul Piquado, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Oil Country Tubular Goods from India,'' dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum).

[3] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[4] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2005).

[5] Due to the closure of the Federal Government on February 13, 2014, the Department completed this determination on the next business day (*i.e.,* February 14, 2014). *Id.*

Methodology

The Department conducted this investigation in accordance with section 731 of the Act. Export price (EP) and constructed export price (CEP) are calculated in accordance with section 772 of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/*. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Affirmative Determination of Critical Circumstances, in Part

On December 18, 2013, petitioners filed a timely critical circumstances allegation, pursuant to section 773(e)(1) of the Act and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of the merchandise under consideration.[6] Based on our analysis, we preliminarily find that critical circumstances exist for Jindal SAW, but not for GVN Fuels Limited (GVN) or for all other producers and exporters.[7]

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter or producer	Weighted-average dumping margin
Jindal SAW Ltd	55.29
GVN Fuels Limited, Maharashtra Seamless Limited and Jindal Pipe Limited	0.0
All Others	55.29

[6] *See* Letter from petitioners, ''Amendment to Petition for the Imposition of Antidumping and Countervailing Duties: Oil Country Tubular Goods from India,'' December 18, 2013.

[7] For a full description of the methodology and results of our analysis, *see* the Preliminary Decision Memorandum.

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the weighted-average dumping margins calculated for the or producers or exporters individually examined, excluding rates that are zero, *de minimis* or determined entirely under section 776 of the Act. Since we calculated a weighted-average dumping margin for only one of the mandatory respondents (Jindal SAW) that was not zero, *de minimis* or determined entirely under section 776 of the Act, we assigned to all other producers and exporters the rate calculated for Jindal SAW.

Disclosure and Public Comment

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[8] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and, (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[9] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

[8] *See* 19 CFR 351.309.

[9] *See* 19 CFR 351.310(c).

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from India as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, except for Jindal SAW and GVN, as described below. Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. As discussed above, we preliminarily find that critical circumstances exist for imports produced or exported by Jindal SAW. For Jindal SAW, in accordance with section 733(e)(2)(A) of the Act, suspension of liquidation of OCTG from India, as described in the ''Scope of the Investigation'' section, shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice, the date suspension of liquidation is first ordered. Because we find critical circumstances do not exist for all other producers and exporters, we will begin suspension of liquidation for such firms on the date of publication of this notice in the **Federal Register**. Further, because we reached a negative preliminary determination for GVN, we will not instruct CBP to suspend liquidation of entries for this company.

Pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit[10] equal to the preliminary weighted-average amount by which NV exceeds U.S. price, as indicated in the chart above, as follows: (1) The rate for Jindal SAW will be the weighted-average dumping margin we determine in this preliminary determination; (2) if the exporter is not a firm identified in this investigation, but the producer is, then the rate will be the rate established for the producer of the subject merchandise; (3) the rate for

[10] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

all other producers or exporters will be 55.29 percent. There will be no cash deposit requirement for GVN, since, as noted above, there will be no suspension of liquidation. These suspension of liquidation instructions will remain in effect until further notice.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to a request from Jindal SAW, a respondent in this investigation, we are postponing the final determination. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.[11] Further, Jindal SAW requested to extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a six-month period. Suspension of liquidation will be extended accordingly.

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we notified the ITC of our preliminary affirmative determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Period of Investigation
4. Postponement of Preliminary Determination
5. Postponement of Final Determination and Extension of Provisional Measures
6. Scope of the Investigation
7. Scope Comments
8. Affiliation and Single Entity
9. Discussion of the Methodology
   a. Fair Value Comparison
   b. Product Comparisons
   c. Determination of Comparison Method
   d. U.S. Price
   e. Normal Value
10. Currency Conversion
11. Critical Circumstances
12. Verification
13. Conclusion

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[11] *See also* 19 CFR 351.210(e).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–850]

Certain Oil Country Tubular Goods From Taiwan: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that certain oil country tubular goods (OCTG) from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act). The period of investigation is July 1, 2012, through June 30, 2013. The estimated weighted-average dumping margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice. Interested parties are invited to comment on this preliminary determination.

DATES: *Effective Date:* February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0410 or (202) 482–3477, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Investigation

The merchandise covered by the investigation is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigation also covers OCTG coupling stock.

Excluded from the scope of the investigation are: casing or tubing containing 10.5 percent or more by

weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the investigation may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Scope Comments

On August 12, 2013, WSP Pipe Co., Ltd. (the sole mandatory respondent in the concurrent OCTG from Thailand antidumping duty investigation) submitted scope comments to the Department regarding ''pierced billets'' and asked that the Department determine that such merchandise was outside of the scope of this and other OCTG investigations. The petitioners filed rebuttal comments on August 22, 2013. As a result of our analysis of the scope comments, we have not made any modifications to the scope of the investigations. For more information, *see* the Preliminary Decision Memorandum.[1]

Tolling of Deadlines for Preliminary Determination

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[2] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[3] The revised deadline for the preliminary determination of this investigation is now February 14, 2014.

Methodology

The Department has conducted this investigation in accordance with section 731 of the Act. Export price has been calculated in accordance with section 772 of the Act. Normal value has been calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *https://iaaccess.trade.gov,* and is available to all parties in the Department's Central Records Unit, located at room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/Manufacturer	Weighted-average dumping margin %
Chung Hung Steel Corp	0.00
Tension Steel Industries Co., Ltd	2.65
All Others	2.65

Section 735(c)(5)(A) of the Act provides that the estimated ''all others'' rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely under section 776 of the Act. The ''All Others'' rate is based on the weighted-average dumping margin calculated for Tension Steel Industries Co., Ltd., the only company for which the Department calculated a rate that was not *de minimis.*[4]

Disclosure and Public Comment

We will disclose the calculations performed to parties in this proceeding within five days of the date of

[1] *See* the ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Certain Oil Country Tubular Goods from Taiwan,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this determination and hereby adopted by this notice (Preliminary Decision Memorandum).

[2] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government,'' (October 18, 2013).

[3] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). Due to the closure of the Federal Government on February 13, 2014, the Department completed this determination on the next business day (*i.e.,* February 14, 2014). *Id.*

[4] *See* section 735(c)(5)(A) of the Act.

publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[5] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using IA ACCESS. An electronically filed request must be received successfully in its entirety by IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[6] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OCTG from Taiwan as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, except for those produced and exported by Chung Hung Steel Corp. Because the estimated weighted-average dumping margin for Chung Hung Steel Corp. is zero, we are not directing CBP to suspend liquidation of entries of the merchandise it produced and exported.

We will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds export price, as indicated in the chart above.[7] These suspension of liquidation instructions will remain in effect until further notice.

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to requests from Chung Hung Steel Corp. and Tension Steel Industries Co., Ltd., in this investigation, we are postponing the final determination. Accordingly, we will issue our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.[8] Further, Chung Hung Steel Corp. and Tension Steel Industries Co., Ltd., requested to extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a six-month period. The suspension of liquidation described above will be extended accordingly.

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary affirmative determination of sales at LTFV. Because the preliminary determination in this proceeding is affirmative, section 735(b)(2) of the Act requires that the ITC make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of OCTG from Taiwan before the later of 120 days after the date of this preliminary determination or 45 days after our final determination. Because we are postponing the deadline for our final determination to 135 days from the date of publication of this preliminary determination, as discussed above, the ITC will make its final determination no later than 45 days after our final determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- Summary
- Background
- Period of Investigation
- Postponement of Final Determination and Extension of Provisional Measures
- Scope of the Investigation
- Scope Comments
- Selection of Respondents
- Discussion of Methodology
- Fair Value Comparisons
  A. Determination of Comparison Method
  B. Results of the DP Analysis
- Product Comparisons
- Alleged Affiliation
- Date of Sale
- U.S. Price
- Normal Value
  1. Home-Market Viability and Comparison-Market Selection
  2. Level of Trade
  3. Calculation of Normal Value based on Comparison Market Prices
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- Cost of Production
  1. Calculation of Cost of Production
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  3. Results of the COP Test
- Currency Conversion
- Verification
- Recommendation

[FR Doc. 2014–04088 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See* 19 CFR 351.309.

[6] *See* 19 CFR 351.310(c).

[7] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

[8] *See also* 19 CFR 351.210(b)(2) and (e).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD147

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee.

DATES: This meeting will be held on Friday, March 14, 2014 at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Holiday Inn, 700 Myles Standish Boulevard, Taunton, MA 02780; telephone: (508) 823–0430; fax: (508) 880–6480.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will develop priorities and guidelines for Council-funded groundfish collaborative research projects to consider fishery related research projects affecting New England groundfish fisheries. Time-permitting, the Committee also might receive updates on collaborative research projects or plans. Other issues also may be discussed. Recommendations from this group may be brought to the full Council for consideration and action, if appropriate.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: February 20, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–03979 Filed 2–24–14; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), 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 of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This 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 the collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning the proposed renewal of its Project Progress Report (OMB Control Number 3045–0038) which will expire on September 30, 2015.

This revision reflects CNCS's intent to modify the application for inclusion of a new section to capture the new performance measures as approved by OMB which will capture appropriate data for CNCS's required performance measurement reporting.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by April 28, 2014.

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, Attn. Robert Cox, Program Specialist, 1201 New York Avenue NW., Washington, DC 20525.

(2) By hand delivery or by courier to CNCS's reception desk on the 10th floor at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday except Federal holidays.

(3) By fax to: 202–606–3475, Attn. Robert Cox, Program Specialist.

(4) Electronically through CNCS's email address system: *vista@americorps.gov.*

(5) Electronically through *www.regulations.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: Robert Cox (202–606–6851; or by email at *vista@americorps.gov.*)

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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 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).

Background

The Project Progress Report is designed to assure that current AmeriCorps VISTA sponsors provide the information needed to determine their progress, challenges, successes and technical assistance needs as a sponsor.

Current Action:

CNCS seeks to revise the current form used by AmeriCorps VISTA sponsors to report on the use of AmeriCorps VISTA resources. The average time of response is 15 hours.

Type of Review: Revision.

Instrument: Project Progress Report.

Total Respondents: 900.

Frequency: Four times a year for year each sponsor; twice per year thereafter unless performance or nature of the project requires more frequent reporting and review.

Average Time per Response: 15 hours.

Estimated Total Burden Hours: 36,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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

Dated: February 20, 2014.

Mary Strasser,

Director, AmeriCorps VISTA.

[FR Doc. 2014–04148 Filed 2–24–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board (RFPB); Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Secretary of Defense, Reserve Forces Policy Board, DoD.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Reserve Forces Policy Board will take place.

DATES: Wednesday, March 5, 2014 from 8:15 a.m. to 4:20 p.m.

ADDRESSES: The address is the Pentagon, Room 3E863, Arlington, VA. An escort may be required as discussed in the meeting accessibility section.

FOR FURTHER INFORMATION CONTACT: CAPT Steven Knight, Designated Federal Officer, (703) 681–0608 (Voice), (703) 681–0002 (Facsimile), Email—*steven.p.knight.mil@mail.mil.* Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Web site: *http://ra.defense.gov/rfpb/.* The most up-to-date changes to the meeting can be found on the RFPB Web site.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to obtain, review and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components.

Agenda: The RFPB will hold a meeting from 8:15 a.m. until 4:20 p.m.

The portion of the meeting from 8:15 a.m. to 1:00 p.m. will be closed to the public. The closed portion of the meeting from 8:15 a.m. until 1:00 p.m. will consist of remarks to the RFPB from the Director, CAPE; the Deputy Assistant Secretary of Defense for Reserve Affairs (Resources); the Secretary of the Air Force; and the Commander, U.S. Northern Command; each of whom will likely address future strategies for use of the Reserve Components, highlighting issues impacting reserve organizations, the right balance of Active and Reserve Component forces, the cost to maintain a strong Reserve Component, their thoughts on the increased emphasis placed on cyber security and the logical mission fit for Reserve Component members. The Cyber Policy Task Group plans to provide an update to the RFPB on its current findings concerning the Services' Active and Reserve force structure, force structure management and how the cyber domain Rules of Engagement could affect the Reserve Components. The open portion of the meeting, from 1:10 p.m. to 4:20 p.m., will consist of remarks from Major General Ranald Munro (UK), Deputy Commander Land Forces (Reserves), British Army, and a representative from the National Commission on the Structure of the Air Force. Major General Ranald Munro (UK) from the United Kingdom has been invited to provide remarks on the reforms being made to the British Army. A representative from the National Commission on the Structure of the Air Force (''the Commission'') has been invited to provide his or her personal observations and opinions on the Commission's work and its Final Report. The three RFPB subcommittees will also provide updates on their past recommendations to the Secretary of Defense. The Subcommittee on the Operational Reserve plans to provide an update to the RFPB on medical readiness and other operational reserve issues. The Subcommittee on the Homeland plans to provide an update to the RFPB on the Presidential Nominating Convention funding recommendation and other Homeland issues being researched as possible RFPB matters of interest. The Subcommittee on Personnel plans to provide an update to the RFPB on Survivor Benefits Program & Duty Status Recommendations to the Secretary of Defense and discuss findings on Yellow Ribbon Program & other Total Force Policies issues.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public from 1:10 p.m. to 4:20 p.m. Seating is based on a first-come, first-served basis. All members of the public who wish to attend the public meeting must contact Captain Steven Knight, the Designated Federal Officer, not later than 12:00 p.m. on Thursday, February 27, 2014, as listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance with sufficient time to complete security screening no later than 12:15 p.m. on March 5. To complete the security screening, please be prepared to present two forms of identification. One must be a picture identification card. In accordance with section 10(d) of the FACA, 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the portion of this meeting scheduled to occur from 8:15 a.m. to 1:00 p.m. will be closed to the public. Specifically, the Acting Under Secretary of Defense (Personnel and Readiness), in coordination with the DoD FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public, because it is likely to disclose matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, interested persons may submit written statements to the RFPB at any time. Written statements should be submitted to the RFPB's Designated Federal Officer at the address or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the committee members before the meeting that is the subject of this notice. Please note that since the RFPB operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's Web site.

Due to difficulties beyond the control of the designated federal officer the meeting announcement requirements of 41 CFR 102–3.150(a) pertaining to the scheduled meeting of the Reserve Forces Policy Board for March 5, 2014, were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Dated: February 20, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–04028 Filed 2–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0147]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Measuring Educational Gain in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical and Adult Education (OCTE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before March 27, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0147or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Michelle Meier, 202–245–7890.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Measuring Educational Gain in the National Reporting System for Adult Education.

OMB Control Number: 1830–0567.

Type of Review: An extension without change of an existing collection of information.

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

Total Estimated Number of Annual Responses: 15.

Total Estimated Number of Annual Burden Hours: 600.

Abstract: Title 34 of the Code of Federal Regulations part 462 establishes procedures the Secretary uses to consider literacy tests for use in the National Reporting System (NRS) for adult education. This information is used by the Secretary to determine the suitability of published literacy tests to measure and report educational gain under the NRS.

Dated: February 20, 2014.

Stephanie Valentine,

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

[FR Doc. 2014–04007 Filed 2–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0155]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; GEPA Section 427 Guidance for All Grant Applications

AGENCY: Office of the Secretary/Office of the Deputy Secretary (OS), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before March 27, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0155 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the

information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: GEPA Section 427 Guidance for All Grant Applications.

OMB Control Number: 1894–0005.

Type of Review: An extension of an existing information collection.

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

Total Estimated Number of Annual Responses: 12,396.

Total Estimated Number of Annual Burden Hours: 18,594.

Abstract: On October 20, 1994, the Improving America's Schools Act, Public Law 103–382 (The Act), became law. The Act added a provision to the General Education Provisions Act (GEPA). Section 427 of GEPA requires an applicant for assistance under Department programs to develop and describe in the grant application the steps it proposes to take to ensure equitable access to, and equitable participation in, its proposed project for students, teachers, and other program beneficiaries with special needs. The current GEPA Section 427 guidance for discretionary grant applications and formula grant applications has approval through March 31, 2014, the Department is requesting an extension of this approval.

Stephanie Valentine,

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

[FR Doc. 2014–03907 Filed 2–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Arts in Education Model Development and Dissemination Program

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

ACTION: Notice.

Overview Information

Arts in Education Model Development and Dissemination Program

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.351D.

DATES: Applications Available: February 25, 2014.

Deadline for Notice of Intent to Apply: March 27, 2014.

Date of Pre-Application Meeting: March 18, 2014.

Deadline for Transmittal of Applications: April 28, 2014.

Deadline for Intergovernmental Review: June 25, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Arts in Education Model Development and Dissemination (AEMDD) program supports the enhancement, expansion, documentation, evaluation, and dissemination of innovative, cohesive models that are based on research and have demonstrated that they effectively—(1) integrate standards-based arts education into the core elementary and middle school curriculum; (2) strengthen standards-based arts instruction in these grades; and (3) improve students' academic performance, including their skills in creating, performing, and responding to the arts. Projects funded through the AEMDD program are intended to increase the amount of nationally available information on effective models for arts education that integrate the arts with standards-based education programs.

Priorities: This competition includes one absolute priority and two competitive preference priorities that are explained in the following paragraphs. Absolute priority 1 is from the notice of final priority, requirements, and definitions for this program, published in the **Federal Register** on March 30, 2005 (70 FR 16234). The competitive preference priorities are from the notice of supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637) (Supplemental Priorities).

Absolute Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

This priority supports projects that enhance, expand, document, evaluate, and disseminate innovative, cohesive models that are based on research and have demonstrated their effectiveness in (1) integrating standards-based arts education into the core elementary or middle school curriculum, (2) strengthening standards-based arts instruction in the elementary or middle school grades, and (3) improving the academic performance of students in elementary or middle school grades, including their skills in creating, performing, and responding to the arts.

In order to meet this priority, an applicant must demonstrate that the model project for which it seeks funding (1) serves only elementary school or middle school grades, or both, and (2) is linked to State and national standards intended to enable all students to meet challenging expectations and to improve student and school performance.

Note: The term ''national standards'' was used in the notice of final priority, requirements, and definitions for this program, published in the **Federal Register** on March 30, 2005 (70 FR 16234). Since that time, the program has described ''national standards'' to mean the arts standards developed by the Consortium of National Arts Education Associations or another comparable set of national arts standards. The standards developed by the Consortium outline what students should know and be able to do in the arts. Although the program considers these ''national standards,'' they are not established or endorsed by the Department.

Competitive Preference Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 5 points to an applicant that meets Priority 1, and up to an additional 5 points to an applicant that meets Priority 2. Therefore, the maximum number of competitive preference points that an application can receive under this competition is 10 points, depending on how well the application meets one or both of these priorities.

An applicant must identify in the project narrative section of its application the priority or priorities it wishes the Department to consider for purposes of earning the competitive preference priority points.

These priorities are:

Priority 1—Turning Around Persistently Lowest-Achieving Schools (0 to 5 points).

Projects that are designed to address one or more of the following priority areas:

(a) Improving student achievement (as defined in this notice) in persistently lowest-achieving schools (as defined in this notice).

(b) Providing services to students enrolled in persistently lowest-achieving schools (as defined in this notice).

Note: For the purposes of this priority, the Department considers schools that are identified as Tier I or Tier II schools under the School Improvement Grants program (see 75 FR 66363) as part of a State's approved FY 2009, FY 2010, or FY 2011 applications to be persistently lowest-achieving schools. A list of these Tier I and Tier II schools can be found on the Department's Web site at *http://www2.ed.gov/programs/sif/index.html*.

Priority 2—Technology (0 to 5 points). Projects that are designed to improve student achievement (as defined in this notice) or teacher effectiveness through the use of high-quality digital tools or materials, which may include preparing teachers to use the technology to improve instruction, as well as developing, implementing, or evaluating digital tools or materials.

Application Requirements: To be eligible for AEMDD funds, applicants must propose to address the needs of low-income children by carrying out projects that serve at least one elementary or middle school in which 35 percent or more of the children enrolled are from low-income families (based on data used in meeting the poverty criteria in Title I, Section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA)).

Definitions: The definitions for ''arts'' and ''integrating,'' as used in this notice, are from the notice of final priority, requirements, and definitions for this program, published in the **Federal Register** on March 30, 2005 (70 FR 16234). The definitions for the terms ''evidence of promise,'' ''logic model,'' ''randomized controlled trial,'' ''relevant outcome,'' ''quasi-experimental design study,'' and ''strong theory'' are from 34 CFR 77.1(c), see the final regulations amending the Education Department General Administrative Regulations (EDGAR) that was published in the **Federal Register** on August 13, 2013 (78 FR 49338). The remaining definitions are from the Supplemental Priorities published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Arts includes music, dance, theater, media arts, and visual arts, including folk arts.

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

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

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

(B) Quasi-experimental study that meets the What Works Clearinghouse Evidence Standards with reservations; [1] or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.[2]

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

Integrating means (i) encouraging the use of high-quality arts instruction in other academic/content areas, and (ii) strengthening the place of the arts as a core academic subject in the school curriculum.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (i.e., the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Persistently lowest-achieving schools means, as determined by the State: (i) Any Title I school in improvement, corrective action, or restructuring that (a) is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or (b) is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and (ii) any secondary school that is eligible for, but does not receive, Title I funds that: (a) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or (b) is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

To identify the persistently lowest-achieving schools, a State must take into account both: (i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and (ii) the school's lack of progress on those assessments over a number of years in the ''all students'' group.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations [3] (they cannot meet What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.[4]

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Student achievement means—

(a) For tested grades and subjects: (1) A student's score on the State's assessments under the ESEA; and, as appropriate, (2) other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across schools.

(b) For non-tested grades and subjects: Alternative measures of student learning and performance, such as student scores on pre-tests and end-of-course tests;

[1] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[2] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[3] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[4] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools.

Program Authority: 20 U.S.C. 7271.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99.

(b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The notice of final priority, requirements, and definitions for this program, published in the **Federal Register** on March 30, 2005 (70 FR 16234); (d) The notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $8,655,781.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $450,000 to $550,000 for the first year of the project. Funding for the second, third, and fourth years is subject to the availability of funds and the approval of continuation awards (see 34 CFR 75.253).

Estimated Average Size of Awards: $500,000.

Estimated Number of Award: 17.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months (subject to availability of funds).

Note: In recognition of the increased rigor of the expected evaluation design, projects may decide to use the first 12 months of the project period in order to refine the evaluation design, build capacity to execute the evaluation, and ensure that program design and implementation is aligned with the evaluation requirements.

III. Eligibility Information

1. *Eligible Applicants:* (1) One or more local educational agencies (LEAs), including charter schools that are considered LEAs under State law and regulations, that may work in partnership with one or more of the following:

- A State or local non-profit or governmental arts organization.
- A State educational agency (SEA) or regional educational service agency.
- An institution of higher education.
- A public or private agency, institution, or organization, such as a community- or faith-based organization; or

(2) One or more State or local non-profit or governmental arts organizations that must work in partnership with one or more LEAs and may partner with one or more of the following:

- An SEA or regional educational service agency.
- An institution of higher education.
- A public or private agency, institution, or organization, such as a community- or faith-based organization.

Note: If more than one LEA or arts organization wishes to form a consortium and jointly submit a single application, they must follow the procedures for group applications described in 34 CFR 75.127 through 75.129 of EDGAR.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 5551(f)(2) of the ESEA, the Secretary requires that assistance provided under this program be used only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under the program.

This requirement has the effect of requiring grantees to use a restricted indirect cost rate, according to the requirements in 34 CFR 75.563 and 34 CFR 76.564 through 76.569. The restricted indirect cost rate excludes certain costs from the rate that otherwise would be recovered under a standard indirect cost rate. As soon as applicants decide to apply, they are urged to contact the ED Indirect Cost Group at (202) 377–3840 for guidance about obtaining a restricted indirect cost rate to use on the Budget Information form (ED Form 524) included with the application package.

c. *Coordination Requirement:* Under section 5551(f)(1) of the ESEA, the Secretary requires that each entity funded under this program coordinate, to the extent practicable, each project or program carried out with funds awarded under this program with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.351D.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Notice of Intent to Apply: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this program. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. This email notification should be sent to Asheley McBride at *artsdemo@ed.gov.*

Applicants that fail to provide this email notification may still apply for funding. Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your

application. Applicants are strongly encouraged to limit the application narrative (Part III) to the equivalent of no more than 50 single-sided pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the AEMDD program, some applications may include business information that applicants consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

We plan on posting the project narrative section of funded AEMDD applications on the Department's Web site so you may wish to request confidentiality of business information. Identifying proprietary information in the submitted application will help facilitate this public disclosure process.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:* Applications Available: February 25, 2014.

Deadline for Notice of Intent to Apply: March 27, 2014.

Date of Pre-Application Meeting: March 18, 2014.

Deadline for Transmittal of Applications: April 28, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: June 25, 2014.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), (formerly the Central Contractor Registry (CCR)) the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov.fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for Grants under the Arts in Education Model Development and Dissemination program, CFDA number 84.351D, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an

electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Arts in Education Model Development and Dissemination program at *www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.351, not 84.351D).

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov*.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Asheley McBride, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W240, Washington, DC 20202–5950. FAX: (202) 205–5631.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.351D), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.351D), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260. The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. The notes following the selection criteria are guidance to help applicants in preparing their applications and are not required by statute or regulations. The selection criteria are as follows:

(1) *Need for project (15 points).*

The Secretary considers the need for the proposed project by considering the following factors:

(a) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure.

(b) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(2) *Significance (10 points).* The Secretary considers the significance of the proposed project by considering the following factor:

(a) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings.

(3) *Quality of the project design (25 points).*

The Secretary considers the quality of the design of the proposed project by considering the following factors:

(a) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practices.

(b) The extent to which the proposed project is supported by strong theory (as defined in this notice).

(c) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(d) The potential and planning for the incorporation of project purposes, activities, or benefits into the ongoing work of the applicant beyond the end of the grant.

(4) *Quality of project personnel (10 points).*

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the following factors:

(a) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(b) The qualifications, including relevant training and experience, of key project personnel.

(5) *Quality of the management plan (20 points).*

The Secretary considers the quality of the management plan for the proposed project by considering the following factors:

(a) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(b) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(c) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(6) *Quality of the project evaluation (20 points).*

The Secretary considers the quality of the evaluation to be conducted of the proposed project by considering the following factors:

(a) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(b) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(c) The extent to which the methods of evaluation will, if well-implemented, produce evidence of promise (as defined in this notice).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR part 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* The Department has established the following Government Performance and Results Act of 1993 (GPRA) performance measures for the Arts in Education Model Development and Dissemination program: (1) The percentage of students participating in arts model projects funded through the AEMDD program who demonstrate proficiency in mathematics compared to those in control or comparison groups and (2) the percentage of students participating in arts model projects who demonstrate proficiency in reading compared to those in control or comparison groups.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Asheley McBride, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W240, Washington, DC 20202–5950. Telephone: (202) 453–6850 or by email: *artsdemo@ed.gov*.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 20, 2014.

Nadya Chinoy Dabby,

Associate Assistant Deputy Secretary for the Office of Innovation and Improvement, delegated the authority to perform the functions and duties of the Assistant Deputy Secretary.

[FR Doc. 2014–04034 Filed 2–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (NACIQI)

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Office of Postsecondary Education, U.S. Department of Education.

ACTION: Announcement of an open meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI) and information pertaining to members of the public submitting third-party written and oral comments.

ADDRESSES: U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW., Room 8072, Washington, DC 20006.

NACIQI's Statutory Authority and Function: The NACIQI is established under Section 114 of the HEA of 1965, as amended, 20 U.S.C. 1011c. The NACIQI advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under Subpart 2, Part H, Title IV, of the HEA, as amended.
- The recognition of specific accrediting agencies or associations or a specific State approval agency.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, of the HEA, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary may prescribe.

SUMMARY: This notice sets forth the agenda for the June 18–19, 2014 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI); and provides information to members of the public on submitting written comments and on requesting to make oral comments at the meeting. The notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (FACA) and Section 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

Meeting Date and Location: The NACIQI meeting will be held on June 18–19, 2014, from 8:00 a.m. to 5:30 p.m. at a location to be determined in the Washington DC area. The exact location will be published in the **Federal Register** and on the Department's Web site at *http://www2.ed.gov/about/bdscomm/list/naciqi.html#meetings* by May 16, 2014.

Meeting Agenda: In addition to its review of accrediting agencies and State approval agencies for Secretarial recognition, the meeting agenda will include presentations to further inform the Committee about current issues and discussions concerning accreditation and to engage the Committee in discussions regarding the Committee's 2012 recommendations and/or developing new policy recommendations to advise the Secretary in preparation for the reauthorization of the Higher Education Act (HEA).

Below is a list of agencies, including their current and requested scopes of recognition, scheduled for review during the June 18–19, 2014 meeting:

Petition for Initial Recognition

Accrediting Agency

1. Commission on Accreditation of Educator Preparation (CAEP) (Requested Scope: The accreditation of educator preparation programs in degree-granting institutions of higher education throughout the United States that offer certificates/licensure, or an associate's, bachelor's, master's, post-baccalaureate, and doctoral degrees including those offered via distance education.)

Petitions for Continued Recognition

Accrediting Agencies

1. National Association of Schools of Dance (NASD), Commission on Accreditation (Current Scope: The accreditation throughout the United States of freestanding institutions, and units offering dance and dance-related programs (both degree- and non-degree-granting), including those offered via distance education.) (Requested Scope: The accreditation throughout the United States of freestanding institutions and units offering dance and dance-related programs (both degree- and non-degree-granting), including those offered via distance and correspondence education.)

2. National Association of Schools of Music (NASM), Commission on Accreditation (Current Scope: The accreditation throughout the United States of freestanding institutions, and units offering music and music-related programs (both degree- and non-degree-granting), including those offered via distance education.) (Requested Scope: The accreditation throughout the United States of freestanding institutions and units offering music and music-related programs (both degree- and non-degree-granting), including those offered via distance and correspondence education.)

3. National Association of Schools of Theater (NAST), Commission on Accreditation (Current Scope: The accreditation throughout the United States of freestanding institutions, and units offering theatre and theatre-related programs (both degree- and non-degree-granting), including those offered via distance education.) (Requested Scope: The accreditation throughout the United States of freestanding institutions and units offering theatre and theatre-related programs (both degree- and non-degree-granting), including those offered via distance and correspondence education.)

Petitions for Recognition Based on a Compliance Report

Accrediting Agencies

1. The Association for Biblical Higher Education (ABHE) (Current and Requested Scope: The accreditation and preaccreditation (''Candidate for Accreditation''), at the undergraduate level, of institutions of biblical higher education in the United States offering both campus-based and distance education instructional programs.)

2. Accreditation Commission for Education in Nursing (ACEN) (Current and Requested Scope: Accreditation of nursing education programs and schools, both postsecondary and higher degree, which offer a certificate, diploma, or a recognized professional degree including clinical doctorate, masters, baccalaureate, associate, diploma, and practical nursing programs in the United States and its territories, including those offered via distance education.)

3. Accreditation Commission for Midwifery Education (ACME) (Current and Requested Scope: The accreditation and pre-accreditation of basic certificate, basic graduate nurse-midwifery, direct entry midwifery, and pre-certification nurse-midwifery education programs, including those programs that offer distance education.)

4. Accreditation Council for Pharmacy Education (ACPE) (Current and Requested Scope: The accreditation and preaccreditation, within the United States, of professional degree programs in pharmacy leading to the degree of Doctor of Pharmacy, including those programs offered via distance education.)

5. American Physical Therapy Association, Commission on Accreditation in Physical Therapy Education (CAPTE) (Current and Requested Scope: The accreditation and pre-accreditation (''Candidate for Accreditation'') in the United States of physical therapist education programs leading to the first professional degree at the master's or doctoral level and physical therapist assistant education programs at the associate degree level and for its accreditation of such programs offered via distance education.)

6. Commission on Collegiate Nursing Education (CCNE) (Current and Requested Scope: The accreditation of nursing education programs in the United States, at the baccalaureate, master's, and doctoral levels, including programs offering distance education.)

7. Liaison Committee on Medical Education (LCME)

(Current and Requested Scope: The accreditation of medical education programs within the United States leading to the M.D. degree.)

8. Middle States Commission on Secondary Schools (MS–CSS) (Current and Requested Scope: The accreditation of institutions with postsecondary, non-degree granting career and technology programs in Delaware, Maryland, New Jersey, New York, Pennsylvania, the Commonwealth of Puerto Rico, the District of Columbia, and the U.S. Virgin Islands to include the accreditation of postsecondary, non-degree granting institutions that offer all or part of their educational programs via distance education modalities.)

9. National Association of Schools of Art and Design (NASAD), Commission on Accreditation (Current Scope: The accreditation throughout the United States of freestanding institutions and units offering art/design and art/design-related programs (both degree- and non-degree-granting), including those offered via distance education.) (Requested Scope: The accreditation throughout the United States of freestanding institutions and units offering art/design and art/design-related programs (both degree- and non-degree-granting), including those offered via distance and correspondence education.)

10. Southern Association of Colleges and Schools (SACSCOC) (Current and Requested Scope: The accreditation and pre-accreditation (''Candidate for Accreditation'') of degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, including the accreditation of programs offered via distance and correspondence education within these institutions. This recognition extends to the SACSCOC Board of Trustees and the Appeals Committee of the College Delegate Assembly on cases of initial candidacy or initial accreditation and for continued accreditation or candidacy.)

State Approval Agencies for Nurse Education

1. Maryland Board of Nursing (MDBN)
2. Missouri State Board of Nursing (MOSBN)

State Approval Agencies for Vocational Education

1. Oklahoma Board of Career and Technology Education
2. Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions, and Programs (PRHRDC)

Submission of Written Comments: Written comments must be received by March 17, 2014, in the *accreditationcommittees@ed.gov* mailbox and include the subject line ''Written Comments: Re (agency name).'' The email must include the name, title, affiliation, mailing address, email address, telephone and facsimile numbers, and Web site (if any) of the person/group making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Comments about an agency's compliance report must relate to the issues raised and the criteria for recognition cited in the Secretary's letter that requested the report. Comments about the renewal of an agency's recognition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, the Criteria and Procedures for Recognition of State Agencies for Approval of Public Postsecondary Vocational Education, or the Criteria and Procedures for Recognition of State Agencies for Approval of Nurse Education, as appropriate, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.* Third parties having concerns about agencies regarding matters outside the scope of the petition should report those concerns to the Department. Only material submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and the NACIQI in their deliberations. Please do not send material directly to the NACIQI members.

Submission of Requests to Make an Oral Comment: There are two methods the public may use to make a third-party oral comment of three to five minutes concerning one of the agencies scheduled for review at the June 18–19, 2014 meeting. Oral comments about agencies seeking renewal of recognition must relate to the Criteria for Recognition of Accrediting Agencies, the Criteria and Procedures for Recognition of State Agencies for Approval of Public Postsecondary Vocational Education, or the Criteria and Procedures for Recognition of State Agencies for Approval of Nurse Education, as appropriate, which are available at: *http://www.ed.gov/admins/finaid/accred/index.html*

Method One: Submit a request by email to the *accreditationcommittees@ed.gov* mailbox. Please do not send material directly to NACIQI members. Requests must be received by March 17, 2014, and include the subject line ''Oral Comment Request: re (agency name).'' The email must include the name, title, affiliation, mailing address, email address, telephone and facsimile numbers, and Web site (if any) of the person/group requesting to speak. All individuals or groups submitting an advance request in accordance with this notice will be afforded an opportunity to speak. Comments may not exceed three minutes, except at the discretion of the NACIQI Chair exercised on a case-by-case basis during the meeting. Each request must concern the recognition of a single agency or institution tentatively scheduled in this notice for review, be no more than one page (maximum), and must include:

1. The name, title, affiliation, mailing address, email address, telephone and facsimile numbers, and Web site (if any) of the person/group requesting to speak; and,

2. A brief summary of the principal points to be made during the oral presentation.

Method Two: Register at the meeting location on June 18, 2014, to make an oral comment during the NACIQI's deliberations concerning a particular agency or institution scheduled for review. The requestor must provide his or her name, title, affiliation, mailing address, email address, telephone and facsimile numbers, and Web site (if any). A total of up to fifteen minutes during each agency review will be allotted for oral commenters who register on June 18, 2014. Individuals or groups will be selected on a first-come,

first-served basis. If selected, each commenter may not exceed three minutes, depending on the number of individuals or groups who sign up on June 18, 2014, to make oral comments, except at the discretion of the NACIQI Chair exercised on a case-by-case basis. The oral comments made will become part of the official record and will be considered by the Department and NACIQI in their deliberations. No individual or group in attendance or making oral presentations may distribute written materials at the meeting.

Access to Records of the Meeting: The Department will post the official report of the meeting on the NACIQI Web site 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 1990 K Street NW., Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 219–7067 to schedule an appointment.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need 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 two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

FOR FURTHER INFORMATION CONTACT: Carol Griffiths, Executive Director, NACIQI, U.S. Department of Education, 1990 K Street NW., Room 8073, Washington, DC 20006–8129, telephone: (202) 219–7035, fax: (202) 219–7005, or email *Carol.Griffiths@ed.gov.*

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Brenda Dann-Messier,

Acting Assistant Secretaryfor Postsecondary Education.

[FR Doc. 2014–04090 Filed 2–24–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Issuance of Loan Guarantees to Various Applicants for the Vogtle Electric Generating Plant—Units 3 and 4 in Burke County, GA

AGENCY: U.S. Department of Energy.

ACTION: Record of Decision (ROD).

SUMMARY: The U.S. Department of Energy (DOE) announces its decision to issue loan guarantees under Title XVII of the Energy Policy Act of 2005 (EPAct 2005) totaling approximately $8.3 billion to one or more of the following applicants for the construction and start-up of the proposed Vogtle Electric Generating Plant (VEGP) Units 3 and 4 advanced nuclear reactors for the production of electrical power in Burke County, Georgia: Georgia Power Company; Oglethorpe Power Corporation; and Municipal Electric Authority of Georgia and its subsidiaries. The VEGP Units 3 and 4 would be located in a rural area in eastern Burke County, Georgia, which is the site of two operating nuclear reactor units (VEGP Units 1 and 2). A new 55-mile, 500 kilovolt (kV) transmission line would be constructed to bring power from the switchyard for the new units to the Thomson substation 20 miles west of Augusta, Georgia. The potential environmental impacts of constructing and operating the proposed project, including the transmission line, were analyzed pursuant to the National Environmental Policy Act (NEPA) in the *Final Environmental Impact Statement for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant Site* (FEIS) and Supplemental EIS (SEIS) for the Combined Licenses (COLs) prepared by the Nuclear Regulatory Commission (NRC). DOE determined that the project analyzed in the FEIS and SEIS (the NRC EISs) was substantially the same as the project that would be covered by the DOE loan guarantees. DOE was not a cooperating agency with NRC on the EISs and subsequently adopted and re-circulated them as a DOE final EIS (DOE/EIS–0476). The formal announcement of adoption and recirculation was published by the U.S. Environmental Protection Agency (EPA) on February 17, 2012 (77 FR 9652).

ADDRESSES: Copies of this ROD and DOE/EIS–0476 may be obtained by contacting Sharon R. Thomas, NEPA Document Manager, Environmental Compliance Division, Loan Programs Office (LP–10), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone 202–586–5335; or email *Sharon.R.Thomas@hq.doe.gov.* The DOE Final EIS and this ROD are also available on the Loan Programs Web site at: *http://www.loanprograms.energy.gov.* These documents as well as other general information concerning the DOE NEPA process can be found on the DOE NEPA Web site at: *http://www.energy.gov/nepa.*

SUPPLEMENTARY INFORMATION:

Background

Georgia Power Corporation (GPC), Oglethorpe Power Corporation (OPC), and the Municipal Electric Authority of Georgia (MEAG) and its subsidiaries have submitted separate applications for loan guarantees totaling approximately $8.3 billion in response to a solicitation issued by DOE in 2008 under its authority established by Title XVII of EPAct 2005. An organization consisting of Southern Nuclear Operating Company (SNC), Southern Company Services (SCS), and GPC personnel was established to oversee and staff the proposed VEGP Units 3 and 4 (the Project). The new reactor units, currently under construction, are licensed to and would be operated by SNC. GPC would construct a transmission line to bring power from the switchyard for the new units to the Thomson substation 20 miles west of Augusta, Georgia. The transmission line right-of-way would be approximately 150 feet wide, 55 miles long, and have approximately 225 transmission towers.

In August 2006, SNC submitted an application to NRC for an ESP for the proposed VEGP Units 3 and 4. The NRC prepared an EIS pursuant to NEPA § 102(2)(C), and issued an FEIS in August 2008 (NUREG–1872). On August 26, 2009, NRC issued the ESP. In March 2008, SNC submitted an application to the NRC for COLs, and in March 2011, NRC issued a final SEIS for the COLs (NUREG–1947).[1] On February 9, 2012, NRC issued a Memorandum and Order

[1] By issuing an ESP, NRC approves one or more sites for a nuclear power facility, independent of the specific nuclear plant design. In reviewing an ESP application, the NRC evaluates site safety issues, environmental protection issues, and plans for coping with emergencies. By issuing a COL, NRC authorizes the licensee to construct and operate (under specified conditions) an approved design for a nuclear power plant at a specific site.

(CLI–12–02) authorizing the issuance of COLs for Units 3 and 4. The NRC Memorandum and Order constitutes the ROD for the NRC EISs. The NRC Office of New Reactors issued COLs NPF–91 for Unit 3 and NPF–92 for Unit 4 on February 10, 2012.

In September 2008, the applicants submitted a Part I Application to the DOE Loan Programs Office (LPO) for a loan guarantee in response to the DOE Loan Guarantee Solicitation Announcement titled ''Federal Loan Guarantee for Nuclear Power Facilities'' (Reference Number: DE–FOA–0000006). In December 2008, the applicants submitted Part II of their application.

NEPA Review

DOE reviewed the NRC EISs and determined that the project analyzed in the EISs was substantially the same as the project that would be covered by the DOE loan guarantees. DOE did not participate as a cooperating agency in the preparation of the NRC EISs; therefore, in accordance with DOE's NEPA regulations (10 Code of Federal Regulations [CFR] Part 1021), DOE conducted an independent review of the NRC EISs and related documents for the purpose of determining whether DOE could adopt them pursuant to Council on Environmental Quality regulations at 40 CFR 1506.3. DOE adopted and re-circulated the NRC EISs as a single, final DOE EIS (DOE/EIS–0476). See EPA's Notice of Adoption at 77 FR 9652 (2/17/12).

In addition to its adoption of the NRC EISs, DOE considered various sources of information to satisfy its obligations under NEPA, including the following: The Safety Analysis Report prepared by SNC (see NRC Agency Document Access and Management System (ADAMS) Accession Number ML11180A100); the Standard Design Certification for the AP1000 nuclear reactor design developed by the design contractor, Westinghouse Electric Corporation (see ADAMS ML11171A500); the Safety Evaluation Report, prepared by NRC (see ADAMS ML110450302); the Independent Engineer Reports prepared by DOE's independent engineering firm (MPR Associates Inc.; Report MPR–3367 Rev.4, April 2013, and supplement dated October 9, 2013); and the U.S. Army Corps of Engineers (USACE) authorization under Nationwide Permit No. 12 (project number SAS–2012–01016) and application for Nationwide Permit 12, Pre-Construction Notification, Thomson-Vogtle 500kV Transmission Line.

As part of its NEPA review, DOE considered the potential impacts of the transmission line in consultation with the USACE during the Clean Water Act Section 404 permitting process. DOE was party to consultation between the Georgia State Historic Preservation Office and the USACE, conducted in compliance with Section 106 of the National Historic Preservation Act, and consulted with the USACE regarding its review of impacts to federally-listed threatened and endangered species in compliance with Section 7 of the Endangered Species Act. USACE completed the Section 106 process, determined that there would be no effect on federally-listed species, and authorized the proposed activity under Nationwide Permit No. 12 on September 26, 2013.

Alternatives Considered

The Proposed Action in the NRC EISs was for NRC to issue licenses that would authorize the applicants to construct, operate, and decommission the proposed project. Several alternatives were considered by the NRC, including: (1) The No Action Alternative, under which the proposed project would not be constructed, operated, and decommissioned at the VEGP site; (2) energy source alternatives; and (3) system design alternatives. These alternatives were eliminated from further consideration because they did not offer any environmental advantage over the proposed action, did not provide a sufficient amount of power generation to meet expected demand, or did not meet the need for a reliable and economical source of power generation.

The DOE decision is whether or not to issue loan guarantees to one or more of the applicants named above to support construction and startup of the Project as identified in DOE/EIS–0476 and authorized under the NRC COLs NPF–91 and NPF–92 for the VEGP Units 3 and 4, respectively. Accordingly, the DOE alternatives are (1) the Proposed Action, to issue loan guarantees to the applicants for the Project, and (2) the No Action Alternative, i.e., no loan guarantees.

Environmentally Preferable Alternative

DOE has decided that its Proposed Action, to issue loan guarantees for construction and startup of the Project, is environmentally preferable. This alternative offers environmental benefits consistent with the statutory objectives of Title XVII of EPAct 2005, which include reductions in greenhouse gas emissions. Compared to coal-fired and natural-gas-fired sources producing the same amount of base-load power, annual carbon dioxide (CO_2) emission rates from nuclear power plants (including the fuel cycle processes) are considerably less (Table 7–1 of the NRC SEIS). In addition, DOE has determined that all practicable means to avoid or minimize environmental harm, as described in Sections 4.10 (Measures and Controls to Limit Adverse Impacts During Site-Preparation Activities and Construction) and 5.11 (Measures and Controls to Limit Adverse Impacts During Operation) of DOE/EIS–0476, have been incorporated into the NRC COLs NPF–91 and NPF–92 for the VEGP Units 3 and 4 and will be required as conditions of the DOE loan agreements for the Project.

Response to Comments on the Adopted NRC EISs

DOE received two letters concerning its adoption of the NRC EISs as DOE/EIS–0476. The comment letters included a letter from the U.S. Environmental Protection Agency (EPA) Region 4 and a letter from the Blue Ridge Environmental Defense League (BREDL).

EPA Comments

EPA expressed a concern regarding storage, transportation and disposal of radioactive wastes, and spent fuel, which at this time does not have an approved site for disposal. Efforts by DOE and NRC to address the issue of how to manage spent fuel are ongoing and are summarized below.

DOE—On January 29, 2010, the President directed the Secretary of Energy to establish a Blue Ribbon Commission (BRC) to consider a broad range of technological and policy alternatives regarding spent fuel disposition, and to analyze the scientific, environmental, budgetary, economic, financial, and management issues surrounding each alternative. The BRC included experts from research facilities, academic and policy-centered institutions, industry, and labor and environmental organizations. They were tasked to conduct a comprehensive review of policies for managing the back end of the nuclear fuel cycle, including alternatives for the storage, processing, and disposal of civilian and defense used nuclear fuel, high-level waste, and materials derived from nuclear activities. The BRC submitted its final report and recommendations for future actions to the Secretary of Energy on January 26, 2012. In January 2013, DOE published a *Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste* (available on DOE's Web site at *http://energy.gov/downloads/strategy-management-and-disposal-used-nuclear-fuel-and-high-*

level-radioactive-waste). This strategy includes a phased adaptive and consent-based approach to siting and implementing a comprehensive management and disposal system, and outlines DOE's plans for the eventual transportation, storage, and disposal of used nuclear fuel using both existing and new authorizations by Congress. DOE has a contractual obligation to remove and disposition spent fuel from the Project, and DOE remains committed to meeting this obligation in a manner protective of human health and the environment.

NRC—The Waste Confidence Decision and Rule (WCR) represents the generic determination by NRC that spent nuclear fuel can be stored safely and without significant environmental impacts for a period of time after the end of the licensed life of a nuclear power plant. This generic analysis was incorporated into NRC's NEPA review for the Project. In 2010, NRC issued an updated WCR (10 CFR 51.23(a)). On June 8, 2012, the U.S. Court of Appeals for the D.C. Circuit ruled that NRC had violated NEPA in issuing the 2010 WCR update. *New York* v. *NRC,* 681 F.3d 471 (D.C. Cir. 2012). In response to the court's ruling, on August 7, 2012, NRC voted to delay final approval of any pending licenses for new nuclear plants until it can address environmental concerns regarding long-term waste storage. However, this delay does not affect the VEGP project because the COLs were issued by NRC prior to NRC's August 2012 decision. On September 6, 2012, NRC directed its staff to prepare a generic EIS and a revised WCR to address the deficiencies identified in the court's opinion. NRC also created a Waste Confidence Directorate within the Office of Nuclear Material Safety and Safeguards to oversee the preparation of a new Waste Confidence EIS and Rule. NRC has instructed the Directorate to issue the final EIS and WCR by September 2014. On September 13, 2013, NRC published FR notices announcing the availability of the proposed WCR (78 FR 56776) and supporting draft Generic EIS for public comment (78 FR 56621).

NRC has the regulatory authority to determine if spent fuel can be stored safely at its licensed facilities. DOE will continue to monitor the NRC WCR environmental review and rulemaking, and DOE's loan guarantee agreements will require that the Project comply with any new regulatory or license conditions.

In addition to the safety and environmental review performed by NRC in the licensing process, DOE considered other sources of information regarding the safety and security of spent fuel at the proposed Project and the potential environmental effects of long-term spent nuclear fuel storage in the on-site storage facilities. NRC's review included a safety evaluation of the VEGP Units 3 and 4 and the AP1000 reactor design to assess risks, including those from spent fuel pool fires or leaks. DOE also reviewed reports developed by the independent engineering firm, MPR Associates Inc., completed as part of the due diligence process for the loan guarantees for the Project. The independent engineering firm confirmed that there were reasonable plans to safely store spent fuel and stated that possible post-Fukushima actions (e.g., modification of spent fuel pool water level indication) should be straightforward to integrate into the AP1000 if NRC should require changes. Each of the two proposed AP1000 units has the pool capacity to store 17 years of spent fuel. The independent engineering firm also examined the potential of the dry fuel storage facility for VEGP Units 1 and 2 to be used for spent fuel casks from proposed VEGP Units 3 and 4. A general license for operating an Independent Spent Fuel Storage Installation (ISFSI) has been authorized by NRC and is being built for VEGP Units 1 and 2. The ISFSI will accommodate storage of the reactor fuel from Vogtle Units 1 and 2 for the first 60 years of operation (i.e., 120 reactor years for two units) with expansion capacity for an additional 40 years. If required, this capacity could be available to meet at least part of VEGP Units 3 and 4 dry fuel cask storage needs, although there are no plans to do so at this time and this use would potentially require a license amendment. Additional dry storage capacity for the VEGP Units 3 and 4 would be developed in the long term, if needed.

DOE also reviewed information regarding potential impacts of long-term spent fuel storage found in the No Action Alternative of the *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS–0250, February 2002) (Yucca Mountain FEIS), and the *Final Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS–0250F–S1, June 2008) (Yucca Mountain SEIS). In the Yucca Mountain FEIS and SEIS, DOE assessed the potential environmental effects of not constructing and operating a permanent disposal repository at Yucca Mountain (the No Action Alternative) by selecting two scenarios for analysis. Under Scenario 1, which assumes the existence of effective institutional controls, the estimated radiological health impacts are almost exclusively limited to workers. Under Scenario 2, which assumes a lack of institutional controls after 100 years, the spent nuclear fuel and high-level radioactive waste storage facilities would begin to deteriorate and eventually release radioactive materials to the environment, resulting in adverse impacts to human health. Over time, the unchecked deterioration and dissolution of the materials in the environment would continue and impacts would increase. The potential impacts associated with long-term spent fuel storage described as part of the No Action Alternative presented in the Yucca Mountain FEIS and SEIS were considered along with the information provided in the NRC review regarding the potential environmental and human health effects of long-term storage of spent fuel.

BREDL Comments

BREDL provided comments pertinent to the NEPA environmental review that DOE addresses below. BREDL also submitted comments questioning the eligibility of the Project design as an innovative technology, DOE's ability to secure the debt obligation, and the integrity of DOE's due diligence process, none of which has any bearing on the NEPA environmental review process. In reviewing completed loan guarantee applications and in selecting those to whom a guarantee will be offered, DOE applies the criteria set forth in Title XVII of EPAct 2005, the implementing regulations in 10 CFR Part 609, and the applicable solicitation issued by DOE. DOE's due diligence process for evaluating potential loan guarantees includes a rigorous analysis of the proposed project including, but not limited to, its legal, financial, technical, environmental, regulatory, credit and market aspects. Subject to continuing due diligence, DOE establishes a project's eligibility and the reasonable prospect of loan repayment early in this process, before DOE conditionally commits to pursuing the documentation and underwriting of a loan guarantee. As such, DOE's due diligence and internal approval process for the Project has included an evaluation that fully addressed BREDL's concerns. BREDL's summarized comments (C) relevant to DOE/EIS–0476 and DOE's responses (R) are included below:

1. C: DOE must consider the Environmental Justice requirements of Executive Order 12898 in its decision making.

R: Low income and minority populations exist within the census tracts in a 50-mile radius of the Project site. In reviewing the NRC EISs, DOE considered the environmental impacts of the action and whether these populations would suffer disproportionately high and adverse environmental impacts. The NRC EISs analyzed the potential effects of the plant during construction and operation and the mitigations to be enacted by the Project operators. NRC determined and DOE concurs that the potential adverse effects would be generally small and would not disproportionately affect the census tracts with higher low-income and minority populations.

2. C: The design chosen for the new units fails to avoid, reduce or sequester air pollutants and anthropogenic emissions of greenhouse gases, and the uranium fuel cycle uses fossil fuels that contribute to global warming.

R: The NRC SEIS included a comparison of emissions from a nuclear power plant (including the fuel cycle processes) to those from similarly sized fossil fuel plants and demonstrated that the nuclear plant has approximately 1/10th the annual CO_2 emission rate of a natural-gas-fired power plant and 1/20th the emissions of a coal-fired power plant (See Table 7–1, Comparison of Annual CO_2 Emission Rates).

3. C: The Vogtle Electric Generating Plant will not meet Clean Air Act standards. Without maximum achievable control technology, routine emissions from the plant would be excessive especially when considered in addition to the existing site-wide radioactive emission levels.

R: The Project is required to meet Clean Air Act standards and obtain a permit for operations that generate non-radioactive pollutants, such as emergency generators. EPA has determined that the radionuclide emissions of the plant are best regulated by the authority given to NRC. On September 5, 1995 (60 FR 46206), EPA amended the Clean Air Act's National Emission Standard for Hazardous Air Pollutants (NESHAPS) for radionuclide emissions to exempt nuclear power reactors which are licensed by the NRC. On December 30, 1996 (61 FR 68972), EPA amended the 40 CFR 61 Subpart I Radionuclide NESHAP so that it no longer applies to operations licensed by the NRC or NRC Agreement States. EPA has concluded that the NRC regulatory program controlling air emissions of radionuclides from nuclear power reactors will ensure that resultant doses will consistently and predictably be below the levels which EPA has determined are necessary to provide an ample margin of safety to protect public health.

4. C: Southern Nuclear does not properly account for the higher levels of morbidity and mortality in females and infants caused by low levels of radiation.

R: While children and fetuses are more sensitive to the effects of radiation, the radiation protection standards applicable at the site for members of the general public take into account the differences in sensitivity due to age and gender, including females and infants.

Decision

DOE has decided to select the Proposed Action to issue loan guarantees to one or more of the following applicants for the construction and start-up of the proposed VEGP Units 3 and 4 in Burke County, Georgia, as identified in DOE/EIS–0476 and authorized under the NRC COLs NPF–91 and NPF–92: Georgia Power Company; Oglethorpe Power Corporation; and Municipal Electric Authority of Georgia and its subsidiaries. Approval of loan guarantees for the Project responds to the DOE purpose and need pursuant to Title XVII, Section 1703 of EPAct 2005 (42 U.S.C. 16511–16514), which authorizes the Secretary of Energy to make loan guarantees for projects that (1) avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, and (2) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued. The Section 1703 DOE loan guarantee program aims to accelerate the commercialization of innovative, environmentally-friendly technologies that will support clean, affordable, and reliable supplies of energy. The purpose and need for DOE's loan guarantee action is to comply with DOE's mandate under Title XVII of EPAct 2005 by selecting projects that meet the goals of the Act.

Mitigation

The Project for which DOE has decided to issue loan guarantees includes all mitigation measures, terms, and conditions applied by the NRC in its COLs NPF–91 and NPF–92, as well as mitigation and avoidance measures imposed by the USACE in its Nationwide Permit No. 12 for the proposed transmission line. The mitigation measures, terms, and conditions represent practicable means by which to avoid or minimize environmental impacts from the selected alternative. NRC is responsible for ensuring compliance with all adopted mitigation measures, terms, and conditions for the Project set forth in the NRC COLs NPF–91 and NPF–92. Sections 4.10 (Measures and Controls to Limit Adverse Impacts During Site-Preparation Activities and Construction) and 5.11 (Measures and Controls to Limit Adverse Impacts During Operation) of the adopted NRC EISs (DOE/EIS–0476) contain the mitigation measures, terms, and conditions developed in accordance with NEPA.

DOE's loan guarantee agreements require the loan guarantee recipients to comply with all applicable laws, authorizations, and approvals, including the terms of the NRC COLs NPF–91 and NPF–92 and the USACE permit for the proposed transmission line, including mitigation measures contained therein. Any additional future requirements imposed by the NRC would also be required by the loan guarantee agreements for the Project. A recipient's failure to comply with applicable laws, authorizations, and approvals would constitute a default, upon which DOE would have the right under the loan guarantee agreement to exercise usual and customary remedies. To ensure a recipient complies with the requirements of the loan guarantee agreement, the Loan Programs Office proactively monitors all operative loan guarantee transactions.

Issued in Washington, DC, on February 19, 2014.

Peter W. Davidson,

Executive Director, Loan Programs Office.

[FR Doc. 2014–04023 Filed 2–24–14; 8:45 am]

BILLING CODE 6450–10–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee (EAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, March 12, 2014: 12:00 p.m.–5:45 p.m. (EST), Thursday, March 13, 2014; 8:00 a.m.–2:30 p.m. (EST).

ADDRESSES: National Rural Electric Cooperative Association, 4301 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586–1060 or Email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Committee:* The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include discussion of the activities of the Energy Storage Technologies Subcommittee, the Smart Grid Subcommittee, and the Transmission Subcommittee, as well as discussions of distributed resource integration and lessons for grid resilience.

Tentative Agenda: March 12, 2014

12:00 p.m.–1:00 p.m. EAC Leadership Committee Meeting
12:00 p.m.–1:00 p.m. Registration and Public Sign-up for comments on Day 2
1:00 p.m.–1:10 p.m. Welcome and Developments since the June 2013 Meeting
1:10 p.m.–1:30 p.m. Update on DOE's Office of Electricity Delivery and Energy Reliability (OE) 2014 Programs and Initiatives
1:30 p.m.–2:15 p.m. Keynote: Melanie Kenderdine, Energy Counselor to the Secretary of Energy
2:15 p.m.–2:30 p.m. Break
2:30 p.m.–3:50 p.m. Panel—Distributed Resource Integration
3:50 p.m.–4:10 p.m. EAC Member Discussion—Distributed Resource Integration Issues
4:10 p.m.–4:20 p.m. Break
4:20 p.m.–5:10 p.m. EAC Smart Grid Subcommittee Paper and Plans
5:10 p.m.–5:30 p.m. EAC Member Discussion of Smart Grid Subcommittee Plans
5:30 p.m.–5:45 p.m. Wrap-up and Adjourn Day One of EAC Meeting

Tentative Agenda: March 13, 2014

8:00 a.m.–9:20 a.m. Panel—Post-Sandy: Lessons for Grid Resilience
9:20 a.m.–9:40 a.m. EAC Discussion of Storm Panel Topics
9:40 a.m.–10:30 a.m. EAC Transmission Subcommittee Activities and Plan
10:30 a.m.–10:50 a.m. EAC Member Discussion of Transmission Subcommittee Plans
10:50 a.m.–11:10 a.m. Break
11:10 a.m.–11:30 a.m. DOE Energy Storage Program Update
11:30 a.m.–12:20 p.m. EAC Storage Subcommittee Activities and Plan
12:20 p.m.–1:40 p.m. Lunch on your own (Local Restaurants)
1:40 p.m.–2:00 p.m. EAC Discussion and Decision on Storage Subcommittee Plans and Recommendations
2:00 p.m.–2:15 p.m. Public Comments (Must register to comment at time of check-in)
2:15 p.m.–2:30 p.m. Wrap Up and Adjourn EAC Meeting

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Thursday, March 13, 2014, but must register at the registration table in advance. Approximately 15 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by ''*Electricity Advisory Committee Open Meeting''*, by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G– 017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity Advisory Committee Open Meeting'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. *Instructions:* All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac,* including any personal information provided.
- *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on February 19, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–04071 Filed 2–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF High Energy Physics Advisory Panel

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF High Energy Physics Advisory Panel (HEPAP). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, March 13, 2014; 9:00 a.m.–6:00 p.m. Friday, March 14, 2014; 9:00 a.m.–4:00 p.m.

ADDRESSES: Doubletree Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: John Kogut, Executive Secretary; High Energy Physics Advisory Panel; U.S. Department of Energy; SC–25/ Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–1298.

SUPPLEMENTARY INFORMATION: *Purpose of Meeting:* To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of high energy physics research.

Tentative Agenda: Agenda will include discussions of the following:

March 13–14, 2014

- Discussion of Department of Energy High Energy Physics Program.
- Discussion of National Science Foundation Elementary Particle Physics Program.
- Reports on and Discussions of Topics of General Interest in High Energy Physics.
- Public Comment (10-minute rule).

Public Participation: The meeting is open to the public. A webcast of this meeting will be available. Please check the Web site below for updates and information on how to view the meeting. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact John Kogut, (301) 903–1298 or *John.Kogut@science.doe.gov.* You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of High Energy Physics Advisory Panel Web site, (*http://science.energy.gov/hep/hepap/meetings/*).

Issued at Washington, DC, on February 19, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–04064 Filed 2–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Methane Hydrate Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Methane Hydrate Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES:

Thursday, March 27, 2014:

1:30 p.m. to 2:00 p.m. (CDT)—Registration

2:00 p.m. to 5:00 p.m. (CDT)—Meeting

Friday, March 28, 2014:

8:15 a.m. to 8:30 a.m. (CDT)—Registration

8:30 a.m. to 12:30 p.m. (CDT)—Meeting

ADDRESSES: Hotel Galvez, East Parlor Room, 2024 Seawall Blvd., Galveston, TX 77550.

FOR FURTHER INFORMATION CONTACT: Lou Capitanio, U.S. Department of Energy, Office of Oil and Natural Gas, 1000 Independence Avenue SW., Washington, DC 20585. *Phone:* (202) 586–5098.

SUPPLEMENTARY INFORMATION: *Purpose of the Committee:* The purpose of the Methane Hydrate Advisory Committee is to provide advice on potential applications of methane hydrate to the Secretary of Energy, and assist in developing recommendations and priorities for the Department of Energy's Methane Hydrate Research and Development Program.

Tentative Agenda: The agenda will include: Welcome and Introduction by the Designated Federal Officer; Committee Business; presentations on gas hydrate resources, climate-sensitive hydrate occurrences, and geohazards; update on international activity; review of FY 2013 research initiatives; an Alaska update; FY 2014 Methane Hydrate Program activities and plans; Draft Interagency Roadmap; Strategic Direction of the Program; Advisory Committee Discussion; and Public Comments, if any.

Public Participation: The meeting is open to the public. The Designated Federal Officer and the Chair of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Lou Capitanio at the phone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the three-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the following Web site: *http://www.fe.doe.gov/programs/oilgas/hydrates/Methane_Hydrates_Advisory_Committee.html.*

Issued at Washington, DC, on February 19, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–04066 Filed 2–24–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice Of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–184–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Refund Report.
Filed Date: 2/5/14.
Accession Number: 20140205–5149.
Comments Due: 5 p.m. ET 2/18/14.

Docket Numbers: RP14–463–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 02/11/14 Negotiated Rates Sequent Energy Management (HUB) 3075–89 to be effective 2/8/2014.
Filed Date: 2/11/14.
Accession Number: 20140211–5085.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–464–000.
Applicants: Southeast Supply Header, LLC.
Description: Order No. 787 to be effective 3/14/2014.
Filed Date: 2/11/14.
Accession Number: 20140211–5086.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–465–000.

Applicants: Gulfstream Natural Gas System, L.L.C.
Description: Order No. 787 to be effective 3/14/2014.
Filed Date: 2/11/14.
Accession Number: 20140211–5089.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–466–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Vol 2—Non-Conforming Agreement-Cotton Valley Compression, LLC to be effective 2/11/2014.
Filed Date: 2/11/14.
Accession Number: 20140211–5096.
Comments Due: 5 p.m. ET 2/24/14.

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 12, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03922 Filed 2–24–14; 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: RP14–467–000.
Applicants: Gulf South Pipeline Company, LP.
Description: PAL Neg Rate Agmts Filing (41983, 41984, 41985, 41986, 41989) to be effective 2/12/2014.
Filed Date: 2/12/14.
Accession Number: 20140212–5018.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–468–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 02/12/14 Negotiated Rates—Trafigura (HUB) 7445–89 to be effective 2/11/2014.
Filed Date: 2/12/14.
Accession Number: 20140212–5024.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–469–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas submits for filing a report of the penalty and daily delivery variance charge (DDVC) revenues for the period November 1, 2012, through October 31, 2013, that have been credited to shippers.
Filed Date: 2/12/14.
Accession Number: 20140212–5029.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–470–000.
Applicants: Gulf South Pipeline Company, LP.
Description: PAL Neg Rate Agmts (41996, 41997, 41998, 42000, 42001, 42004) to be effective 2/12/2014.
Filed Date: 2/12/14.
Accession Number: 20140212–5058.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–471–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 02/12/14 Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 2/11/2014.
Filed Date: 2/12/14.
Accession Number: 20140212–5091.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–472–000.
Applicants: Midwestern Gas Transmission Company.
Description: PAL Negotiated Rate Agreement—NJR Energy Services Company to be effective 2/13/2014.
Filed Date: 2/12/14.
Accession Number: 20140212–5092.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–473–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Negotiated Rate Filing—Winsconsin Electric Amendment to be effective 4/1/2014.
Filed Date: 2/12/14.
Accession Number: 20140212–5103.
Comments Due: 5 p.m. ET 2/24/14.

Docket Numbers: RP14–474–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 02/12/14 Negotiated Rates—JP Morgan Ventures Energy Corp (HUB) 6025–89 to be effective 2/12/2014.
Filed Date: 2/13/14.
Accession Number: 20140213–5002.
Comments Due: 5 p.m. ET 2/25/14.

Docket Numbers: RP14–475–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 02/14/14 Negotiated Rates—Trafigura AG (HUB) 7445–89 to be effective 2/13/2014.
Filed Date: 2/14/14.
Accession Number: 20140214–5022.
Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: RP14–476–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: CIAC Agreements to be effective 3/18/2014.
Filed Date: 2/14/14.
Accession Number: 20140214–5024.
Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: RP14–477–000.
Applicants: National Fuel Gas Supply Corporation.
Description: Fuel Tracker (04/01/14) to be effective 4/1/2014.
Filed Date: 2/14/14.
Accession Number: 20140214–5066.
Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: RP14–478–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline Section 9 Update to be effective 11/1/2010.
Filed Date: 2/14/14.
Accession Number: 20140214–5067.
Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: RP14–479–000.
Applicants: Equitrans, L.P.
Description: Rate Schedule NOFT Revisions to be effective 3/31/2014.
Filed Date: 2/14/14.
Accession Number: 20140214–5148.
Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: RP14–480–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 02/18/14 Negotiated Rates—JP Morgan Ventures Energy Corp (HUB) 6025–89 to be effective 2/16/2014.
Filed Date: 2/18/14.
Accession Number: 20140218–5001.
Comments Due: 5 p.m. ET 3/3/14.

Docket Numbers: RP14–481–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Rate Schedule PAL to be effective 11/15/2013.
Filed Date: 2/18/14.
Accession Number: 20140218–5002.
Comments Due: 5 p.m. ET 3/3/14.

Docket Numbers: RP14–482–000.
Applicants: Natural Gas Pipeline Company of America.
Description: City of Salem Negotiated Rate to be effective 4/1/2014.
Filed Date: 2/18/14.
Accession Number: 20140218–5003.
Comments Due: 5 p.m. ET 3/3/14.

Docket Numbers: RP14–483–000.

Applicants: Gulf South Pipeline Company, LP.

Description: PAL Neg Rate Agmt Filing (MacQuarie 42014) to be effective 2/15/2014.

Filed Date: 2/18/14.

Accession Number: 20140218–5066.

Comments Due: 5 p.m. ET 3/3/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: CP07–398–006.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Abbreviated Joint Application Requesting Amendment of a Certificate of Public Convenience and Necessity of Gulf Crossing Pipeline Company LLC, et al under CP07–398, et al.

Filed Date: 12/19/13.

Accession Number: 20131219–5247.

Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: CP07–403–002.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Abbreviated Joint Application Requesting Amendment of a Certificate of Public Convenience and Necessity of Gulf Crossing Pipeline Company LLC, et al under CP07–398, et al.

Filed Date: 12/19/13.

Accession Number: 20131219–5247.

Comments Due: 5 p.m. ET 2/26/14.

Docket Numbers: RP13–941–004.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: Rate Case (RP13–941) Interim Settlement Rates Filing to be effective 2/1/2014.

Filed Date: 2/12/14.

Accession Number: 20140212–5090.

Comments Due: 5 p.m. ET 2/24/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 18, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–03921 Filed 2–24–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0317; FRL–9907–13–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Gold Mine Ore Processing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Gold Mine Ore Processing (40 CFR Part 63, Subpart EEEEEEE) (Renewal)'' (EPA ICR No. 2383.03, OMB Control No. 2060–0659) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through April 30, 2014. Public comments were previously requested via the **Federal Register** (78 FR 35023) on June 11, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before March 27, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0317, to: (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets*.

Abstract: The NESHAP for Gold Mine Ore Processing (40 CFR Part 63, Subpart EEEEEEE) were proposed on April 28, 2010, and promulgated on December 16, 2010. The owner or operator of either an existing or new affected source is required to prepare and submit an initial notification report of applicability and an initial notification of compliance status. Each owner or operator of either an affected source is required to keep records to document compliance with the mercury emission limits and also maintain records of all monitoring data and specified process throughput data. If a deviation from the rule requirements occurs, an affected source is required to submit a compliance report for that semi-annual reporting period.

Form Numbers: None.

Respondents/affected entities: Owners or operators of gold mine ore processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EEEEEEE).

Estimated number of respondents: 21 (total).

Frequency of response: Initially, semiannually, and annually.

Total estimated burden: 2,358 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

Total estimated cost: $445,124 (per year), which includes $227,130 in either

annualized capital/startup or operation & maintenance costs.

Changes in the Estimates: There is an adjustment increase in the respondent burden and a decrease in Agency burden. In addition, there is a decrease in total capital and O&M costs. This situation is not due to any program changes. The changes in the burden and cost estimates occurred because the standard has been in effect for more than three years and the requirements are different during initial compliance (new facilities) as compared to on-going compliance (existing facilities). The previous ICR reflected those burdens and costs associated with the initial activities for subject facilities. This includes purchasing monitoring equipment, preparing initial notifications, and establishing recordkeeping systems. This ICR largely reflects both the on-going burden and costs for existing facilities. Activities for existing source include the continuously monitoring of mercury and the submission of annual and semiannual reports.

Richard T. Westlund,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–03985 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9907–01–OA]

Farm, Ranch, and Rural Communities Advisory Committee (FRRCC); Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2., the Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) is a necessary committee which is in the public interest. Accordingly, the FRRCC will be renewed for an additional two-year period. The purpose of the FRRCC is to provide advice and recommendations to the EPA Administrator on environmental issues and policies that are of importance to agriculture and rural communities. Inquiries may be directed to Sarah Bittleman, U.S. EPA, (Mail Code 1101A), 1200 Pennsylvania Avenue NW., Washington, DC 20460, or *bittleman.sarah@epa.gov.*

Dated: January 13, 2014.

Sarah Bittleman,

Agricultural Counselor to the Administrator.

[FR Doc. 2014–04117 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0879; FRL–9905–50]

Exposure Modeling Public Meeting; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An Exposure Modeling Public Meeting will be held for 1 day on March 24, 2014. This notice announces the location and time for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on March 24, 2014, from 9 a.m. to 4:30 p.m. Requests to participate in the meeting must be received on or before March 7, 2014.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Office of Pesticide Programs (OPP), One Potomac Yard (South Building), First Floor Conference Center (S–1204/06), 2777 S. Crystal Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Melanie Biscoe, Environmental Fate and Effects Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7106; fax number: (703) 347–8011; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Agriculture, forestry, fishing and hunting (NAICS code 11).
- Utilities (NAICS code 22).
- Professional, scientific and technical (NAICS code 54).

B. How can I get copies of this document and other related Information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–0879, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

On a biannual interval, an Exposure Modeling Public Meeting (EMPM) is held for presentation and discussion of current issues related to modeling pesticide fate, transport, and exposure for risk assessment in a regulatory context. Meeting dates and abstract requests are announced through the ''empmlist'' forum on the LYRIS list server at *https://lists.epa.gov/read/all_forums/.* The EMPM scheduled for October 2013 was canceled due to the government shutdown. As a consequence, EPA will use the October 2013 agenda at the March 24, 2014 meeting with the addition of a presentation on PRZM–GW model implementation and evaluation due to extensive stakeholder interest.

III. How can I request to participate in this meeting?

You may submit a request to participate in this meeting to the person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPP–2009–0879, must be received on or before March 7, 2014.

IV. Tentative Topics for the Meeting

1. Estimating the magnitude of pesticide effects on avian reproductive success: Markov chain nest productivity model (MCnest).
2. The Surface Water Concentration Calculator.
3. Development of a conceptual model for estimating aquatic exposure from the use of pesticides on rice using the Pesticide Flooded Application Model.
4. Evaluation of NAFTA kinetics guidance.
5. Comparison of multiple spray drift deposition data sets.
6. Guidance on modeling offsite deposition of pesticides via spray drift.
7. Use of the OECD ENASGIPS tool in U.S. settings.
8. A better sorption model for predicting pesticide behavior.
9. The significance of time-dependent sorption on leaching potential: A comparison of measured field results and modeled estimates.
10. Evaluation of PRZM–GW using long-term ground water monitoring data.
11. Comparing ground water models—why are there differences?
12. Modeling pesticide fate and transport through flowing water bodies for endangered species assessment in the California Central Valley.
13. Spatial Aquatic Model (SAM) pilot project update.
14. EPA PRZM–GW Evaluation.

List of Subjects

Environmental protection, Endangered species assessment, Exposure modeling, Groundwater, Leaching, Pesticide exposure assessment, Pesticide monitoring, Spray drift.

Dated: February 3, 2014.

Donald J. Brady,

Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 2014–04103 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9907–15–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA''), notice is hereby given of a proposed consent decree to address a lawsuit filed by Air Alliance Houston, Community In-Power and Development Association, Inc., Louisiana Bucket Brigade and Texas Environmental Justice Advocacy Services (''Plaintiffs''), in the United States District Court for the District of Columbia: *Air Alliance Houston, et al.* v. *McCarthy,* No. 1:13–cv–00621–KBJ (D.D.C.). On May 1, 2013, Plaintiffs filed a complaint that EPA failed to perform nondiscretionary duties to review, and, if necessary, revise the emission factors for volatile organic compounds (''VOC''), carbon monoxide (''CO''), and nitrogen oxides (''NO_X'') for flares, liquid storage tanks (''tanks'') and wastewater collection, treatment and storage systems (''wastewater treatment systems'') at least once every three years. The consent decree would require EPA to propose action by August 19, 2014, and take final action by December 19, 2014.

DATES: Written comments on the proposed consent decree must be received by March 27, 2014.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2014–0168, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Susan Stahle, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–1272; fax number (202) 564–5603; email address: *stahle.susan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would settle Plaintiffs' claims in a deadline suit alleging EPA failed to perform nondiscretionary duties pursuant to section 130 of the Act, 42 U.S.C. 7430, to review, and, if necessary, revise the emission factors for VOC, CO, and NO_X for flares, tanks and wastewater treatment systems at least once every three years. The proposed consent decree would require EPA, by August 19, 2014, to review and either propose revisions to the VOC, CO and NO_X emission factors for flares, tanks and wastewater treatment systems under CAA section 130, or propose a determination under CAA section 130 that revision of these emission factors is not necessary. The proposed consent decree would also require EPA, by December 19, 2014, to issue final revisions to the VOC, CO and NO_X emission factors for flares, tanks and wastewater treatment systems under CAA section 130, or issue a final determination under CAA section 130 that revision of these emission factors for flares is not necessary. EPA will post each proposed revision or determination (or combination thereof), and each final revision or determination (or combination thereof), on its AP–42 Web site (located at *http://www.epa.gov/ttn/chief/ap42/*) on the dates indicated above. In addition, EPA will provide a copy of each such action to Plaintiffs' counsel within seven days of posting. Under the proposed consent decree, once EPA has met these obligations, and any claims by Plaintiffs for costs of litigation have been resolved pursuant to the process provided in the proposed consent decree, the court would dismiss the suit with prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How can I get a copy of the consent decree?

Direct your comments to the official public docket for this action under Docket ID No. EPA–HQ–OGC–2014–0168 which contains a copy of the consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center,

EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use the *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: February 18, 2014.

Lorie J. Schmidt,

Associate General Counsel.

[FR Doc. 2014–04112 Filed 2–24–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2014–6004]

Agency Information Collection Activities; Proposals Submissions, and Approvals

AGENCY: Export-Import Bank of the United States

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–27 Report of Overdue Accounts Under Short-Term Policies

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. The collection provides Ex-Im Bank staff with the information necessary to monitor the borrower's payments for exported goods covered under its short and medium-term export credit insurance policies. It also alerts Ex-Im Bank staff of defaults, so they can manage the portfolio in an informed manner.

Form can be viewed at *http://www.exim.gov/pub/pending/eib92–27.pdf.*

DATES: Comments must be received on or before April 28, 2014, to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–27 Report of Overdue Accounts Under Short-Term Policies.

OMB Number: 3048–0027.

Type of Review: Regular.

Need and Use: The collection provides Ex-Im Bank staff with the information necessary to monitor the borrower's payments for exported goods covered under its short- and medium term export credit insurance policies. It also alerts Ex-Im Bank staff of defaults, so they can manage the portfolio in an informed manner.

Affected Public: This form affects entities involved in the export of U.S goods and services.

Annual Number of Respondents: 745.

Estimated Time per Respondent: 15 minutes.

Government Annual Burden Hours: 186.25 hours.

Frequency of Reporting or Use: Monthly.

Government Reviewing Time per Year: 1,117.5.

Average Wages per Hour: $42.50.

Average Cost per Year: $47,494.

Benefits and Overhead: 20%.

Total Government Cost: $56,993.

Bonita Jones-McNeil,

Records Management Analyst, Records Management Division, Office of the Chief Information Officer.

[FR Doc. 2014–04009 Filed 2–24–14; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2014–6004]

Agency Information Collection Activities; Proposals Submissions, and Approvals

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–27 Report of Overdue Accounts Under Short-Term Policies.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. The collection provides Ex-Im Bank staff with the information necessary to monitor the borrower's payments for exported goods covered under its short and medium-term export credit insurance policies. It also alerts Ex-Im Bank staff of defaults, so they can manage the portfolio in an informed manner.

Form can be viewed at *http://www.exim.gov/pub/pending/eib92-27.pdf.*

DATES: Comments must be received on or before April 28, 2014, to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–27 Report of Overdue Accounts Under Short-Term Policies.

OMB Number: 3048–0027.

Type of Review: Regular.

Need and Use: The collection provides Ex-Im Bank staff with the information necessary to monitor the borrower's payments for exported goods covered under its short- and medium term export credit insurance policies. It also alerts Ex-Im Bank staff of defaults, so they can manage the portfolio in an informed manner.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 745.

Estimated Time per Respondent: 15 minutes.

Government Annual Burden Hours: 186.25 hours.

Frequency of Reporting or Use: Monthly.

Government Reviewing Time per Year: 1,117.5.

Average Wages per Hour: $42.50.

Average Cost per Year: $47,494.

Benefits and Overhead: 20%.

Total Government Cost: $56,993.

Bonita Jones-McNeil,

Records Management Analyst, Records Management Division, Office of the Chief Information Officer.

[FR Doc. 2014–04011 Filed 2–24–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE & TIME: *Thursday, February 27, 2014 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

Items To Be Discussed

Correction and Approval of Minutes for January 16, 2014 and January 30, 2014
Draft Advisory Opinion 2013–18: Revolution Messaging, LLC
Draft Advisory Opinion 2014–01: Solano County United Democratic Central Committee
Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2014–04083 Filed 2–21–14; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Grant Program Information Collection Request

AGENCY: Federal Mediation and Conciliation Service.

ACTION: 60-Day Notice and Request for Comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS), as part of its continuing effort to reduce the paperwork burden of grant applicants and awardees in accordance with the Paperwork Reduction Act of 1995, invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. The information collection requests are FMCS forms: Application for Federal Assistance (SF–424), Accounting System and Financial Capability Questionnaire (LM–3), Request for Advance or Reimbursement SF–270 (LM–6), Financial Status Report SF–269a (LM–7), Project Performance (LM–8), and Grants Program Grantee Evaluation Questionnaire (LM–9). This information collection activity was previously approved by the Office of Management and Budget (OMB) and is requesting a reinstatement without change to the collection. This collection was assigned the control number 3076–0006.

DATES: Comments on this information collection must be received within 60 days of the **Federal Register** publication date to be assured of consideration.

ADDRESSES: Submit written comments by mail to the Labor-Management Cooperation Grants Program, Federal Mediation and Conciliation Service, 2100 K Street NW., Washington, DC 20427 or by contacting the person whose name appears under the section headed, **FOR FURTHER INFORMATION CONTACT**. Comments may be submitted by fax at (202) 606–3434 or via email to Linda Gray-Broughton, Grants Specialist at *lgbroughton@fmcs.gov*. All comments must be identified by the appropriate agency form number. No confidential business information (CBI) should be submitted through email. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as ''CBI''. A copy of the comment that contains CBI will be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by FMCS without prior notice. All written comments will be available for inspection in Suite 800 at the Washington, DC address above from 9:00 a.m. to 2:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Linda Gray-Broughton, Grants Specialist, FMCS, 2100 K Street NW., Washington, DC 20427. Telephone number (202) 606–8181, email to *lgbroughton@fmcs.gov*.

SUPPLEMENTARY INFORMATION: Copies of the complete agency forms are available from the Labor-Management Cooperation Grants Program by calling, faxing, or writing Linda Gray-Broughton at the address above. Please ask for forms by agency number.

I. Information Collection Requests

FMCS is seeking comments on the following information collection requests contained in FMCS agency forms.

Agency: Federal Mediation and Conciliation Service.

Form Number: OMB No. 3076–0006.

Type of Request: Reinstatement of a collection without change in the substance or method of collection.

Affected Entities: Potential applicants and/or grantees who received our grant application kit. Also applicants who have received a grant from FMCS.

Frequency: a. Three of the forms, the SF–424, LM–6, and LM–9 are submitted at the applicant/grantee's discretion.

b. To conduct the quarterly submissions, LM–7and LM–8 forms are used. Less than quarterly reports would deprive FMCS of the opportunity to provide prompt technical assistance to deal with those problems identified in the report.

c. Once per application. The LM–3 is the only form to which a ''similar information'' requirement could apply. Acceptance of a recent audit report without deficiencies is acceptable.

Abstract: Except for the FMCS Forms LM–3 and LM–9, the forms under consideration herein are either required or recommended in OMB Circulars. The two exceptions are non-recurring forms, the former a questionnaire sent only to non-public sector potential grantees and the latter a questionnaire sent only to former grantees for voluntary completion and submission.

The collected information is used by FMCS to determine annual applicant suitability, to monitor quarterly grant project status, and for on-going program evaluation. If the information were not collected, there could be no accounting for the activities of the program. Actual use has been the same as intended use.

Burden: The Application for Federal Assistance (SF–424) is an OMB form with no agency additions. The estimated average time burden per respondent: 30 minutes. Estimated average number of responses: 35. The Request for Advance for Advance or Reimbursement SF–270 (LM–6) and the Financial Status Report SF–269a (LM–7) are also OMB forms with no agency additions. The estimated average time burden per respondent per form: 30 minutes and approximate number of responses: 20. Project Performance (LM–8) had approximately 20 respondents and the estimated time per response is 20 minutes. FMCS Grants Program Evaluation Questionnaire (LM–9) number of respondents is approximately 10 and the estimated time per response is 60 minutes. The Accounting System and Financial Capability Questionnaire (LM–3) has approximately 20 respondents and the estimated time per response is 60 minutes.

II. Request for Comments

The FMCS is particularly interested in comments which:

(i) 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;

(ii) Evaluate the accuracy of the agency's estimates of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic collection technologies or other forms of information technology, e.g. permitting electronic and fax submission of responses.

List of Subjects

Labor-Management Cooperation Grant Program and Information Collection Requests.

Dated: February 4, 2014.

Michael J. Bartlett,

Deputy General Counsel.

[FR Doc. 2014–03231 Filed 2–24–14; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Savings and Loan Holding Company; Correction

This notice corrects a notice (FR Doc. 2014–03159) published on page 8718 of the issue for Thursday, February 13, 2014.

Under the Federal Reserve Bank of Atlanta heading, the entry for John W. Langdale, Jr., Trust, Margaret E. Langdale Trust, and Lee L. Mikuta Trust, all of Valdosta, Georgia, is revised to read as follows:

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR Part 238), and Regulation MM (12 CFR Part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan 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 application also will 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 HOLA (12 U.S.C. 1467a(e)). 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 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). 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 11, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *John W. Langdale, Jr. Trust, Margaret E. Langdale Trust, and Lee L. Mikuta Trust,* all of Valdosta, Georgia, to become savings and loan holding companies by acquiring Lowndes Bancshares, Inc., and thereby indirectly acquire Commercial Banking Company, both in Valdosta, Georgia.

Board of Governors of the Federal Reserve System, February 20, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–04019 Filed 2–24–14; 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 21, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Bank of the Ozarks, Inc.,* Little Rock, Arkansas; to merge with Summit Bancorp, Inc., Arkadelphia, Arkansas, and thereby indirectly acquire Summit Bank, Arkadelphia, Arkansas, which will merge into Bank of the Ozarks, Little Rock, Arkansas.

Board of Governors of the Federal Reserve System, February 20, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–04018 Filed 2–24–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. Perry Banking Company, Inc., Perry, Florida; to engage in making, acquiring, brokering, or servicing loans, or other extensions of credit, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, February 20, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–04017 Filed 2–24–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP Web site at: *http://www.dhhs.gov/ohrp/sachrp/mtgings/index.html.*

DATES: The meeting will be held on Wednesday, March 12, 2014 from 8:30 a.m. until 5:00 p.m. and Thursday, March 13, 2014 from 8:30 a.m. until 4:30 p.m.

ADDRESSES: U.S. Department of Health and Human Services, 200 Independence Avenue SW., Hubert H. Humphrey Building, Room 800, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ivor Pritchard, Ph.D., Director (Acting), Office for Human Research Protections (OHRP), or Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; 240–453–8141; fax: 240–453–6909; email address: *Julia.Gorey@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The meeting will open to the public at 8:30 a.m., Wednesday March 12. Following opening remarks from Dr. Jerry Menikoff, OHRP Director, and Dr. Jeffrey Botkin, SACHRP Chair, the Subcommittee on Harmonization (SOH) will give their report, presenting recommendations on cluster randomized trials and informed consent.

SOH was established by SACHRP at its July 2009 meeting and is charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination.

The afternoon presentation will focus on a discussion of cluster randomization, risk assessment, and consent requirements.

Following opening remarks on the morning of March 13, the Subpart A Subcommittee (SAS) will give their report, focusing on recommendations for a remodeled concept of engagement in human subjects research. SAS is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment; this subcommittee was established by SACHRP in October 2006.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the SACHRP at the address/phone listed above at least one week prior to the meeting. Members of the public will have the opportunity to provide comment during the public comment periods; pre-registration is required for participation in the public comment

session. Individuals who are on-site may pre-register the day of the meeting; individuals participating through webcast should pre-register by contacting the Executive Director, SACHRP, by COB March 6. Individuals who would like to submit written statements should email or fax their comments to SACHRP at least five business days prior to the meeting.

Dated: February 18, 2014.

Ivor Pritchard,

Director (Acting), Office for Human Research Protections, Executive Secretary, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. 2014–04091 Filed 2–24–14; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Comments on the Proposed 2020 Targets for the National Action Plan To Prevent Health Care-Associated Infections: Road Map To Elimination (Phase I: Acute Care Hospital) Measures

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of Disease Prevention and Health Promotion (ODPHP), on behalf of the U.S. Department of Health and Human Services' (HHS) Federal Steering Committee for the Prevention of Health Care-Associated Infections (HAI), proposes new targets for the acute care hospital measures for the *National Action Plan to Prevent Health Care-Associated Infections: Road Map to Elimination* (HAI Action Plan). The five-year targets identified in the initial HAI Action Plan expired at the end of 2013; therefore, new targets are being proposed, taking into consideration the progress made since the HAI Action Plan was initially released in 2009. Similar to the initial HAI Action Plan, the proposed targets will reflect improvement efforts over a five-year period. As such, the Department is proposing a baseline of January 2015 and individualized targets for each of the health care-associated infections identified in the HAI Action Plan to be achieved by December 2020.

HHS invites public and private health-related professionals, organizations, and consumer representatives to submit written comments on the proposed 2020 HAI acute care hospital targets, found at *http://www.health.gov/hai/prevent_hai.asp#hai_measures*.

DATES: Comments on the proposed HAI 2020 acute care hospital targets must be received no later than 5 p.m. on March 27, 2014.

ADDRESSES: Interested persons or organizations are invited to submit written comments by any of the following methods:

- *Email: ohq@hhs.gov.*
- *Mail/Courier:* Office of Disease Prevention and Health Promotion, Attn: Division of Health Care Quality, Department of Health and Human Services, 1101 Wootton Parkway, Suite LL100, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Daniel Gallardo, Health Policy Fellow, Office of Disease Prevention and Health Promotion via electronic mail at *ohq@hhs.gov.*

SUPPLEMENTARY INFORMATION: In recognition of HAIs as an important public health and patient safety issue, in July 2008 HHS established the Federal Steering Committee for the Prevention of Health Care-Associated Infections, led by Dr. Don Wright, Deputy Assistant Secretary for Health, Disease Prevention and Health Promotion. The Steering Committee was charged with developing a comprehensive strategy to prevent and reduce HAIs and developing a plan which established national five-year targeted goals for HAI prevention and outlined key actions for achieving identified short- and long-term objectives.

The first iteration of the HAI Action Plan was published in 2009 and focused on addressing six high priority HAI-related areas within the acute care hospital setting: Surgical site infections, central line-associated bloodstream infections, ventilator-associated events (formerly ventilator-associated pneumonia), catheter-associated urinary tract infections, *Clostridium difficile* infections, and methicillin-resistant *Staphylococcus aureus* infections.

In April 2013, ODPHP, on behalf of the Steering Committee, released a revised HAI Action Plan reflecting a significant update and expansion from the initial version. In addition to documenting the progress toward achieving the original five-year acute care hospital HAI targets, the updated HAI Action Plan included new sections specific to infection reduction in ambulatory surgical centers, end-stage renal disease facilities, and long-term care facilities, as well as a section on increasing influenza vaccination of health care personnel.

With the expiration of the HAI Action Plan acute care hospitals time period for measuring the initial goals occurring at the end of 2013, the Steering Committee has identified new five-year goals to measure national progress in HAI reduction. The new goals will continue to use data from the Centers for Disease Control and Prevention's National Healthcare Safety Network (NHSN) as well as data from the Agency for Healthcare Research and Quality's Healthcare Cost and Utilization Program (HCUP). The new targets will set baseline rates using data from 2015 and establish goals to be achieved by December 2020. The proposed targets take into account HAI reductions to date and will reflect progress that takes place between 2013 and 2015. Selecting a single baseline year for measuring progress toward the targeted goals in acute care hospitals—and using that same baseline year for purposes of quality measure reporting to the Centers for Medicare and Medicaid Services (CMS) and public reporting on CMS's Hospital Compare Web site—will improve consistency in federal HAI measurement and reporting efforts. The proposed targets are intended to align with the HAI targets in Healthy People 2020 as well as other Departmental initiatives.

The Steering Committee has provided a template for all acute care hospital HAI targets, which is available at *http://www.health.gov/hai/prevent_hai.asp#hai_measures*. The template identifies the proposed target or recommended action (i.e., suspension of target) for each of the acute care hospital measures identified in the revised HAI Action Plan.

Interested persons or organizations are invited to submit written comments for each acute care hospital HAI measure. Written feedback should not exceed more than two pages per HAI measure. To be considered, the person or representative from the organization must self-identify and submit the written comments by close of business on March 27, 2014.

Dated: February 19, 2014.

Don Wright,

Deputy Assistant Secretary for Health, Director, Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health.

[FR Doc. 2014–04069 Filed 2–24–14; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day 14–0770]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National HIV Behavioral Surveillance System (NHBS)—(OMB No. 0920–0770, exp. 05/31/2014)—Extension—National Center for HIV, Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this data collection is to monitor behaviors of persons at high risk for infection that are related to human immunodeficiency virus (HIV) transmission and prevention in United States.

The primary objectives of the NHBS system are to obtain data from samples of persons at risk to: (a) Describe the prevalence and trends in risk behaviors; (b) describe the prevalence of and trends in HIV testing and HIV infection; (c) describe the prevalence of and trends in use of HIV prevention services; (d) identify met and unmet needs for HIV prevention services in order to inform health departments, community-based organizations, community planning groups and other stakeholders. By describing and monitoring the HIV risk behaviors, HIV seroprevalence and incidence, and HIV prevention experiences of persons at highest risk for HIV infection, NHBS provides an important data source for evaluating progress towards national public health goals, such as reducing new infections, increasing the use of condoms, and targeting high risk groups.

The Centers for Disease Control and Prevention request approval for a 3-year extension of this information collection. Data are collected through anonymous, in-person interviews conducted with persons systematically selected from 25 Metropolitan Statistical Areas (MSAs) throughout the United States; these 25 MSAs were chosen based on having high AIDS prevalence. Persons at risk for HIV infection to be interviewed for NHBS include men who have sex with men (MSM), injecting drug users (IDUs), and heterosexuals at increased risk of HIV (HET). A brief screening interview will be used to determine eligibility for participation in the behavioral assessment. The data from the behavioral assessment will provide (1) estimates of behavior related to the risk of HIV and other sexually transmitted diseases, (2) prior testing for HIV, and (3) use of HIV prevention services.

All persons interviewed will also be offered an HIV test and will participate in a pre-test counseling session. No other federal agency systematically collects this type of information from persons at risk for HIV infection. These data have substantial impact on prevention program development and monitoring at the local, state, and national levels.

CDC estimates that NHBS will involve, per year in each of the 25 MSAs, eligibility screening for 50 to 200 persons and eligibility screening plus the behavioral assessment with 500 eligible respondents, resulting in a total of 37,500 eligible survey respondents and 7,500 ineligible screened persons during a 3-year period. Data collection will rotate such that interviews will be conducted among one group per year: MSM in year 1, IDU in year 2, and HET in year 3. The type of data collected for each group will vary slightly due to different sampling methods and risk characteristics of the group.

Participation of respondents is voluntary and there is no cost to the respondents other than their time.

Total burden hours are 9,932.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (hours)
Persons Screened	Eligibility Screener	15,000	1	5/60
Eligible Participants:	Behavioral Assessment MSM	4,167	1	30/60
Eligible Participants:	Behavioral Assessment IDU	4,167	1	54/60
Eligible Participants:	Behavioral Assessment HET	4,167	1	39/60
Peer Recruiters:	Recruiter Debriefing	4,167	1	2/60

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–04020 Filed 2–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0591]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

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 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. Written comments should be received within 60 days of this notice.

Proposed Project

Select Agent Distribution Activity (SADA): Request for Select Agent (OMB Control No. 0920–0591 exp. 7/31/2014)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention is requesting approval to continue data collection under the Select Agent Distribution Activity (SADA). The purpose of this data collection is to provide a systematic and consistent mechanism to review requests that come to CDC for Select Agents.

The term select agents is used to describe a limited group of viruses, bacteria, rickettsia, and toxins that have the potential for use as agents of bioterrorism, inflicting significant morbidity and mortality on susceptible populations. The SADA form is scheduled to expire on 07/31/2014.

SADA was originally created for the anticipated large number of requests for select agents by investigators seeking National Institutes of Health grants. The process was established to lessen the burden on CDC Subject Matter Experts (SMEs) who would be receiving requests for access to select agents housed within NCEZID.

The SADA application is a Material Transfer Agreement that is specific to select agent requests. Although the SADA Office has not received a new application since the last Office of Management and Budget (OMB) request, they have received several inquiries and provided assistance to both internal SMEs as well as outside requestors. CDC has deposited a variety of strains into the Biodefense and Emerging Infections (BEI) Research Resources Repository and requestors now have the option of requesting materials using this mechanism. However, CDC would like to maintain the ability to process requests if they receive them and is, therefore, making a request to use the SADA application indefinitely.

The number of potential respondents in a given year is unknown. The estimates below are based on *if* they were to receive requests from 900 respondents. A user fee will be collected to recover costs for materials, handling and shipping (except for public health laboratories).

The cost to the respondent will vary based on which agent is requested.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Researcher	SADA Request for Select Agent	900	1	30/60	450
Total					450

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–03987 Filed 2–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–14–0879]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Surveys of State, Tribal, Local, and Territorial (STLT) Governmental Agencies (OMB Control No. 0920–0879, Exp. 3/31/2014)—Revision—Office of the Director, Office for State, Tribal Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC's mission is to create the expertise, information, and tools that people and communities need to protect their health—through health promotion, prevention of disease, injury and disability, and preparedness for new health threats. CDC seeks to accomplish its mission by collaborating with partners throughout the nation and the world to: monitor health, detect and investigate health problems, conduct research to enhance prevention, develop and advocate sound public health policies, implement prevention strategies, promote healthy behaviors, foster safe and healthful environments, and provide leadership and training.

CDC is requesting a three-year approval for a generic clearance to collect information related to domestic public health issues and services that affect and/or involve state, tribal, local and territorial (STLT) government entities. The respondent universe is comprised of STLT governmental staff or delegates acting on behalf of a STLT agency involved in the provision of essential public health services in the United States. The STLT agency is represented by state, tribal, local or territorial governmental entity or delegate with a task to protect and/or improve the public's health.

Information will be used to assess situational awareness of current public health emergencies; make decisions that affect planning, response and recovery activities of subsequent emergencies; fill CDC gaps in knowledge of programs and/or STLT governments that will

strengthen surveillance, epidemiology, and laboratory science; improve CDC's support and technical assistance to states and communities. CDC will conduct brief data collections, across a range of public health topics related to essential public health services, using standard modes of administration (e.g., online, telephone, in-person, focus groups).

CDC estimates up to 30 data collections with State, territorial or tribal governmental staff or delegates, and 10 data collections with local/county/city governmental staff or delegate will be conducted on an annual basis. Ninety-five percent of these data collections will be web-based. The total annualized burden of 54,000 hours is based on the following estimates.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per respondent (in hours)
State, Territorial, or Tribal government staff	800	30	1
Local/County/City government staff	3,000	10	1

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–04029 Filed 2–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day 14–0004]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30333; comments may also be sent by email to *omb@cdc.gov.*

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 a 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 clarify 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 information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Disease Surveillance Program II. Disease Summaries (0920–0004 Exp. 8/31/2014)—Revision—National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC requests a three year approval for a Revision of the National Disease Surveillance Program II. Disease Summaries information collection.

Proposed revisions include shifting information collection management responsibilities to the National Center for Immunization and Respiratory Diseases (NCIRD) and consolidating various forms to reflect more current technology trends. Also, CDC requests the use of the following new Influenza forms to enhance surveillance and assist in understanding the complexities of these newer viruses: Human Infection with Novel Influenza A Virus Severe Outcomes; Human Infection with Novel Influenza A Virus with Suspected Avian Source; and Antiviral Resistant Influenza Infection Case Report Form.

Due to the uncertainty regarding MERS-CoV and its threat to human health, CDC also has a need to use a Middle East Respiratory Syndrome Coronavirus (MERS-CoV) [Patient Under Investigation] form. Use of an Adenovirus Typing Report Form and discontinuing the use of the Harmful Algal Bloom-related Illness form is also requested. The Adenovirus Typing Report Form allows for a passive surveillance mechanism that collects adenovirus typing data to enhance adenovirus circulation data already collected by the National Respiratory and Enteric Virus Surveillance System (NREVSS).

The methodology for reporting varies depending on the occurrence, modes of transmission, infectious agents, and epidemiologic measures.

There is no cost to respondents other than their time.

The total estimated annualized burden hours are 31,921.

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondents state epidemiologists / Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Foodborne Outbreak Form (CDC 52.13)	54	32	20/60	576
Influenza virus (Internet; year round) (CDC 55.31)	35	52	10/60	303
-Influenza virus (electronic, year round) (PHLIP)	49	52	5/60	212
-Influenza virus (electronic, year round) (PHIN–MS)	3	52	5/60	13
U.S. WHO Collaborating Laboratories Influenza Testing Methods Assessment (CDC 55.31A)	87	1	10/60	15
Weekly Influenza-like Illness (year round) (CDC 55.20)	1,800	52	10/60	15,600
Daily Influenza-like illness (year round)	75	365	10/60	4,563

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS—Continued

Type of respondents state epidemiologists Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Influenza-Associated Pediatric Death Case Report Form	57	2	30/60	57
Novel Influenza A Virus Case Screening Form	57	1	15/60	14
Novel Influenza A Virus Infection Contact Tracing Form	57	1	30/60	29
Human Infection with Novel Influenza A Virus Case Report Form	57	6	30/60	171
Novel and Pandemic Influenza A Virus Case Status Summary	57	1	15/60	14
Human Infection with Novel Influenza A Virus Severe Outcomes	57	1	1.5	86
Human Infection with Novel Influenza A Virus with Suspected Avian Source	57	1	30/60	29
122 CMRS—City health officers or vital statistics registrars (daily)	58	365	12/60	4,234
122 CMRS—City health officers or vital statistics registrars (weekly)	122	52	12/60	1,269
Aggregate Hospitalization and Death Reporting Activity Weekly Report Form	56	52	10/60	485
Antiviral Resistant Influenza Infection Case Report Form	57	3	30/60	86
National Enterovirus Surveillance Report: (CDC 55.9) (electronic)	25	12	15/60	75
National Respiratory & Enteric Virus Surveillance System (NREVSS) (CDC 55.83A, B, NREVSS Lab Assessment Form, D) (electronic)	300	52	15/60	3,900
Adenovirus Typing Report Form	25	12	15/60	75
Middle East Respiratory Syndrome Coronavirus (MERS) Patient Under Investigation (PUI) Form	57	3	25/60	71
Suspected Viral Gastroenteritis (Calicivirus surveillance)	20	5	15/60	25
Waterborne Diseases Outbreak Form (CDC 52.12)	57	1	20/60	19
Total				31,921

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–04021 Filed 2–24–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Request for Assistance for Child Victims of Human Trafficking.

OMB No.: 0970–0362.

Description: The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, Public Law 110–457, directs the U.S. Secretary of Health and Human Service (HHS), upon receipt of credible information that a non-U.S. citizen, non-Lawful Permanent Resident (alien) child may have been subjected to a severe form of trafficking in persons and is seeking Federal assistance available to victims of trafficking, to promptly determine if the child is eligible for interim assistance. The law further directs the Secretary of HHS to determine if a child receiving interim assistance is eligible for assistance as a victim of a severe form of trafficking in persons after consultation with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with expertise on victims of severe form of trafficking.

In developing procedures for collecting the necessary information from potential child victims of trafficking, their case managers, attorneys, or other representatives to allow HHS to grant interim eligibility, HHS devised a form. HHS has determined that the use of a standard form to collect information is the best way to ensure requestors are notified of their option to request assistance for child victims of trafficking and to make prompt and consistent determinations about the child's eligibility for assistance.

Specifically, the form asks the requestor for his or her identifying information, information on the child, and information describing the type of trafficking and circumstances surrounding the situation. The form also asks the requestor to verify the information contained in the form because the information could be the basis for a determination of an alien child's eligibility for federally funded benefits. Finally, the form takes into consideration the need to compile information regarding a child's circumstances and experiences in a non-directive, child-friendly way, and assists the potential requestor in assessing whether the child may have been subjected to trafficking in persons.

The information provided through the completion of a Request for Assistance for Child Victims of Human Trafficking form will enable HHS to make prompt determinations regarding the eligibility of an alien child for interim assistance, inform HHS' determination regarding the child's eligibility for assistance as a victim of a severe form of trafficking in persons, facilitate the required consultation process, and enable HHS to assess and address potential child protection issues.

Respondents: Representatives of governmental and nongovernmental entities providing social, legal, or protective services to alien persons under the age of 18 (children) in the United States who may have been subjected to severe forms of trafficking in persons.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for Assistance for Child Victims of Human Trafficking	80	1	1	80

Estimated Total Annual Burden Hours: 80.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–04001 Filed 2–24–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0973]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Animal Feed Network (Pet Event Tracking Network and LivestockNet)—State, Federal Cooperation To Prevent Spread of Pet Food and Animal Feed Related Diseases

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 27, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0680. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Pet Event Tracking Network—State, Federal Cooperation To Prevent Spread of Pet Food Related Diseases—and Livestock.Net; OMB Control Number 0910–0680—Revision

On August 1, 2011, the Pet Event Tracking Network (PETNet) was launched by FDA and its partners in the Partnership for Food Protection (PFP). PETNet is a secure, Web-based network that allows information to be exchanged more freely and efficiently between FDA and other Federal and State regulatory Agencies. PETNet allows the exchange of information about pet food related incidents, such as illness associated with the consumption of pet food or pet food product defects. PETNet is only accessible by government employees with membership rights, and each member has equal access to the data in the system. At its launch, the system had over 200 members representing 4 Federal Agencies, all 50 States, and 3 U.S. territories. Using the shared information, State and Federal Agencies can work together to quickly determine if regulatory actions are needed to prevent or quickly limit adverse effects associated with pet food products.

Since its launch, PETNet has seen increased usage among members. Two years following the launch of the system, there have been reports entered by two Federal Agencies and multiple states. Approximately 60 percent of the entries are from Federal Agency members and 40 percent by State Agency members. The majority of entries in PETNet are associated with dog food products, followed by cat food products, products affecting species ''other'' than those available in the drop-down menu choices, and small mammal products. As familiarity with PETNet has increased, there has been increased usage and entries from members.

PETNet was originally developed for pet animals only, but after its initial launch in 2011, there have been ongoing requests to expand the system to include livestock animals, aquaculture species, and horses. Such an early alert system does not currently exist to share information related to illness associated with consumption of adulterated food or product defects for these species. LivestockNet has been developed to serve as a similar early alert system for

feed-related illness and product defects associated with feed for livestock animals, aquaculture species, and horses.

LivestockNet and PETNet will be Web-based portals with the same functionality, but the questions asked for each portal will be specific for each. Users of the individual portals are expected to be the same officials from Federal, State, and Territorial Agencies. Because of the similarity of the portals and the intended audience for both, the two individual portals will be housed in an overall system titled the Animal Feed Network. PETNet and LivestockNet will be able to be accessed individually in the Animal Feed Network, once the user logs in to the system.

Use of the Animal Feed Network, including the reporting of incidents by non-FDA members, will continue to be voluntary. The Animal Feed Network is a Web-based system, based in a proprietary system using CORESHIELD technology, and will be accessible only to members via password. PETNet and LivestockNet will make use of standardized electronic forms that have been custom developed for the individual portals. The two forms share the following common data elements, the majority of which are drop down menu choices: Product details (name of feed, lot code, product form, and the manufacturer or distributor/packer (if known)), the species affected, number of animals exposed to the product, number of animals affected, body systems affected, product problem/defect, date of onset or the date product problem was detected, the State where the incident occurred, the origin of the information, whether there are supporting laboratory results, and contact information for the reporting member (i.e., name, telephone number will be captured automatically when member logs in to the system). For the LivestockNet form, additional data elements specific to livestock animals will be captured: Product details (indication of whether the feed is a medicated feed, product packaging, and intended purpose of the feed), class of the animal species affected, and production loss. For PETNet, the only additional data field is the animal life stage. The form would be filled out and submitted by a member in the specified portal of the Animal Feed Network. Once the entry is submitted, it will be available to other members. Thus, the information will be entered and received by Animal Feed Network members in as close to real time as possible. FDA and the PFP have designed the form itself to contain only the essential information necessary to alert Animal Feed Network members about animal feed and pet food-related incidents.

In the **Federal Register** of August 26, 2013 (78 FR 52774), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although four comments were received, none were responsive to the four collection of information topics solicited and therefore will not be discussed in this document.

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

TABLE 1—ESTIMATED REPORTING BURDEN [1]

21 U.S.C. Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
21 U.S.C. 342, 21 U.S.C. 343, Section 1002(b) of the FDA Amendments Act of 2007/PETNet.	20	5	100	0.25 (15 minutes)	25
Ibid./LivestockNet portal	20	5	100	0.25 (15 minutes)	25
Total Hours					50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that each member will report to the Animal Feed Network (i.e., fill out the PETNet or LivestockNet form to alert other members about a pet food or animal food-related incident, respectively) approximately five times per year for each portal. This estimate represents the maximum number of reports that FDA expects will be submitted in a year, and in many cases the number of reports submitted by a member will probably be far less. FDA believes that, given the PETNet form has 15 items and the LivestockNet form has 19 items, with most being drop down fields and not all fields being required for submission, 15 minutes is a sufficient amount of time to complete the form. State regulatory officials responsible for animal feed and pet food already possess computer systems and have the Internet access necessary to participate in the Animal Feed Network, and thus there are no capital expenditures associated with the reporting.

Regarding recordkeeping, State regulatory officials who report in the Animal Feed Network receive the reportable information from consumers in their States in the course of their customary and regular duties. Further, these individuals already maintain records of such consumer complaints in the course of their duties which are sufficient for the purposes of reporting in the PETNet and LivestockNet portals of the Animal Feed Network. Therefore, FDA believes that the proposed collection of information does not have additional recordkeeping requirements.

Dated: February 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–04012 Filed 2–24–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1619]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 27, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0606. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice (CGMP) in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements—21 CFR Part 111 (OMB Control Number 0910–0606)—Extension

On October 25, 1994, the Dietary Supplement Health and Education Act (DSHEA) (Pub. L. 103–417) was signed into law. DSHEA, among other things, amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) by adding section 402(g) of the FD&C Act (21 U.S.C. 342(g)). Section 402(g)(2) of the FD&C Act provides, in part, that the Secretary of Health and Human Services may, by regulation, prescribe good manufacturing practices for dietary supplements. Section 402(g) of the FD&C Act also stipulates that such regulations will be modeled after CGMP regulations for food and may not impose standards for which there are no current, and generally available, analytical methodologies. Section 402(g)(1) of the FD&C Act states that a dietary supplement is adulterated if ''it has been prepared, packed, or held under conditions that do not meet current good manufacturing practice regulations.'' Under section 701(a) of the FD&C Act (21 U.S.C. 371), FDA may issue regulations necessary for the efficient enforcement of the FD&C Act. In the **Federal Register** of June 25, 2007 (72 FR 34752) (the June 25, 2007, final rule), FDA published a final rule that established, in part 111 (21 CFR part 111), the minimum CGMP necessary for activities related to manufacturing, packaging, labeling, or holding dietary supplements to ensure the quality of the dietary supplement.

Records are an indispensable component of CGMP. The records required by FDA's regulations in part 111 provide the foundation for the planning, control, and improvement processes that constitute a quality control system. Implementation of these processes in a manufacturing operation serves as the backbone to CGMP. The records show what is to be manufactured; what was, in fact, manufactured; and whether the controls that the manufacturer put in place to ensure the identity, purity, strength, and composition and limits on contaminants and to prevent adulteration were effective. Further, records will show whether and what deviations from control processes occurred, facilitate evaluation and corrective action concerning these deviations (including, where necessary, whether associated batches of product should be recalled from the marketplace), and enable a manufacturer to assure that the corrective action was effective. In addition, by establishing recordkeeping requirements, FDA can ensure that industry follows CGMP during manufacturing, packaging, labeling, or holding operations. The regulations in part 111 establish the minimum manufacturing practices necessary to ensure that dietary supplements are manufactured, packaged, labeled, or held in a manner that will ensure the quality of the dietary supplements during manufacturing, packaging, labeling, or holding operations.

The recordkeeping requirements of the regulations include establishing written procedures and maintaining records pertaining to: (1) Personnel; (2) sanitation; (3) calibration of instruments and controls; (4) calibration, inspection, or checks of automated, mechanical, or electronic equipment; (5) maintaining, cleaning, and sanitizing equipment and utensils and other contact surfaces; (6) water used that may become a component of the dietary supplement; (7) production and process controls; (8) quality control; (9) components, packaging, labels, and product received for packaging and labeling; (10) master manufacturing and batch production; (11) laboratory operations; (12) manufacturing operations; (13) packaging and labeling operations; (14) holding and distributing operations; (15) returned dietary supplements; and (16) product complaints.

Description of Respondents: Manufacturers, dietary supplement manufacturers, packagers and repackagers, labelers and re-labelers, holders, distributors, warehousers, exporters, importers, large businesses, and small businesses engaged in the dietary supplement industry.

The recordkeeping requirements of the regulations in part 111 are set forth in each subpart. In table 1 we list the annual burdens associated with recordkeeping, as described in the June 25, 2007, final rule. For some provisions listed in table 1, we did not estimate the number of records per recordkeeper because recordkeeping occasions consist of frequent brief entries of dates, temperatures, monitoring results, or documentation that specific actions were taken. Information might be recorded a few times a day, week, or month. When the records burden involves frequent brief entries, we entered 1 as the default for the number of records per recordkeeper. For example, many of the records listed under § 111.35 in table 1, such as § 111.35(b)(2) (documentation, in individual equipment logs, of the date of the use, maintenance, cleaning, and sanitizing of equipment), involve many short sporadic entries over the course of the year, varying across equipment and plants in the industry. We did not attempt to estimate the actual number of recordkeeping occasions for these provisions, but instead entered an estimate of the average number of hours per year. We entered the default value of 1 as the number of records per recordkeeper for these and similar provisions. For § 111.35, the entry for number of records is 1 as a default representing a large number of brief recordkeeping occasions.

In many rows of table 1, we list a burden under a single provision that covers the written procedures or records described in several provisions. For example, the burden of the batch production records listed in table 1 under § 111.260 includes the burden for records listed under § 111.255 because the batch production records must include those records.

The number of records for batch production records (and other records kept on a batch basis in table 1) equals the annual number of batches. The estimated burden for records kept by batch includes both records kept for every batch and records kept for some, but not all, batches. We use the annual number of batches as the number of records that will not necessarily be kept for every batch, such as test results or material review and disposition records, because such records are part of records, if they are necessary, that will be kept for every batch.

In the **Federal Register** of December 19, 2013 (78 FR 76836), FDA published a 60-day notice requesting public

comment on the proposed collection of information. No comments were received.

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

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
111.14, records of personnel practices, including documentation of training	15,000	4	60,000	1	60,000
111.23, records of physical plant sanitation practices, including pest control and water quality	15,000	1	15,000	0.2	3,000
111.35, records of equipment and utensils calibration and sanitation practices	400	1	400	12.5	5,000
111.95, records of production and process control systems	250	1	250	45	11,250
111.140, records that quality control personnel must make and keep	240	1163	279,120	1	279,120
111.180, records associated with components, packaging, labels, and product received for packaging and labeling as a dietary supplement	240	1163	279,120	1	279,120
111.210, requirements for what the master manufacturing record must include	240	1	240	2.5	600
111.260, requirements for what the batch record must include	145	1408	204,160	1	204,160
111.325, records that quality control personnel must make and keep for laboratory operations	120	1	120	15	1,800
111.375, records of the written procedures established for manufacturing operations	260	1	260	2	520
111.430, records of the written procedures for packaging and labeling operations	50	1	50	12.6	630
111.475, records of product distribution and procedures for holding and distributing operations	15,000	1	15,000	0.4	6,000
111.535, records for returned dietary supplements	110	4	440	13.5	5,940
111.570, records regarding product complaints	240	600	144,000	0.5	72,000
Total					929,140

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The average burden per recordkeeping estimates in table 1 are based on those in the June 25, 2007, final rule, which were based on our institutional experience with other CGMP requirements and on data provided by Research Triangle Institute in the ''Survey of Manufacturing Practices in the Dietary Supplement Industry'' cited in that rule.

The estimates in table 1 of the number of firms affected by each provision of part 111 are based on the percentage of manufacturers, packagers, labelers, holders, distributors, and warehousers that reported in the survey that they have not established written standard operating procedures or do not maintain records that were later required by the June 25, 2007, final rule. Because we do not have survey results for general warehouses, we entered the approximate number of facilities in that category for those provisions covering general facilities. For the dietary supplement industry, the survey estimated that 1,460 firms would be covered by the final rule, including manufacturers, packagers, labelers, holders, distributors, and warehousers. The time estimates include the burden involved in documenting that certain requirements are performed and in recordkeeping. We used an estimated annual batch production of 1,408 batches per year to estimate the burden of requirements that are related to the number of batches produced annually, such as § 111.260, ''What must the batch production record include?'' The estimate of 1,408 batches per year is near the midpoint of the number of annual batches reported by survey firms.

The length of time that CGMP records must be maintained is set forth in § 111.605. Table 1 reflects the estimated burdens for written procedures, record maintenance, periodically reviewing records to determine if they may be discarded, and for any associated documentation for that activity for records that are required under part 111. We have not included a separate estimate of burden for those sections that require maintaining records in accordance with § 111.605, but have included those burdens under specific provisions for keeping records. For example, § 111.255(a) requires that the batch production records be prepared every time a batch is manufactured, and § 111.255(d) requires that batch production records be kept in accordance with § 111.605. The estimated burdens for both § 111.255(a) and (d) are included under § 111.260 (what the batch record must include).

Dated: February 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–04014 Filed 2–24–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–N–0037]

Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Drug User Fee Act Waivers and Reductions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the paperwork burden of requesting a waiver or reduction of fees under Animal Drug User Fee Act (ADUFA).

DATES: Submit either electronic or written comments on the collection of information by April 28, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Animal Drug User Fees and Fee Waivers and Reductions (OMB Control Number 0910–0540)—Extension

Enacted on November 18, 2003, the Animal Drug User Fee Act (Pub. L. 108–130) amended the Federal Food, Drug, and Cosmetic Act and requires FDA to assess and collect user fees for certain applications, products, establishments, and sponsors. It also requires the Agency to grant a waiver from, or a reduction of those fees in certain circumstances. Thus, to implement this statutory provision of ADUFA, FDA developed a guidance entitled, ''Guidance for Industry: Animal Drug User Fees and Fee Waivers and Reductions.'' This document provides guidance on the types of fees FDA is authorized to collect under ADUFA, and how to request waivers and reductions from FDA's animal drug user fees. Further, this guidance also describes the types of fees and fee waivers and reductions; what information FDA recommends be submitted in support of a request for a fee waiver or reduction; how to submit such a request; and FDA's process for reviewing requests.

Respondents to this collection of information are new animal drug sponsors. Requests or waivers or reductions may be submitted by a person paying any of the animal drug user fees assessed including application fees, product fees, establishment fees, or sponsor fees.

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

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
740(d)(1)(A); significant barrier to innovation.	45	1 time for each application.	45	2	90
740(d)(1)(B); fees exceed cost	8	3.75	30	0.5 (30 minutes)	15
740(d)(1)(C); free choice feeds	5	1 time for each application.	5	2	10
740(d)(1)(D); minor use or minor species	76	1 time for each application.	76	2	152
740(d)(1)(E); small business	3	1 time for each application.	3	2	6
Request for reconsideration of a decision	2	1 time for each application.	2	2	4
Request for review (user fee appeal officer)	0	1 time for each application.	0	0	0
Total					277

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on FDA's database system, from fiscal year (FY) 2010 to 2012 there were an estimated 173 sponsors subject to ADUFA. However, not all sponsors will have any submissions in a given year and some may have multiple submissions. The total number of waiver requests is based on the average number of submission types received by FDA in FY 2010–2012.

Dated: February 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–04013 Filed 2–24–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1600]

Draft Guidance for Industry and Tobacco Retailers; Enforcement Policy for Certain (Provisional) Tobacco Products That the Food and Drug Administration Finds Not Substantially Equivalent; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Enforcement Policy for Certain (Provisional) Tobacco Products That FDA Finds Not Substantially Equivalent.'' This draft guidance provides information to tobacco retailers on FDA's enforcement policy regarding certain so-called provisional tobacco products that become subject to not substantially equivalent (NSE) orders issued under the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by April 28, 2014.

ADDRESSES: Submit written requests for single copies of this draft guidance to the Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the guidance may be sent. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Annette Marthaler, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 1–877–287–1373, email: *CTPRegulations@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for tobacco retailers entitled ''Enforcement Policy for Certain (Provisional) Tobacco Products That FDA Finds Not Substantially Equivalent.'' In this draft guidance, FDA provides information on its enforcement policy regarding so-called provisional tobacco products that become subject to NSE orders under the FD&C Act. The provisional products addressed by this draft guidance are tobacco products that were first introduced or delivered for introduction into interstate commerce for commercial distribution after February 15, 2007, and prior to March 22, 2011, and for which a section 905(j) (21 U.S.C. 387e(j)) (or substantial equivalent) report was submitted no later than March 22, 2011. Because the FD&C Act permitted this specific group of products to remain on the market pending FDA's review of the report, there will very likely be products at retail locations within the United States when FDA issues an order finding a tobacco product NSE. This draft guidance explains that FDA does not intend to take enforcement action for at least 30 calendar days from the date the NSE order issues for those products that are in the retailer's current inventory at a specific retail location on the date FDA issues the NSE order.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on ''Enforcement Policy for Certain (Provisional) Tobacco Products That FDA Finds Not Substantially Equivalent.'' It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.regulations.gov* or *http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm.*

Dated: February 19, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–03978 Filed 2–24–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Loan Repayment Program for Repayment ofHealth Professions Educational Loans

Announcement Type: Initial.

CFDA Number: 93.164.

Key Dates: February 14, 2014 first award cycle deadline date; August 15, 2014 last award cycle deadline date; September 12, 2014 last award cycle deadline date for supplemental loan repayment program funds; September 30, 2014 entry on duty deadline date.

I. Funding Opportunity Description

The Indian Health Service (IHS) estimated budget request for Fiscal Year (FY) 2014 includes $19,090,023 for the IHS Loan Repayment Program (LRP) for health professional educational loans (undergraduate and graduate) in return for full-time clinical service as defined in the IHS LRP policy clarifications at *http://www.ihs.gov/loanrepayment/documents/LRP_Policy_Updates.pdf* in Indian health programs.

This program announcement is subject to the appropriation of funds. This notice is being published early to coincide with the recruitment activity of the IHS, which competes with other Government and private health management organizations to employ qualified health professionals.

This program is authorized by 25 U.S.C. 1616a.

II. Award Information

The estimated amount available is approximately $19,090,023 to support approximately 440 competing awards averaging $43,358 per award for a two year contract. One year contract extensions will receive priority

consideration in any award cycle. Applicants selected for participation in the FY 2014 program cycle will be expected to begin their service period no later than September 30, 2014.

III. Eligibility Information

A. Eligible Applicants

Pursuant to Section 108(b), to be eligible to participate in the LRP, an individual must:

(1)(A) Be enrolled—

(i) In a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

(ii) In an approved graduate training program in a health profession; or

(B) Have a degree in a health profession and a license to practice in a state; and

(2)(A) Be eligible for, or hold an appointment as a Commissioned Officer in the Regular Corps of the Public Health Service (PHS); or

(B) Be eligible for selection for service in the Regular Corps of the PHS; or

(C) Meet the professional standards for civil service employment in the IHS; or

(D) Be employed in an Indian health program without service obligation; and

(E) Submit to the Secretary an application for a contract to the LRP. The Secretary must approve the contract before the disbursement of loan repayments can be made to the participant. Participants will be required to fulfill their contract service agreements through full-time clinical practice at an Indian health program site determined by the Secretary. Loan repayment sites are characterized by physical, cultural, and professional isolation, and have histories of frequent staff turnover. Indian health program sites are annually prioritized within the Agency by discipline, based on need or vacancy. The IHS LRP's ranking system gives high site scores to those sites that are most in need of specific health professions. Awards are given to the applications that match the highest priorities until funds are no longer available.

Any individual who owes an obligation for health professional service to the Federal Government, a State, or other entity is not eligible for the LRP unless the obligation will be completely satisfied before they begin service under this program.

Section 108 of the IHCIA, as amended, authorizes the IHS LRP and provides in pertinent part as follows:

(a)(1) The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (hereinafter referred to as the Loan Repayment Program) in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

Section 1603(10) of the IHCIA provides that:

> ''Health Profession'' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public healthnursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, an allied health profession, or any other health profession.

For the purposes of this program, the term ''Indian health program'' is defined in Section 108(a)(2)(A), as follows:

> (A) The term Indian health program means any health program or facility funded, in whole or in part, by the Service for the benefit of Indians and administered—
>
> (i) Directly by the Service;
>
> (ii) By any Indian Tribe or Tribal or Indian organization pursuant to a contract under—
>
> (I) The Indian Self-Determination Act, or
>
> (II) Section 23 of the Act of April 30, 1908, (25 U.S.C. 47), popularly known as the Buy Indian Act; or
>
> (iii) By an urban Indian organization pursuant to Title V of this Act.

Section 108 of the IHCIA, as amended, authorizes the IHS to determine specific health professions for which IHS LRP contracts will be awarded. Annually, the Director, Division of Health Professions Support, sends a letter to the Director, Office of Public Health, Tribal leaders, and urban Indian health programs directors to request a list of positions for which there is a need or vacancy. The list of priority health professions that follows is based upon the needs of the IHS as well as upon the needs of American Indians and Alaska Natives.

(a) Medicine: Allopathic and Osteopathic.

(b) Nurse: Associate, B.S., and M.S. Degree.

(c) Clinical Psychology: Ph.D. and Psy.D.

(d) Counseling Psychology: Ph.D.

(e) Social Work: Licensed Clinical Social Worker; Masters level only.

(f) Chemical Dependency Counseling: Baccalaureate and Masters level.

(g) Counseling: Masters level only.

(h) Dentistry: DDS and DMD.

(i) Dental Hygiene.

(j) Dental Assistant: Certified.

(k) Pharmacy: B.S., Pharm.D.

(l) Optometry: O.D.

(m) Physician Assistant: Certified.

(n) Advanced Practice Nurses: Nurse Practitioner, Certified Nurse Midwife, Doctor of Nursing, Registered Nurse Anesthetist (Priority consideration will be given to Registered Nurse Anesthetists.).

(o) Podiatry: D.P.M.

(p) Physical Rehabilitation Services: Physical Therapy, Occupational Therapy, Speech-Language Pathology, and Audiology: M.S. and D.P.T.

(q) Diagnostic Radiology Technology: Certificate, Associate, and B.S.

(r) Medical Laboratory Scientist, Medical Technology, Medical Laboratory Technician: Associate, and B.S.

(s) Public Health Nutritionist/ Registered Dietitian.

(t) Engineering (Environmental): B.S. (Engineers must provide environmental engineering services to be eligible.).

(u) Environmental Health (Sanitarian): B.S. and M.S.

(v) Health Records: R.H.I.T. and R.H.I.A.

(w) Certified Professional Coder: AAPC or AHIMA.

(x) Respiratory Therapy.

(y) Ultrasonography.

(z) Chiropractors: Licensed.

(aa) Naturopathic Medicine: Licensed.

(bb) Acupuncturists: Licensed.

B. Cost Sharing or Matching

Not applicable.

C. Other Requirements

Interested individuals are reminded that the list of eligible health and allied health professions is effective for applicants for FY 2014. These priorities will remain in effect until superseded.

IV. Application and Submission Information

A. Content and Form of Application Submission

Each applicant will be responsible for submitting a complete application. Go to *http://www.ihs.gov/loanrepayment* for more information on how to apply electronically. The application will be considered complete if the following documents are included:

- Employment Verification—Documentation of your employment with an Indian health program as applicable:
  - Commissioned Corps orders, Tribal employment documentation or offer letter, or notification of Personnel Action (SF–50)—For current Federal employees.

• License to Practice—A photocopy of your current, non-temporary, full and unrestricted license to practice (issued by any state, Washington, DC or Puerto Rico).

• Loan Documentation—A copy of all current statements related to the loans submitted as part of the LRP application.

• If applicable, if you are a member of a Federally recognized Tribe or Alaska Native (recognized by the Secretary of the Interior), provide a certification of Tribal enrollment by the Secretary of the Interior, acting through the Bureau of Indian Affairs (BIA) (Certification: Form 4432 Category A—Members of Federally-Recognized Indian Tribes, Bands or Communities).

B. Submission Dates and Address

Applications for the FY 2014 LRP will be accepted and evaluated monthly beginning February 14, 2014, and will continue to be accepted each month thereafter until all funds are exhausted for FY 2014. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month until August 15, 2014.

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date; and

(2) All documentation as described above are submitted on or before the deadline date. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing).

Applications submitted after the monthly closing date will be held for consideration in the next monthly funding cycle. Applicants who do not receive funding by September 30, 2014, will be notified in writing.

Application documents should be sent to: IHS Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852.

C. Intergovernmental Review

This program is not subject to review under Executive Order 12372.

D. Funding Restrictions

Not applicable.

E. Other Submission Requirements

New applicants are responsible for using the online application. Applicants requesting a contract extension must do so in writing as early in the fiscal year in which they are reapplying.

V. Application Review Information

A. Criteria

The IHS has identified the positions in each Indian health program for which there is a need or vacancy and ranked those positions in order of priority by developing discipline-specific prioritized lists of sites. Ranking criteria for these sites may include the following:

(1) Historically critical shortages caused by frequent staff turnover;

(2) Current unmatched vacancies in a health profession discipline;

(3) Projected vacancies in a health profession discipline;

(4) Ensuring that the staffing needs of Indian health programs administered by an Indian Tribe or Tribal health organization or urban Indian organization receive consideration on an equal basis with programs that are administered directly by the Service; and

(5) Giving priority to vacancies in Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached LRP contracts entered into under this section.

Consistent with this priority ranking, in determining applications to be approved and contracts to accept, the IHS will give priority to applications made by American Indians and Alaska Natives and to individuals recruited through the efforts of Indian Tribes or Tribal or Indian organizations.

B. Review and Selection Process

Loan repayment awards will be made only to those individuals serving at facilities which have a site score of 70 or above during the first quarter of FY 2014, if funding is available.

One or all of the following factors may be applicable to an applicant, and the applicant who has the most of these factors, all other criteria being equal, will be selected.

(1) An applicant's length of current employment in the IHS, Tribal, or urban program.

(2) Availability for service earlier than other applicants (first come, first served).

(3) Date the individual's application was received.

C. Anticipated Announcement and Award Dates

Not applicable.

VI. Award Administration Information

A. Award Notices

Notice of awards will be mailed on the last working day of each month. Once the applicant is approved for participation in the LRP, the applicant will receive confirmation of his/her loan repayment award and the duty site at which he/she will serve his/her loan repayment obligation.

B. Administrative and National Policy Requirements

Applicants may sign contractual agreements with the Secretary for two years. The IHS may repay all, or a portion of the applicant's health profession educational loans (undergraduate and graduate) for tuition expenses and reasonable educational and living expenses in amounts up to $20,000 per year for each year of contracted service. Payments will be made annually to the participant for the purpose of repaying his/her outstanding health profession educational loans. Payment of health profession education loans will be made to the participant within 120 days, from the date the contract becomes effective. The effective date of the contract is calculated from the date it is signed by the Secretary or his/her delegate, or the IHS, Tribal, urban, or Buy Indian health center entry-on-duty date, whichever is more recent.

In addition to the loan payment, participants are provided tax assistance payments in an amount not less than 20 percent and not more than 39 percent of the participant's total amount of loan repayments made for the taxable year involved. The loan repayments and the tax assistance payments are taxable income and will be reported to the Internal Revenue Service (IRS). The tax assistance payment will be paid to the IRS directly on the participant's behalf. LRP award recipients should be aware that the IRS may place them in a higher tax bracket than they would otherwise have been prior to their award.

C. Contract Extensions

Any individual who enters this program and satisfactorily completes his or her obligated period of service may apply to extend his/her contract on a year-by-year basis, as determined by the IHS. Participants extending their contracts may receive up to the maximum amount of $20,000 per year plus an additional 20 percent for Federal withholding.

VII. Agency Contact

Please address inquiries to Ms. Jacqueline K. Santiago, Chief, IHS Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, Telephone: 301/443–3396 [between 8:00 a.m. and 5:00 p.m. (EST)

Monday through Friday, except Federal holidays].

VIII. Other Information

IHS Area Offices and Service Units that are financially able are authorized to provide additional funding to make awards to applicants in the LRP, but not to exceed $35,000 a year plus tax assistance. All additional funding must be made in accordance with the priority system outlined below. Health professions given priority for selection above the $20,000 threshold are those identified as meeting the criteria in 25 U.S.C. 1616a(g)(2)(A) which provides that the Secretary shall consider the extent to which each such determination:

(i) Affects the ability of the Secretary to maximize the number of contracts that can be provided under the LRP from the amounts appropriated for such contracts;

(ii) Provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

(iii) Provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the LRP.

Contracts may be awarded to those who are available for service no later than September 30, 2014, and must be in compliance with any limits in the appropriation and Section 108 of the IHCIA not to exceed the amount authorized in the IHS appropriation (up to $32,000,000 for FY 2014). In order to ensure compliance with the statutes, Area Offices or Service Units providing additional funding under this section are responsible for notifying the LRP of such payments before funding is offered to the LRP participant.

Should an IHS Area Office contribute to the LRP, those funds will be used for only those sites located in that Area. Those sites will retain their relative ranking from the national site-ranking list. For example, the Albuquerque Area Office identifies supplemental monies for dentists. Only the dental positions within the Albuquerque Area will be funded with the supplemental monies consistent with the national ranking and site index within that Area.

Should an IHS Service Unit contribute to the LRP, those funds will be used for only those sites located in that Service Unit. Those sites will retain their relative ranking from the national site-ranking list. For example, Whiteriver Service Unit identifies supplemental monies for nurses. The Whiteriver Service Unit consists of two facilities, namely the Whiteriver PHS Indian Hospital and the Cibecue Indian Health Center. The national ranking will be used for the Whiteriver PHS Indian Hospital (Score = 79) and the Cibecue Indian Health Center (Score = 95). With a score of 95, the Cibecue Indian Health Center would receive priority over the Whiteriver PHS Indian Hospital.

Dated: February 14, 2014.

Yvette Roubideaux,

Acting Director,Indian Health Service.

[FR Doc. 2014–04075 Filed 2–24–14; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Methods for Amelioration and Treatment of Pathogen-Associated Inflammatory Response

Description of Technology: This CDC invention provides methods for preventing or treating inflammatory response-linked, infection induced pathologies, which are mediated by endogenous substance P. Substance P is a naturally-occurring and major pro-inflammatory neuromediator or neuromodulator, and elevated levels of substance P have been implicated in numerous inflammation-associated diseases. More specifically, this technology entails administration of anti-substance P antibodies or anti-substance P antibody fragments to a subject in need, thereby inhibiting the activity of endogenous substance P.

Small molecule anti-inflammatory agents currently employed to treat inflammation frequently cause adverse side effects, such as gastrointestinal discomfort and decreased blood clotting efficiency. Use of steroid-based anti-inflammatory drugs may result in reduced adrenal gland function and generalized immune system inhibition. This technology specifically targets and alleviates substance P-induced hyper-inflammatory diseases, potentially avoiding the complications associated with other anti-inflammatory compounds. Blocking the activity of endogenous substance P potentially can be employed to prevent or treat a wide variety of diseases or syndromes caused in whole or part by an inflammatory response mediated by substance P. These include, but are not limited to, virus-mediated bronchiolitis including that mediated by respiratory syncytial virus, bacterial colitis, inflammation associated with chlamydial diseases, lung injury associated with staphylococcal enterotoxin B, inflammation due to cytomegalovirus or hepatitis B virus, sepsis, allergic diseases such as asthma, autoimmune diseases such as rheumatoid arthritis, pancreatitis, inflammatory bowel disease, inflammation associated with multiple sclerosis, and rejection of allografts and other transplanted tissues or organs.

Potential Commercial Applications:

- Treatment of pathogen induced inflammation, especially bronchiolitis
- Prevention or lessening of adverse effects associated with other anti-inflammatory agents
- Amelioration of pain

Competitive Advantages:

- Useful for management of numerous inflammatory-related viral and/or bacterial infections
- May reduce or circumvent adverse side effects associated with other small-molecule and/or steroid-based anti-inflammatory treatments

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors:

Ralph A. Tripp, Larry J. Anderson, Deborah D. Moore (all of CDC)

Publication:

Tripp RA, et al. Respiratory syncytial virus infection and G and/or SH protein expression contribute to substance P, which mediates inflammation and enhanced pulmonary disease in BALB/c

mice. J Virol. 2000 Feb;74(4):1614–22. [PMID 10644330]

Intellectual Property: HHS Reference No. E–236–2013/0—

- PCT Application No. PCT/US2000/001032 filed 14 Jan 2000
- US Patent No. 7,101,547 issued 05 Sep 2006
- Various international patent applications pending or issued

Licensing Contact: Whitney Blair, J.D., M.P.H.; 301–435–4937; *whitney.blair@nih.gov*

Recombinant Sulfated HIV Envelope Protein and Methods for Making Protein

Description of Technology: This technology comprises sulfated recombinant gp120 proteins and peptides. Also included are methods for producing sulfated recombinant gp120 proteins. The focus of this technology is on sulfation of two tyrosines in the V2 loop of the HIV major envelope glycoprotein, gp120, which increase the stability of gp120 and promote the synthesis of gp120 protein in its native ''closed'' conformation. Gp120 in its native form is highly sulfated; however, recombinant gp120 produced for vaccines or structural analyses typically display low levels of V2 tyrosine sulfation. Sulfation of the V2 loop results in increased binding to trimer-recognizing anti-HIV antibodies specific to the V2 loop region of gp120 (PG9, PG16, CH01, PGT145) and decreased binding of CD4. The sulfation of recombinant gp120 is accomplished by over expression of a tyrosyl sulfotransferase in the producing cell line. Preliminary experiments indicate the recombinant sulfated gp120 proteins can be used to elicit the formation of HIV neutralizing antibodies in immunized animals.

Potential Commercial Applications:

- Design of HIV vaccines
- Production of HIV vaccines
- Induction of Neutralizing Antibodies
- HIV vaccine booster protein

Competitive Advantages:

- Consistent sulfation/production of gp120
- Gp120 vaccine component with improved stability and immunogenicity
- Recombinant gp120 vaccine component in native conformation

Development Stage:

- Early-stage
- In vitro data available
- In vivo data available (animal)
- Prototype

Inventors: Paolo Lusso and Raffaello Cimbro (NIAID)

Publication:

Cimbro R, et al. Tyrosine sulfation in the second variable loop (V2) of HIV–1 gp120 stabilizes V2–V3 interaction and modulates neutralization sensitivity. Proc Natl Acad Sci USA. E-pub before print, 2014 Feb 03. [doi:10.1073/pnas.1314718111]

Intellectual Property: HHS Reference No. E–067–2012/0—PCT Application No. PCT/US2013/074801, claiming priority to U.S. Provisional Application No. 61/736,350 filed 12 Dec 2012

Related Technology: Unpublished modifications to recombinant GP120.

Licensing Contact: Cristina Thalhammer-Reyero, Ph.D., M.B.A.; 301–435–4507; *thalhamc@mail.nih.gov*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology as a HIV vaccine component or a therapeutic for treating HIV. For collaboration opportunities, please contact Bill Ronnenberg at *wronnenberg@niaid.nih.gov* or 301–451–3522.

Novel Host Target for Treatment of Hepatitis C Virus Infection

Description of Technology: The subject technology is a newly discovered Interferon-lambda 4 (IFNL4) protein found through analysis of genomic data derived from primary human hepatocytes, molecular cloning and functional annotation. The IFNL4 protein is related to but distinct from other known IFNs and its expression is inducible in conditions that mimic viral infection. Preliminary studies indicate that this protein may play a role in impaired natural and treatment induced clearance of HCV. These findings suggest that the protein can potentially be a new target for treating HCV infection.

Potential Commercial Applications:

- Novel target for treatment of HCV infection.
- Diagnostics can be developed for detection of IFNL4 mRNA or protein.
- Existing biological reagents for detection of IFNL4—expression assays, antibodies and protein.

Competitive Advantages: IFNL4 is created by a genetic variant *IFNL4-deltaG,* which is present only in a subset of individuals, suggesting that IFNL4 is not an essential protein and its functional inactivation may be well-tolerated.

Development Stage:

- Early-stage
- Pre-clinical
- In vitro data available

Inventors: Liudmila Prokunina (NCI), Thomas R. O'Brien (NCI), Brian P. Muchmore (NCI), Raymond P. Donnelly (FDA)

Publication:

Prokunina-Olsson L, et al. A variant upstream of IFNL3 (IL28B) creating novel interferon gene IFNL4 is associated with impaired clearance of hepatitis C virus. Nat Genet. 2013 Feb;45(2):164–71. [PMID 23291588]

Intellectual Property: HHS Reference No. E–217–2011/1—

- U.S. Provisional Patent Application No. 61/616,664 filed 28 Mar 2012
- International PCT Application No. PCT/US13/31624 filed 14 Mar 2013, which published as WO 2013/148272 on 03 Oct 2013

Related Technology: HHS Reference No. E–217–2011/0—

- U.S. Provisional Patent Application No. 61/543,620 filed 05 Oct 2011
- International PCT Application No. PCT/US2012/59048 filed 05 Oct 2012, which published as WO 2013/052862 on 11 Apr 2013

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov*

Collaborative Research Opportunity: The NCI Division of Cancer Epidemiology & Genetics, Laboratory of Translational Genomics, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize development of tools for detection of IFNL4 mRNA and protein and modulation of its function. For collaboration opportunities, please contact John Hewes, Ph.D. at *hewesj@mail.nih.gov*.

Knockout Mouse Models for Study of Cholesterol Biosynthesis and Metabolic Diseases

Description of Technology: The farnesoid X receptor (FXR), also known as the bile acid receptor (BAR), is expressed in high levels in the liver and intestine, and controls the synthesis and transport of bile acids, which are degradation products of cholesterol. As such, FXR is a potential drug target for a number of metabolic disorders, such as dyslipidemia, diabetes and atherosclerosis.

Available for licensing are mouse models with a total deletion of the FXR gene (FXR-null mouse), as well as mice with tissue-specific deletions of the FXR gene in the liver or in the intestine. These mice may be useful for the study of cholesterol and bile acid synthesis and their role in metabolic disease, as well as for the development of drugs targeting FXR.

Potential Commercial Applications:

- Development of FXR/BAR-based drugs for the treatment of cholesterol

disorders and metabolic diseases including dyslipidemia, diabetes and atherosclerosis.

• Study of the role of FXR in cholesterol biosynthesis and metabolic disease.

Development Stage: Early-stage

Inventor: Frank J. Gonzalez (NCI)

Publications:

1. Sinal C, et al. Targeted disruption of the nuclear receptor FXR/BAR impairs bile acid and lipid homeostasis. Cell. 2000 Sep 15;102(6):731–44. [PMID 11030617]
2. Kim I, et al. Differential regulation of bile acid homeostasis by the farnesoid X receptor in liver and intestine. J Lipid Res. 2007 Dec;48(12):2664–72. [PMID 17720959]

Intellectual Property: Research Tools—Patent protection is not being pursued for this technology:

• HHS Reference No. E–323–2001/0—a mouse line lacking the nuclear receptor FXR/BAR

• HHS Reference No. E–323–2001/1—a mouse line lacking FXR/BAR expression in the liver

• HHS Reference No. E–323–2001/2—a mouse line lacking FXR/BAR expression in the intestine

Licensing Contact: Tara L. Kirby, Ph.D.; 301–435–4426; *tarak@mail.nih.gov*

Dated: February 19, 2014.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–03957 Filed 2–24–14; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Musculoskeletal Rehabilitation Sciences Overflow.

Date: February 28, 2014.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Jo Pelham, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03941 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, January 9, 2014, 09:00 a.m. to January 9, 2014, 01:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on February 13, 2014, 79FRN8727.

The meeting date has been changed to March 7, 2014. The time and meeting location remain the same. The meeting is closed to the public.

Dated: February 19, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03939 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases, Special Emphasis Panel, Chronic Kidney Disease (CKD) Biomarkers Consortium Data Coordinating Center.

Date: March 18, 2014.

Time: 10:00 a.m. to 11:00 a.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, Customized Stem Cells for Clinical Application in Blood Disorders (R24).

Date: March 25, 2014.

Time: 1:30 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: 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, Cell and Molecular Dynamics of Hematopoiesis in Vivo (R24).

Date: March 25, 2014.

Time: 12:00 p.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: 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 19, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03938 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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 Child Health and Human Development Special Emphasis Panel; Ovarian Follicles.

Date: March 19, 2014.

Time: 12:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, NIH, 6100 Exeuctive Blvd., Rm. 5b01, Bethesda, MD 20892, (301) 435–6884, *leszczyd@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 28, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Rm. 5B01, Bethesda, MD 20892–7510, 301–435–6902, *peter.zelazowski@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 31–April 1, 2014.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 4300 Military Road, Washington, DC 20015.

Contact Person: Cathy J. Wedeen, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6100 Executive Blvd., Room 5B01–G, Bethesda, MD 20892, 301–435–6878, *wedeenc@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 2, 2014.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Rm. 5B01, Bethesda, MD 20892–7510, 301–435–6902, *peter.zelazowski@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Academic-Community Partnership Conference Series.

Date: April 4, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: David Weinberg, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, 301–435–6973, *David.Weinberg@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03932 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; 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 Center for Complementary and Alternative Medicine Special Emphasis Panel; UH2/UH3 Pragmatic Trials for Multiple Chronic Conditions.

Date: March 21, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, 401, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Martina Schmidt, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Complementary, & Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301–594–3456, *schmidma@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03929 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the NIH Advisory Board for Clinical Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section552b(c)(9)(B), Title 5 U.S.C., as amended because the premature disclosure of to discuss personnel matters and the discussions would likely to significantly frustrate implementation of recommendations.

Name of Committee: NIH Advisory Board for Clinical Research.

Date: March 31, 2014.

Open: 10:00 a.m. to 1:00 p.m.

Agenda: To review the FY15 Clinical Center Budget.

Place: National Institutes of Health,Building 10, CRC Medical Board Room 4–2551,10 Center Drive,Bethesda, MD 20892.

Closed: 1:10 p.m. to 2:00 p.m.

Agenda: To discuss personnel matters and/or issues of which the premature discloser may affect outcomes.

Place: National Institutes of Health,Building 10, CRC Medical Board Room 4–2551,10 Center Drive,Bethesda, MD 20892.

Contact Person: Maureen E. Gormley,Executive Secretary,Mark O. Hatfield Clinical Research Center,National Institutes of Health,Building 10, Room 6–2551,Bethesda, MD 20892, (301) 496–2897.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: February 20, 2014.

Michelle Trout,

Program Analyst,Office of Federal Advisory Committee Policy.

[FR Doc. 2014–04078 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; P41 Imaging Review (2014/10).

Date: May 30, 2014.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ruth Grossman, DDS, Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 960, Bethesda, MD 20892, 301–496–8775, *grossmanrs@mail.nih.gov.*

Dated: February 20, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–04080 Filed 2–24–14; 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 Small Business: Biological Chemistry, Biophysics and Drug Discovery.

Date: March 3, 2014.

Time: 8:30 a.m. to 6:00 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: Sergei Ruvinov, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892,301–435–1180, *ruvinser@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Oral, Dental and Craniofacial Sciences.

Date: March 3, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive,Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jo Pelham, BA, Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892,(301) 435–1786, *pelhamj@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: March 6, 2014.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications

Place: National Institutes of Health, 6701 Rockledge Drive,Bethesda, MD 20892.

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892,301–435–1789, *kenneth.ryan@nih.hhs.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bioengineering Sciences and Technologies: AREA Review.

Date: March 12–13, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Ping Fan, MD, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892,301–408–9971, *fanp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Hematology.

Date: March 12–13, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Bukhtiar H Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health,6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892,301–806–7314, *shahb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Biobehavioral Regulation, Learning and Ethology.

Date: March 13–14, 2014.

Time: 9:10 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: Andrea B Kelly, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892,(301) 455–1761, *kellya2@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 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03940 Filed 2–24–14; 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 17, 2014, 09:00 a.m. to February 17, 2014, 05:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on January 30, 2014, 79 FR 4936.

The meeting will be held on March 17, 2014, starting at 11:00 a.m. and ending at 05:00 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: *February 19, 2014.*

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03934 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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 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 contract proposal and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposal, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Data Analysis of Stillbirth Collaborative Research Network.

Date: March 17, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03931 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Neurodegenerative Disorders.

Date: March 18–19, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Chapel Hill Hotel, One Europa Drive, Chapel Hill, NC 27517.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P. O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Environmental Exposures and Autoimmunity.

Date: March 19, 2014.

Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute of Environmental Health Sciences, Rall Rodbell Building 101, Conference Room AB, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.
Contact Person: Janice B Allen, Ph.D., Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P. O. Box 12233, MD EC–30/Room 3170 B, Research Triangle Park, NC 27709, (919) 541–7556.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 19, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03933 Filed 2–24–14; 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, Shared High-End Mass Spectrometry Instrumentation.
Date: March 18–19, 2014.
Time: 7:00 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: Kathryn M Koeller, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892,301–435–2681, *koellerk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Biological and Bioanalytical Sciences.
Date: March 18–19, 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: Sergei Ruvinov, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892,301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory Systems.
Date: March 18–19, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The St. Regis Washington DC, 923 16th Street NW., Washington, DC 20006.
Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health,6701 Rockledge Drive, Room 4222, MSC 7812, Bethesda, MD 20892,301–435–2365, *aitouchea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Rheumatology and Dermatology.
Date: March 18–19, 2014.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Yanming Bi, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892,301–451–0996, *ybi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Training: Comparative Medicine.
Date: March 18–19, 2014.
Time: 11:00 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: Ross D Shonat, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892,301–435–2786, *ross.shonat@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Cell Biology, Developmental Biology and Bioengineering.
Date: March 19–20, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892,301–435–2902, *gubina@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Cellular and Molecular Biology of Glia Study Section.
Date: March 19, 2014.
Time: 8:00 a.m. to 6:30 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: Toby Behar, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health,6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892,(301) 435–4433, *behart@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–13–233: Aging and Inflammation.
Date: March 19, 2014.
Time: 8:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue,Bethesda, MD 20814.
Contact Person: Raya Mandler, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health,6701 Rockledge Drive, Room 5217, MSC 7840, Bethesda, MD 20892, 301–402–8228, *rayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–13–101: Shared Instrumentation: High-End Instrumentation.
Date: March 19, 2014.
Time: 10:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive,Bethesda, MD 20892.
Contact Person: Donald Wright, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892,(301) 435–8363, *wrightds@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.
Date: March 19, 2014.
Time: 11:00 a.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: Dianne Camp, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892,301–435–1044, *campdm@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR 13–213: Outcome Measures for Use in Treatment Trials for Individuals with Intellectual and Developmental Disabilities (R01).

Date: March 19, 2014.

Time: 2:00 p.m. to 3:30 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: Jane A Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health,6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892,(301) 435–4445, *doussarj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Respiratory Sciences.

Date: March 20–21, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Yuanna Cheng, MD, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892,(301)435–1195, *Chengy5@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Therapeutic Approaches to Genetic Diseases Study Section.

Date: March 20, 2014.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health,6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892,301–435–1779, *riverase@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel RFA Panel: Molecular and Cellular Substrates of Complex Brain Disorders.

Date: March 21, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Deborah L Lewis, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892,301–408–9129, *lewisdeb@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 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03927 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Demography Centers.

Date: March 24, 2014.

Time: 8:00 a.m. to 8:00 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 L. Johnson, Ph.D., Scientific Review Officer, National Institutes On Aging, National Institutes Of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 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 19, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03936 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; SBIR Topic 83: Transcatheter Pulmonary Artery Resistor.

Date: March 11, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: William J Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–435–0725, *johnsonwj@nhlbi.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Studies for Rare Thrombotic Diseases.

Date: March 20, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Michael P Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892, 301–496–9659, *reillymp@nhlbi.nih.gov.*

Name of Committee: Heart, Lung, and Blood Initial Review Group; Heart, Lung, and Blood Program Project Review Committee.

Date: March 21, 2014.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jeffrey H Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301–435–0303, *hurstj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for

Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03930 Filed 2–24–14; 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; Small Business: Cancer Drug Developments & Therapeutics.

Date: March 17–18, 2014.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–451–0131, *ltopol@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–13–008: Transformative Research Award.

Date: March 18, 2014.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John L Bowers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1725, *bowersj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–13–008: Transformative Research Award.

Date: March 18, 2014.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John L Bowers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1725, *bowersj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–204: Research in Biomedicine and Agriculture.

Date: March 18, 2014.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gary Hunnicutt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–0229, *gary.hunnicutt@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Lung Development, Lung Injury, Pulmonary Fibrosis, Immune Response and Emphysema.

Date: March 19–20, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, 301–451–8754, *nussb@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 19, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03928 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review ;Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–11–116: Specific Pathogen Free Macaque Colonies.

Date: March 11, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165,*walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Abuse.

Date: March 14, 2014.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Nicholas Gaiano, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892–7844,301–435–1033, *gaianonr@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; NeuroAIDS and other End-Organ Diseases Study Section.

Date: March 18, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Eduardo A Montalvo, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168,*montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biochemistry and Biophysical Chemistry.

Date: March 19–20, 2014.

Time: 7:00 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: David R Jollie, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 437–7927,*jollieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Dietary Chemoprevention.

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, 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; Member Conflict: Vectors and Eukaryotic Pathogens.

Date: March 20–21, 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: Fouad A El-Zaatari, Ph.D., Scientific Review Officer,Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, MSC 7808, Bethesda, MD 20892, (301) 435–1149*elzaataf@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 20, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–04077 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 a meeting of the Board of Scientific Counselors, National Advisory Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: March 16–18, 2014.

Time: 7:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alan P. Koretsky, Ph.D., Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Convent Drive, Room 6A908, Bethesda, MD 20892, (301) 435–2232, *koretskya@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 18, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03935 Filed 2–24–14; 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: Cognition and Perception.

Date: March 17, 2014.

Time: 11:30 a.m. to 3:30 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: Jane A Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cellular Biology Topics.

Date: March 19, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael H Chaitin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS-associated Opportunistic Infections and Cancer Study Section.

Date: March 21, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

Contact Person: Eduardo A Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Genetic Diseases.

Date: March 21, 2014.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dominique Lorang-Leins, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5108, MSC 7766, Bethesda, MD 20892, 301.326.9721, *Lorangd@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 19, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–03937 Filed 2–24–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N031; FXIA16710900000–145–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before March 27, 2014.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: JoAnn Holland, Indianapolis, IN; PRT–26837B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for golden parakeet (*Guarouba guarouba*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Nicolas Saarni, Willits, CA; PRT–25050B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Galapagos tortoise (*Chelonoidis nigra*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Xiang Chen, Greenwood Village, CO; PRT–25443B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Astrochelys radiata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Corey Asplundh, Pipersville, PA; PRT–26455B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) forAfrican dwarf crocodile (*Osteolaemus tetraspis*), caiman (*Caiman crocodylus),* Yacare caiman (*Caiman yacare*), and broad-snouted caiman (*Caiman latirostris*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Jeffrey Fobb, Homestead, FL; PRT–26452B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Galapagos tortoise (*Chelonoidis nigra*), radiated tortoise (*Astrochelys radiata*), spotted pond turtle (*Geoclemys hamiltonii*), yellow-spotted river turtle (*Podocnemis unifilis*), and tartaruga (*Podocnemis expansa*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Carlos Gazzolo, Bronx, NY; PRT–26382B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Astrochelys radiata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Minnesota Zoological Gardens, Apple Valley, MN; PRT–24137B

The applicant requests a permit to import two captive-born Amur tigers (*Panthera tigris altaica*) from Zoo Dvur

Kralove, Dvur Kralove nad Labem, Czech Republic, for the purpose of enhancement of the species.

Applicant: Virginia Safari Park, Natural Bridge, VA; PRT–213382

The applicant requests amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to include the families Equidae and Bovidae and species: Red ruffed lemur (*Varecia rubra*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: John Aynes, Oklahoma City, OK; PRT–29141A

The applicant requests amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to include blue-throated macaw (*Ara glaucogularis*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Recordbuck Ranch, Utopia, TX; PRT–64161A

The applicant requests amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to include Arabian oryx (*Oryx leucoryx*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Recordbuck Ranch, Utopia, TX; PRT–64797A

The applicant requests amendment and renewal of their permit authorizing interstate and foreign commerce, export, and cull of excess barasingha (*Rucervus duvaucelii*), scimitar-horned oryx (*Oryx dammah*), Arabian oryx (*Oryx leucoryx*), addax (*Addax nasomaculatus*), dama gazelle (*Nanger dama*) and red lechwe (*Kobus leche*), from the captive herd maintained at their facility, for the purpose of enhancement of the survival of the species. This notification covers activities over a 5-year period.

Applicant: Villanova University, Villanova, PA; PRT–28374B

The applicant requests a permit to import biological samples from wild White-breasted thrashers (*Ramphocinclus brachyurus*) for the purpose of enhancement of the survival of the species.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: August Herff, San Antonio, TX; PRT–22132B

Applicant: James Walkup, Dallas, TX; PRT–21493B

Applicant: William Nye, Oneida, NY; PRT–21705B

Applicant: Gregory Pipkin, Houston, TX; PRT–20341B

Applicant: Frank Beelman, Freeburg, IL; PRT–22543B

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–03975 Filed 2–24–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMF01000.L13100000.DO0000]

Notice of Intent To Prepare a Resource Management Plan Amendment and an Associated Environmental Impact Statement for the Farmington Field Office, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Farmington Field Office, Farmington, New Mexico, intends to prepare a Resource Management Plan (RMP) Amendment with an associated Environmental Impact Statement (EIS) to address issues relating to oil and gas in the Mancos Shale/Gallup Formation. This notice announces the beginning of the scoping process to solicit public comments and identify issues.

DATES: Comments may be submitted in writing until April 28, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers and the BLM web site at *http://www.blm.gov/nm/farmington.* In order to be included in the analysis, all comments must be received prior to the close of the 60-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to the oil and gas RMP Amendment/EIS for the Mancos Shale/Gallup Formation by any of the following methods:

- *Web site: http://www.blm.gov/nm/farmington.*
- *Email: BLM_NM_FFO_RMP@blm.gov.*
- *Fax:* 505–564–7608.
- *Mail:* 6251 N. College Blvd. Suite A, Farmington, NM 87402.

Documents pertinent to this proposal may be examined at the Farmington Field Office 6251 N. College Blvd. Suite A, Farmington, NM 87402.

FOR FURTHER INFORMATION CONTACT: Lindsey Eoff, Project Manager, Telephone: 505–564–7670; address: 6251 N. College Blvd. Suite A, Farmington, New Mexico 87402; email: *BLM_NM_FFO_Comments@blm.gov.* Contact Lindsey if you wish to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The RMP amendment is being developed in order to analyze the impacts of additional development in what was previously considered a fully developed oil and gas play within the San Juan Basin in northwestern New Mexico. The Mancos Shale/Gallup Formation was analyzed in the 2002 Reasonable Foreseeable Development (RFD) Scenario and current Farmington Field Office 2003 RMP/EIS. Subsequent improvements and innovations in horizontal drilling technology and multi-stage hydraulic fracturing have enhanced the economics of developing this stratigraphic horizon. With favorable oil prices, the oil play in the southern part of the Farmington Field Office boundary has drawn considerable interest and several wells are planned and being drilled. As full-field development occurs, especially in the shale oil play, additional impacts may occur that previously were not anticipated in the RFD or analyzed in the current 2003 RMP/EIS, which will require an EIS-level plan amendment and revision of the RFD for complete analysis of the Mancos Shale/Gallup Formation. The planning area is located in northwestern New Mexico, encompassing about 4 million acres,

and the analysis area encompasses about 6 million acres. The Field Office is part of the Farmington District and includes San Juan, McKinley, Rio Arriba, and Sandoval Counties. The majority of the BLM-managed land in the Field Office is located within larger tracts, with tribal, Indian allotted, scattered private, and State-owned inholdings. The area includes the larger communities of Farmington, Aztec, Bloomfield, and the smaller communities of Kirtland, Fruitland, Shiprock, Crownpoint, and Navajo Dam. Lands and mineral estate managed by the BLM for other Federal agencies, such as the U.S. Forest Service and the Bureau of Reclamation, are included in this RMP Amendment process and the analysis area. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the plan amendment area have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issues include: Public safety and hazardous materials; air quality; leasable, locatable and salable minerals; vegetation management; socio-economics; water (ground and surface); wildlife; migratory birds; special status species management; cultural resources; paleontological resources; realty and lands authorizations; and transportation and travel management. This EIS is in preparation of an RMP Amendment and not a revision, therefore, not all decisions from the 2003 RMP will be revisited. Decisions will be made related to impacts from oil and gas for the following resources and resource uses in the planning area: Air resources (air quality and climate change); soil resources; water resources (ground and surface); vegetative communities (e.g., rangelands, riparian areas, and weeds); wildlife/habitat management areas; leasable, locatable, and salable minerals; land use authorizations. Additional inventories will be conducted for lands with wilderness characteristics, transportation and travel management. All other resources are outside of the scope of this planning effort; however, impacts of the decisions for the resources being addressed will be analyzed on all affected resources. Preliminary planning criteria include:

- The Field Office will prepare the RMP Amendment in compliance with FLPMA, the Endangered Species Act, the Clean Water Act, the Clean Air Act, NEPA, and all other applicable laws, Executive Orders, and the BLM management policies.
- The Field Office will use the EIS as the analytical basis for any decision it makes to amend the RMP.
- The Field Office is developing an RFD to predict future levels of development.
- Lands covered in the RMP Amendment/EIS will be public land and split estates managed by the BLM.
- No decisions will be made relative to non-BLM administered lands.
- The Field Office will recognize valid existing rights under the RMPs, as amended.
- The Field Office will coordinate with Federal, State, and local agencies, and with tribal governments in the EIS and plan amendment process to strive for consistency with existing plans and policies, to the extent practicable.
- The Field Office will coordinate with tribal governments and provide strategies for the protection of recognized traditional uses in the EIS and plan amendment process.
- The Field Office will take into account appropriate protection and management of cultural and historic resources in the EIS and plan amendment process and will engage in all required consultation.
- The Field Office will recognize in the EIS and plan amendment the special importance of public lands to people who live in communities surrounded by public lands and the importance of public lands to the nation as a whole.
- The Field Office will make every effort to encourage public participation throughout the EIS process.
- The Field Office has the authority to develop protective management prescriptions for lands with wilderness characteristics within RMPs. As part of the public involvement process for land use planning, the BLM will consider public input regarding lands to be managed to maintain wilderness characteristics.
- Environmental protection and energy production are both desirable and necessary objectives of sound land management practices and are not to be considered mutually exclusive priorities.
- Broad-based public participation will be an integral part of the planning and EIS process. Decisions in the plan will strive to be compatible with the existing plans and policies of adjacent local, State, Federal, and tribal agencies as long as the decisions are consistent with the purposes, policies, and programs of Federal law and regulations applicable to public lands.
- The RMP Amendment/EIS will recognize the State's responsibility and authority to manage wildlife. The BLM will consult with the New Mexico Department of Game and Fish.
- The RMP Amendment/EIS will incorporate management decisions brought forward from existing planning documents.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 60-day scoping period or within 15 days after the last public meeting, whichever is later. 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.

The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;

2. Issues to be resolved through policy or administrative action; or

3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the Draft EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

Parties interested in leasing and developing Federal coal in the planning area should provide coal resource data for their area(s) of interest. Specifically, information is requested on the location, quality, and quantity of Federal coal with development potential, and on surface resource values related to the 20 coal unsuitability criteria described in 43 CFR part 3461. This information will be used for any necessary updating of coal screening determinations in the planning area. The coal screening process is described in 43 CFR 3420.1–4. Proprietary data marked as confidential may be submitted in response to this call for coal information. Please submit all proprietary information submissions to the address listed above. The BLM will treat submissions marked as ''Confidential'' in accordance with applicable laws and regulations governing the confidentiality of such information.

The BLM will use an interdisciplinary approach to develop the plan amendment in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Rangeland management, minerals and geology, outdoor recreation, archaeology, paleontology, wildlife, migratory birds, vegetation, special status species, air quality, lands and realty, hydrology, soils, sociology and economics.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

Aden L. Seidlitz,

Associate State Director.

[FR Doc. 2014–04051 Filed 2–24–14; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDC00000. 14XL1109AF. L101000000. MU0000. 241A; 4500062009]

Notice of Public Meeting, Coeur d'Alene District Resource Advisory Council Meeting; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Coeur d'Alene District Resource Advisory Council (RAC) will meet as indicated below.

DATES: March 27, 2014. The RAC meeting will begin at 9:30 a.m. and end no later than 3:30 p.m. The public comment period will be held from 11:00 a.m. to 11:30 a.m. The meeting will be held at the Coeur d'Alene BLM District Office located at 3815 Schreiber Way, Coeur d'Alene, Idaho 83815.

FOR FURTHER INFORMATION CONTACT: Suzanne Endsley, RAC Coordinator, BLM Coeur d'Alene District, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815 or telephone at (208) 769–5004.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho. The agenda will include the following main topics: The Clearwater National Forest will present a proposal to increase recreation fees at specific sites on the Forest (Recreation RAC Subcommittee will convene); updates from the Cottonwood and Coeur d'Alene Field Offices; presentations on hazardous fuels reduction and forestry projects. Additional agenda topics or changes to the agenda will be announced in local press releases. More information is available at *http://www.blm.gov/id/st/en/get_involved/resource_advisory/coeur_d_alene_district.html.*

All meetings are open to the public. The public may present written comments to the RAC in advance of the meeting or during the scheduled public forum the day of the meeting. Each formal RAC meeting has allocated time for receiving public comments. Depending upon the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the BLM as provided above.

Dated: February 14, 2014.

Kurt Pavlat,

Coeur d'Alene Field Manager.

[FR Doc. 2014–04004 Filed 2–24–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14X LLIDB00200 LF2200000.JS0000 LFESHUJ60000]

Notice of Temporary Closure on Public Lands in Elmore County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Temporary Closure.

SUMMARY: Notice is hereby given that the Pony and Elk fires temporary closures to motorized vehicles and winter uses are in effect on public lands administered by the Four Rivers Field Office, Bureau of Land Management (BLM).

DATES: The temporary motorized vehicle closure will be in effect on February 25, 2014 and will remain in effect for up to 3 years, or until rescinded or modified by the authorized officer, whichever comes first. The all-entry closure will be in effect January 1 through April 30, 2014, and January 1 through April 30, 2015. Depending on the rate of recovery of the area and condition of the wintering elk and mule deer populations, the all-entry closure may be unnecessary in 2015.

FOR FURTHER INFORMATION CONTACT: Terry Humphrey, Four Rivers Field Manager, at 3948 Development Avenue, Boise, ID 83705, via email at *thumphrey@blm.gov,* or phone 208–384–3430. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The temporary closures affect BLM-administered lands burned August 8–31, 2013, by the Pony and Elk fires, located approximately 10 miles north of Mountain Home, Idaho. The parcels of public lands affected by these closures, depicted on the Pony and Elk Fires Temporary Closure Area Map, dated

September 26, 2013, located at the Boise District BLM Office in Boise, Idaho, are situated in portions of:

T. 1 N., R. 4 E., section 1;
T. 1 N., R. 5 E., sections 1, 4, 7, 12, 13 (inclusive), 14, 18, 22, 23, 24 (inclusive), 25, 26, 27 and 28;
T. 1 N., R. 6 E., sections 6, 7, 19, 20, 29, 30, 31, 32 (inclusive), and 33 (inclusive);
T. 1 N., R. 8 E., section 30;
T. 1 N., R. 9 E., sections 1 (inclusive) and 12;
T. 2 N., R. 4 E., sections 24 and 25;
T. 2 N., R. 5 E., sections 29, 30, 31, 32, 33, and 35;
T. 2 N., R. 10 E., sections 8, 18, and 19;
T. 1 S., R. 5 E., section 1;
T. 1 S., R. 6 E., sections 1 (inclusive), 2, 3, 4, 5, 6, 7, 8, 9 (inclusive), 10, 11–12 (inclusive), 13, 14 (inclusive), 17, 20, 22, 23 (inclusive), 24, 25, 26, 27, 28, 33, 34, and 35;
T. 1 S., R. 7 E., sections 4 (inclusive), 5, 6–9 (inclusive), 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 (inclusive), 29, 30, 31, 32, 33–34 (inclusive), and 35;
T. 1 S., R. 8 E., sections 6, 27, and 31;
T. 2 S., R. 6 E., sections 1, 2–3 (inclusive), 4, 9, 10, 11, 12, and 13;
T. 2 S., R. 7 E., sections 1–4 (inclusive), 5, 6–9 (inclusive), 10, 11 (inclusive), 12, 13, 14, 15, 17, 18, 21, 22, 23, 24, 25, 26, and 27;
T. 2 S., R. 8 E., sections 4, 5, 6 (inclusive), 7, 8 (inclusive), 9, 15, 17–18 (inclusive), 19, 20, 21, and 30; Boise Meridian, Idaho.

The temporary closure area described herein encompasses approximately 54,200 acres in Elmore County, Idaho. The closures are intended to protect critical winter habitat for elk and mule deer as well as important year-long sage-grouse habitat. The motorized vehicle closure will help to slow the spread of noxious weeds; allow planted shrub, forb, and grass species to become established; and allow existing plants to recover. The all-entry closure will reduce human disturbance to wintering elk and mule deer. The closures will help ensure the long-term viability of habitat for wildlife populations in the area. The BLM will post closure signs at gates, main access points, key perimeter locations and main entry points to the closed areas. The closure notice will also be posted in the Boise District BLM office. Maps of the affected area and other documents associated with this closure are available at the Boise District BLM Office, 3948 Development Avenue, Boise, Idaho 83705 and on the BLM Idaho Web site *http://www.blm.gov/id/st/en/advisories-closures.html*. Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0–7, and 43 CFR 8364.1, the BLM will enforce the following rules within the closure:

Throughout the temporary closure period, motorized vehicles must not be used within the closed area.

Motorized vehicles are allowed within the closed area on Idaho State Highway 20, the Long Tom Reservoir Road, and roads maintained by the Mountain Home and Glenns Ferry Highway Districts.

Between January 1, 2014, and April 30, 2014, and January 1, 2015, and April 30, 2015, no unauthorized persons will be allowed in the closed area except on the aforementioned roads.

Exemptions: The following persons are exempt from this order: Federal, State, and local officers and employees in the performance of their official duties; members of organized rescue or fire-fighting forces in the performance of their official duties; and persons with written authorization from the BLM.

Penalties: Any person who violates the above rule may be tried before a United States Magistrate and fined, not to exceed $1,000, imprisoned for no more than 12 months, or both. Violators may also be subject to the enhanced fines provided for in 18 U.S.C. 3571.

Authority: 43 CFR 8360.0–7; 43 CFR 8364.1

Terry Humphrey,

Four Rivers Field Manager.

[FR Doc. 2014–04052 Filed 2–24–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR LLOPM00100 14X L63340000 HD0000 HAG14–0011]

Call for Nominations, Western Oregon, Medford District Resource Advisory Committee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior is requesting four nominations for representatives to serve on the Medford District Resource Advisory Committee (RAC). The Committee will advise the Secretary, through the Bureau of Land Management (BLM), on the selection and prioritization of projects funded under Title II of the Secure Rural Schools and Community Self-Determination Act. The BLM will accept public nominations for 45 days after the publication of this notice.

DATES: Submit nomination packages to the address listed below, on or before March 27, 2014.

ADDRESSES: Advisory Committee nomination forms are available at the BLM Medford District Office and also on *www.blm.gov/or/rac.* Send completed nomination forms to Jim Whittington, BLM Medford District Office, 3040 Biddle Road, Medford, OR 97504, 541–618–2200.

FOR FURTHER INFORMATION CONTACT: Stephen Baker, BLM Oregon State Office, P.O. Box 2965, Portland, OR 97208, 503–808–6306; *sabaker@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Secure Rural Schools and Community Self Determination Act was extended to provide stability for local counties by compensating them, in part, for the decrease in funds formerly derived from the harvest of timber on Federal lands. Pursuant to the Act, five Committees serve western Oregon BLM districts that contain Oregon and California grant lands and Coos Bay Wagon Road grant lands. Committees consist of 15 local citizens representing a wide array of interests.

The RACs provide a mechanism for local community collaboration with Federal land managers as they select projects to be conducted on Federal lands or that will benefit resources on Federal lands using funds under Title II of the Act.

Committee membership must be balanced in terms of the categories of interest represented. Prospective members are advised that membership on a RAC calls for a substantial commitment of time and energy.

Any individual or organization may nominate one or more persons to serve on the Committee. Individuals may also nominate themselves or others. Nominees must reside within one of the counties that are (in whole or in part) within the BLM District boundaries of the Committee on which membership is sought. Nominees will be evaluated based on their education, training, and experience relating to land use issues and knowledge of the geographical area of the Committee. Nominees must also demonstrate a commitment to collaborative resource decision-making. The Obama Administration prohibits individuals who are currently federally registered lobbyists from serving on all Federal Advisory Committee Act

(FACA) and non-FACA boards, committees, or councils.

The BLM is collecting nominations for persons who:

- Represent archaeological and historical interests;
- Represent nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations;
- Represent American Indian tribes within or adjacent to the area for which the committee is organized;
- Hold State elected office (or a designee).

The Medford District RAC advises Federal officials on projects associated with Federal lands within the Medford District and Klamath Falls Resource Area in the Lakeview District which includes lands in Coos, Curry, Douglas, Jackson, and Josephine Counties and small portions of west Klamath County.

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

Authority: 43 CFR 1784.4–1.

Dayne Barron,

Medford District Manager.

[FR Doc. 2014–04056 Filed 2–24–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZP02000.L51010000. ER0000.LVRWA13A3170; AZA35927]

Notice of Segregation of Public Land for the Proposed Maricopa Solar Park Project, Maricopa County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is segregating public land located in the State of Arizona from appropriation under the public land laws including the mining law, but excluding the mineral leasing or materials acts, for a period of 2 years. This is for the purpose of processing a solar energy right-of-way application. The public land contained in this segregation totals 1,849.92 acres.

DATES: This segregation is effective on February 25, 2014.

FOR FURTHER INFORMATION CONTACT: Eddie Arreola, Supervisory Project Manager; Telephone: 602–417–9505; Address: One North Central Avenue, Suite 800, Phoenix, AZ 85004–4427, or email: *earreola@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM is segregating the following described public land located in the State of Arizona, subject to valid existing rights, from appropriation under the public land laws and mining laws, but not the mineral leasing or the materials acts.

Gila and Salt River Meridian, Arizona

T. 4 S., R. 1 E.,
Sec. 34, SW¼SW¼SE¼.
T. 5 S., R. 1 E.,
sec. 2, SW¼NW¼, SW¼, and SW¼SE¼;
sec. 3;
sec. 10;
sec. 11, W½.
The area described contains approximately 1,849.92 acres.

In order to process the right-of-way application filed on the above described land and to maintain the status quo, the BLM is segregating the land under the authority contained in 43 CFR 2091.3–1(e), 43 CFR 2804.25(e), and a **Federal Register** notice published on April 30, 2013 (78 FR 25204), for a period of 2 years, subject to valid existing rights. This 2-year segregation period will commence on February 25, 2014. The public land involved in this closure will be segregated from appropriation under the public land and mining laws, but not the mineral leasing or material sale laws. It has been determined that this segregation is necessary for the orderly administration of the public land.

The segregation period will terminate and the land will automatically reopen to appropriation under the public land laws, including the mining laws, if one of the following events occurs: (1) Upon the issuance of a decision by the authorized officer granting, granting with modifications, or denying the application for a right-of-way; (2) Upon publication of a **Federal Register** notice terminating the segregation; or (3) Without further administrative action at the end of the segregation provided for in the **Federal Register** notice initiating the segregation, whichever occurs first. Any segregation made under this authority would be effective for up to 2 years, and may be extended by the BLM Arizona State Director for an additional 2 years through the issuance of a **Federal Register** notice explaining the reasons for an extension. The land to be segregated is identified in the legal description provided above.

Authority: 43 CFR 2091.3–1(e), 43 CFR 2804.25(e).

Raymond Suazo,

State Director.

[FR Doc. 2014–04055 Filed 2–24–14; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR 15008, PPNCNAMAN0, PPMPSPD1Y.YM00000]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; National Capital Region Application for Public Gathering

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service, NPS) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on February 28, 2014. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB Control Number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before March 27, 2014.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Information Collection Clearance Officer, National Park Service, 1849 C Street, NW. (2601), Washington, DC 20240 (mail); or *madonna_baucum@nps.gov* (email). Please reference OMB Control Number 1024–0021 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about

this ICR, contact Robbin Owen, National Capital Region, National Park Service, 900 Ohio Drive SW., Washington, DC 20024 (mail) or at 202–245–4715 (telephone); or Marisa Richardson via email at *Marisa_Richardson@nps.gov.* You may review the ICR online at *http://www.reginfo.gov*. Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Division of Permits Management of the National Mall and Memorial Parks issues permits for public gatherings (special events and demonstrations) held on NPS property within the National Capital Region. Regulations at 36 CFR 7.96(g) govern permits for public gatherings and implement statutory mandates to provide for resource protection and public enjoyment. These regulations reflect the special demands on many of the urban National Capital Region parks as sites for demonstrations and special events. A special event is any presentation, program, or display that is recreational, entertaining, or celebratory in nature; e.g., sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events. The term ''demonstration'' includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct that involve the communication or expression of views or grievances.

Those who want to hold a special event or demonstration must complete an Application for a Permit to Conduct a Demonstration or Special Event in Park Areas and a Waiver of Numerical Limitations on Demonstrations for White House Sidewalk and/or Lafayette Park. The current application is available online at *http://www.nps.gov/nama/planyourvisit/permits.htm*. We collect information on:

- Sponsor (name, address, telephone and fax numbers, email address, Web site address).
- Type of permit requested.
- Logistics (dates/times, location, purpose, plans, and equipment for proposed activity).
- Potential civil disobedience and traffic control issues.
- Circumstances that may warrant park rangers being assigned to the event.

Depending on the size and complexity of the activity we may require that applicants submit supporting documents, including, but not limited to: site plan, sign plan, risk management plan, evidence of liability insurance, portable toilet contract, W–9 form, and electronic funds transfer form.

II. Data

OMB Control Number: 1024–0021.

Title: National Capital Region Application for Public Gathering, 36 CFR 7.96(g).

Service Form Number(s): None.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals, organizations, businesses, and State, local, or tribal governments.

Estimated Number of Respondents: 1,750.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Activity	Number of annual responses	Completion time per response (hours)	Total annual burden hours*
Application for Public Gathering	1,750	.5	875
Site Plan	1,399	1	1,399
Sign Plan	1.399	.5	700
Risk Management Plan	1,399	1.5	2,099
Administrative Documents	1,399	.75	1,050
Totals	7,346		6,123

* rounded

Estimated Annual Nonhour Cost Burden: $139,200, associated with application fees for special events. There is no fee for applications for First Amendment activities.

III. Comments

On July 23, 2013, we published in the **Federal Register** (78 FR 44147) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on September 23, 2013. There were no comments received in response to that notice.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: February 19, 2014.

Doris Lowery,

Acting, Information Collection Clearance Officer, National Park Service.

[FR Doc. 2014–03871 Filed 2–24–14; 8:45 am]

BILLING CODE 4310–EH–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Lithium Silicate Materials and Products Containing the*

Same, DN 3001; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] 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 has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed behalf of Ivoclar Vivadent AG, Ivoclar Vivadent, Inc., Ivoclar Vivadent Manufacturing, Inc. on February 19, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithium silicate materials and products containing same. The complaint name as respondents Dentsply International Inc. of York, PA; Dentsply Prosthetics U.S. LLC a/k/a Dentsply Ceramco of York, PA; and DeguDent GmbH of Germany. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3001'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 20, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–04026 Filed 2–24–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–853]

Certain Wireless Consumer Electronics Devices and Components Thereof; Notice of Commission Determination Finding No Violation of Section 337; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found no violation of Section 337 in the above-referenced investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. 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,

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 24, 2012, based on a complaint filed by Technology Properties Limited LLC and Phoenix Digital Solutions LLC, both of Cupertino, California; and Patriot Scientific Corporation of Carlsbad, California (collectively ''Complainants''). 77 FR 51572–573 (August 24, 2012). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless consumer electronics devices and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,809,336 (''the '336 patent''). The Commission's notice of investigation named the following as respondents: Acer, Inc. of Taipei, Taiwan and Acer America Corporation of San Jose, California (collectively ''Acer''); Amazon.com, Inc. of Seattle, Washington (''Amazon''); Barnes and Noble, Inc. of New York, New York (''B&N''); Garmin Ltd of Schaffhausen, Switzerland, Garmin International, Inc. of Olathe, Kansas, and Garmin USA, Inc. of Olathe, Kansas (collectively ''Garmin''); HTC Corporation of Taoyuan, Taiwan and HTC America of Bellevue, Washington (collectively ''HTC''); Huawei Technologies Co, Ltd. of Shenzhen, China (''Huawei Tech.''); Huawei North America of Plano, Texas (''Huawei NA''); Kyocera Corporation of Kyoto, Japan and Kyocera Communications, Inc. of San Diego, California (collectively ''Kyocera''); LG Electronics, Inc. of Seoul, Republic of Korea and LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively ''LG''); Nintendo Co. Ltd. of Kyoto, Japan and Nintendo of America, Inc. of Redmond, Washington (collectively ''Nintendo''); Novatel Wireless, Inc. of San Diego, California (''Novatel''); Samsung Electronics Co., Ltd., of Seoul, Republic of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively ''Samsung''); Sierra Wireless, Inc. of British Columbia, Canada and Sierra Wireless America, Inc. of Carlsbad, California (collectively ''Sierra''); and ZTE Corporation of Shenzhen, China and ZTE (USA) Inc. of Richardson, Texas (collectively ''ZTE''). The Office of Unfair Import Investigations was named as a participating party.

The Commission later amended the Notice of Investigation to remove Huawei NA as a respondent and to add Huawei Device Co., Ltd. of Shenzhen, China; Huawei Device USA Inc. of Plano, Texas; and Futurewei Technologies, Inc. d/b/a Huawei Technologies (USA) of Plano, Texas (''new Huawei respondents'') as respondents. 78 FR 12354 (Feb. 22, 2013). The Commission later terminated respondents Sierra and Kyocera from the investigation. Notice (Feb. 4, 2013); Notice (Sept. 20, 2013). The Commission also terminated respondents Acer and Amazon from the investigation. 78 FR 71643, 71644 (Nov. 29, 2013).

The active respondents in the investigation include: B&N, Garmin, HTC, Huawei Tech., the new Huawei respondents, LG, Nintendo, Novatel, Samsung, and ZTE. Nintendo was accused of infringing only claims 1 and 11, for which the Commission determined not to review the ALJ's findings of no infringement. Id.

On September 6, 2013, the ALJ issued his final initial determination (''ID''), finding no violation of Section 337 with respect to all of the named respondents. Specifically, the ALJ found that the importation requirement of Section 337 is satisfied. The ALJ also found that none of the accused products directly or indirectly infringe the asserted claims of the '336 patent. The ALJ further found that the asserted claims of the '336 patent have not been found to be invalid. The ALJ also found that respondents have not shown that the accused LG product is covered by a license to the '336 patent. The ALJ further found that Complainants have satisfied the domestic industry requirement pursuant to 19 U.S.C. 1337(a)(3)(C) for the '336 patent because Complainants' licensing activities have a nexus to the '336 patent and because Complainants' licensing investments with respect to the '336 patent are substantial. The ALJ also found that there are no public interest issues that would preclude issuance of a remedy were the Commission to find a violation of section 337. The ALJ also issued a recommended determination, recommending that the appropriate remedy is a limited exclusion order barring entry of infringing wireless consumer electronics devices and components thereof against the active respondents. The ALJ did not recommend issuance of a cease and desist order against any respondent. The ALJ also did not recommend the imposition of a bond during the period of Presidential review. On September 12, 2013, the ALJ issued a Notice of Clarification supplementing the Final ID. Notice of Clarification Regarding Final Initial Determination (Sept. 12, 2013).

On September 23, 2013, Complainants filed a petition for review of certain aspects of the final ID concerning asserted claims 6 and 13 of the '336 patent. In particular, Complainants requested that the Commission review the ID's construction of the ''entire oscillator'' terms recited in claims 6 and 13 and the ID's infringement findings based on those limitations. Complainants also requested that the Commission review the ID's infringement findings concerning the limitations ''varying,'' ''independent,'' and ''asynchronous'' recited in claims 6 and 13. Also on September 23, 2013, the respondents who had not settled with Complainants filed a contingent petition for review of certain aspects of the final ID. In particular, the respondents requested review of the ID's finding that Complainants have satisfied the domestic industry requirement based on licensing activities. On October 17, 2013, the respondents filed a response to Complainants' petition for review. Also on October 17, 2013, Complainants filed a response to the respondents' contingent petition for review. Further on October 17, 2013, the IA filed a joint response to the private parties' petitions.

On October 17, 2013, Complainants filed a post-RD statement on the public interest pursuant to Commission Rule 210.50(a)(4). On October 23, 2013, the respondents also filed a submission pursuant to the rule. No responses from the public were received in response to the post-RD Commission Notice issued on September 9, 2013. See Notice of Request for Statements on the Public Interest (Sept. 9, 2013).

On November 25, 2013, the Commission determined to review the final ID in part with respect to the ID's findings concerning claim construction and infringement of claims 6 and 13 of the '336 patent and domestic industry. 78 FR at 71644–45. The Notice of Review included briefing questions regarding the certain issues under review. Id. The Commission determined not to review the remaining issues decided in the final ID. Id. at 71644. The Commission also extended the target

date for completion of the investigation to January 29, 2014. Id. at 71645.

On December 19, 2013, in reponse to a request from the parties, the Commission granted the parties an extension to file their reply submissions in response to the Commission's request for briefing to January 6, 2014, and further extended the target date for completion of the investigation to February 19, 2014. Notice (Dec. 19, 2013).

On December 23, 2013, the parties filed initial submissions responding to the Commission's request for briefing on review and concerning remedy, the public interest, and bonding. On January 6, 2014, the parties filed reply submissions. Several third parties filed submissions concerning the public interest, including: Sprint Spectrum, L.P.; CTIA—The Wireless Association®; and United States Cellular Corporation.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review and the responses thereto, and the parties' submissions on review, the Commission has determined to find no violation of section 337 with respect to the '336 patent.

Specifically, the Commission affirms the ID's claim constructions as to claims 6 and 13 of the '336 patent.

Regarding infringement, the Commission affirms with modification the ALJ's finding that the accused products do not satisfy the ''entire oscillator,'' ''varying,'' and ''external clock'' limitations of claims 6 and 13. Moreover, the Commission affirms the ALJ's finding that Complainants failed to prove indirect infringement because they failed to prove direct infringement.

With respect to the domestic industry requirement, the Commission finds that Complainants have satisfied the economic prong of the domestic industry requirement based on modified reasoning.

The investigation is terminated.

The Commission will issue an opinion reflecting its decision within seven days of this notice.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

Issued: February 19, 2014.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–03968 Filed 2–24–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB No. 1121–NEW]

Agency Information Collection Activities: New Proposed Collection; Comments Requested: 2013 Census of Federal, State, and Local Law Enforcement Agencies

ACTION: 30-day notice.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics (BJS), 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 proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 207, pages 64012–64013, on October 25, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden or associated response time, should be directed to the Office of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the eight digit OMB number or the title of the collection.

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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection

(2) *Title of the Form/Collection:* 2013 Census of Federal State, and Local Law Enforcement Agencies (Census).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form numbers is CJ–38. The applicable component within the Department of Justice is the Bureau of Justice Statistics, Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal, State, and Local Government. This information collection is a census of federal, state, and local publically-funded law enforcement agencies. The affected public that will be asked to respond will include approximately 18,000 State, regional, county, municipal, campus, and tribal law enforcement agencies that employ the equivalent of one full-time sworn personnel with general arrest powers and roughly 75 federal law enforcement agencies that employ personnel authorized to carry a firearm and make arrests. The information will provide national statistics on the number of sworn and civilian personnel by type of agency and functions performed by each agency.

(5) *An estimate of the total number of respondents and the average amount of time for a respondent to respond:* It is estimated that 18,000 state and local respondents will take an average of 60 minutes to complete form CJ–38. In addition, 75 federal respondents will take an average of 30 minutes to complete a shortened version of the CJ–38 (CJ–38F).

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 18,038 total annual burden hours associated with this collection.

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., Suite 1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03952 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Agency Information Collection Activities: New Collection; Certification of Compliance With the Statutory Eligibility Requirements of the Violence Against Women Act as Amended and the Prison Rape Elimination Act for Applicants to the STOP (Services* Training* Officers* Prosecutors) Violence Against Women Formula Grant Program

ACTION: 60-day notice.

The Department of Justice, Office on Violence Against Women (OVW) 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. Comments are encouraged and will be accepted for ''sixty days'' until April 28, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430.

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:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Certification of Compliance With the Statutory Eligibility Requirements of the Violence Against Women Act as Amended and the Prison Rape Elimination Act for Applicants to the STOP Formula Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: The affected public includes STOP formula grantees (50 states, the District of Columbia and five territories (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands). The STOP Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act of 1994 and reauthorized and amended by the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and the Violence Against Women Act of 2013. The purpose of the STOP Formula Grant Program is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. It envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. The Department of Justice's Office on Violence Against Women (OVW) administers the STOP Formula Grant Program funds which must be distributed by STOP state administrators according to statutory. As a result of VAWA 2013 and the penalty provision of the Prison Rape Elimination Act (PREA), States are required to certify compliance with PREA. If States cannot certify compliance, they have the option of forfeiting five percent of covered funds or executing an assurance that five percent of covered funds will be used towards coming into compliance with PREA.

(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 it will take the approximately 56 respondents (state administrators from the STOP Formula Grant Program) 10 minutes to complete a Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act, as amended and the Prison Rape Elimination Act.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the Certification is less than 10 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 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03946 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On February 19, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Montana, Billings Division, in the lawsuit entitled *United States* v. *Big Sky Linen Supply, Inc.; Billings Laundry Company,* Civil Action No. 1:14-cv-00017–SPW–CSO.

The Consent Decree resolves claims alleged by the United States on behalf of the United States Environmental Protection Agency (''EPA'') pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9607. The United States' Complaint asserts claims against Big Sky Linen Supply, Inc. and Billings Laundry Company (collectively, ''Defendants''), and seeks recovery of unreimbursed costs incurred by EPA for response actions taken at or in connection with the release or

threatened release of hazardous substances at the Billings PCE Site (''the Site'') in Billings, Yellowstone County, Montana.

Under the proposed Consent Decree, Big Sky Linen Supply, Inc., the operator of the Site, and Billings Laundry Company, the owner of the Site, will pay a total of $825,000 to the Billings PCE Site Special Account, in reimbursement of EPA's past response costs incurred through the date of entry of the Consent Decree. This amount was determined based on an analysis of Defendants' ability to pay, and includes payment from two sources: (1) Defendants' assessed ability to pay ($120,000), and (2) proceeds from an insurance settlement involving certain historic insurance policies ($705,000).

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Big Sky Linen Supply, Inc.; Billings Laundry Company,* D.J. Ref. No. 90–11–3–09585. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may also be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $14.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $10.50.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–03966 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0097]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Supplemental Information on Water Quality Considerations

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 245, page 77167 on December 20, 2013, allowing for a 60 day comment period. The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the eight digit OMB number or the title of the collection.

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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Supplemental Information on Water Quality Considerations.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5000.30. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None.

Need for Collection

ATF collects this data for the purpose of identifying waste product(s) generated as a result of explosives operations, the disposal of the products into navigable waters, and if there is any adverse impact on the environment. The information may be disclosed to other Federal, State,and local law enforcement and regulatory personnel to verify information on the form and to aid in the enforcement of environmental laws.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 680 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 340 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03948 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140–0098]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Prevent All Cigarette Trafficking (PACT) Act Registration Form

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will submit 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 proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 244, page 76859 on December 19, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov.* All comments should reference the eight digit OMB number or the title of the collection.

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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Prevent All Cigarette Trafficking (PACT) Act Registration Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* ATF F 5070.1. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or For-Profit. Other: None.

Need for Collection

The purpose of this information collection is to register delivery sellers of cigarettes and/or smokeless tobacco products with the Attorney General in order to continue to sell and/or advertise these tobacco products. Respondents will register the information on ATF F 5070.1.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 3,000 respondents will take 1 hour to complete the form.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 3,000 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03949 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140–0028]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Inventories, Licensed Explosives Importers, Manufacturers, Dealers, and Permittees

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will submit 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 proposed information collection was previously published in the **Federal Register** Volume 78, Number 244, page 76860 on December 19, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the eight digit OMB number or the title of the collection.

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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Inventories, Licensed Explosives Importers, Manufacturers, Dealers, and Permittees.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF REC 5400/1. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. Other: none.

Need for Collection

The records show the explosive material inventories of those persons engaged in various activities within the explosive industry and are used by the government as initial figures from which an audit trail can be developed during the course of a compliance inspection or criminal investigation. Licensees and permittees shall keep records on the business premises for five years from the date a transaction occurs or until discontinuance of business or operations by licensees or permittees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 10,466 respondents will take 2 hours to complete the records.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 20,932 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03947 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140–0017]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Annual Firearms Manufacturing and Exportation Report

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will submit 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 proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 244, page 76859 on December 19, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the eight digit OMB number or the title of the collection.

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.

Summary of Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Annual Firearms Manufacturing and Exportation Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5300.11. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Federal Government, State, Local, or Tribal Government.

Need for Collection

ATF collects this data for the purpose of witness qualifications, congressional investigations, court decision and disclosure and furnishing information to other Federal agencies.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 8,500 respondents will complete the form within approximately 20 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 2,833 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2014–03962 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1440–0089]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Open Letter to States With Permits That Appear To Qualify as Alternatives to NICS Checks

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will submit 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 proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 246, page 77493 on December 23, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov.* All comments should reference the eight digit OMB number or the title of the collection.

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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Open Letter to States with Permits That Appear to Qualify as Alternatives to NICS Checks.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local, or Tribal Government. Other: None.

Need for Collection

The purpose of this information collection is to ensure that only State permits that meet the statutory requirements contained in the Gun Control Act qualify as alternatives to a National Instant Criminal Background Check System (NICS) check.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 21 respondents will take 1 hour to prepare a written response to ATF.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 21 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03963 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140–0013]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Application for Tax-Exempt Transfer of Firearm and Registration to Special Occupational Taxpayer

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will submit 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 proposed information collection was previously published in the **Federal Register** Volume 78, Number 246, page 77494 on December 23, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the eight digit OMB number or the title of the collection.

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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Tax-Exempt Transfer of Firearm and Registration to Special Occupational Taxpayer.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* ATF F 3 (5320.3). Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None.

Need for Collection

The form is submitted and approved by ATF prior to the transfer of a National Firearms Act weapon from one Special Occupational Tax paying Federal firearms licensee to another special taxpaying licensee. The form is required whenever such a transfer is to be made.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 6,000 respondents will complete the form within approximately 30 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 35,250 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2014–03961 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0090]

Agency Information Collection Activities: Proposed Collection; Comments Requested; National Firearms Act (NFA)—Special Occupational Taxes (SOT)

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit 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 proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 245, page 77167 on December 20, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the eight digit OMB number of the title of the collection.

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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* National Firearms Act (NFA)—Special Occupational Taxes (SOT).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5630.5R, ATF F 5630.5RC, and ATF F 5630.7. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None.

Need for Collection

ATF F 5630.7, NFA Special Tax Registration and Return National Firearms Act is completed and returned by businesses that are subject to Special Occupational Taxes under the National Firearms Act for either initial tax payment or business information changes. This form serves as both a return and a business registration. ATF F 5630.5R, NFA Special Tax Renewal Registration and Return and ATF F 5630.5RC, NFA Special Tax Location Registration Listing are preprinted forms sent to taxpayers for Special Occupation Taxes under the National Firearms Act. Taxpayers validate/correct the information and send the forms back with payment for the applicable tax year.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 6,000 taxpayers will complete forms ATF F 5630.5R and ATF F 5630.5RC in approximately 20 minutes (10 minutes for each form). It is also estimated that 350 new taxpayers will complete ATF F 5630.7 in its entirety in approximately 15 minutes. The total number of respondents for this information collection is 6,350.

(6) *An estimate of the total burden (in hours) associated with the collection:* The total burden for ATF F 5630.5R and ATF F 5630.5RC is 2,000 hours. The total burden for ATF F 5630.7 is 88 hours. The estimated total public burden associated with this information collection is 2,088 hours.

If additional information is required contact: Jerri Murray, Department

Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03964 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0099]

Agency Information Collection Activities: Proposed Collection; Comments Requested: ATF Adjunct Instructor Data Form

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 246, page 77494, on December 23, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov*. All comments should reference the eight digit OMB number or the title of the collection.

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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* ATF Adjunct Instructor Data Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 6140.3. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: None.

Need for Collection

The information collected on ATF F 6140.3 will provide ATF with sufficient data to uniquely identify individual instructors, validate instructor topical expertise prior to training, and defend an instructor's qualifications in court regarding topical expertise.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 20 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 10 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 14, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03965 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125–0002]

Agency Information Collection Activities: Proposed Collection; Comments Requested: Notice of Appeal From a Decision of an Immigration Judge

ACTION: 60-day notice.

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) 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 proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty (60) days until April 28, 2014. This process is conducted in accordance with 5 CFR1320.10.

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 Jeff Rosenblum, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 20530; telephone: (703) 305–0470.

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 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.

(2) *Title of the Form/Collection:* Notice of Appeal from a Decision of an Immigration Judge.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form EOIR–26, Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: A party (either the U.S. Immigration and Customs Enforcement of the Department of Homeland Security or the respondent/applicant) who appeals a decision of an Immigration Judge to the Board of Immigration Appeals (Board). Other: None. Abstract: A party affected by a decision of an Immigration Judge may appeal that decision to the Board, provided that the Board has jurisdiction pursuant to 8 CFR 1003.1(b). An appeal from an Immigration Judge's decision is taken by completing the Form EOIR–26 and submitting it to the Board.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 20,141 respondents will complete the form annually with an average of thirty minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 10,070.5 total burden hours associated with this collection annually.

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 3W–1407B, Washington, DC 20530.

Dated: February 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03950 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0224]

Agency Information Collection Activities: Extension of a Currently Approved Collection; Comment Request: National Youth Gang Survey

ACTION: 30-day notice.

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) 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 proposed information collection request is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 78, Number 230, page 71665, on November 29, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 27, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, 725 17th Street NW., Washington, DC 20503. Additionally, comments may be submitted to *OIIRA_submission@omb.eop.gov*.

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.
- 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:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* National Youth Gang Survey.

3. *Agency form number, if any, and the applicable component of the department sponsoring the collection:* The Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, United States Department of Justice, is sponsoring the collection.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Local, state, or tribal law enforcement agencies.

Other: None.

Abstract: This collection will gather information related to youth and their activities for research and assessment purposes.

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 it will take 2,100 respondents approximately ten minutes each to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual burden hours to complete the certification form are fewer than 425 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 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–03951 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OVC) Docket No. 1647]

Meeting of the National Coordination Committee on the AI/AN SANE-SART Initiative

AGENCY: Office for Victims of Crime, Justice.

ACTION: Notice of meeting.

SUMMARY: The National Coordination Committee on the American Indian/Alaska Native (AI/AN) Sexual Assault Nurse Examiner (SANE)-Sexual Assault Response Team (SART) Initiative (''National Coordination Committee'' or ''Committee'') will meet to carry out its mission to provide valuable advice to assist the Office for Victims of Crime (OVC) to promote culturally relevant, victim-centered responses to sexual violence within AI/AN communities.

DATES AND LOCATIONS: The meeting will be held via Webinar on Tuesday, March 25, 2014 from 2:00–4:00 p.m. E.T. The Webinar is open to the public for participation. There will be a designated time for the public to speak, and the public can observe and submit comments in writing to Shannon May, the Designated Federal Official. Webinar space is limited. To register for the webinar, please provide your full contact information to Shannon May (contact information below).

FOR FURTHER INFORMATION CONTACT: Shannon May, Designated Federal Official (DFO) for the National Coordination Committee, Federal Bureau of Investigation, Office for Victim Assistance, 935 Pennsylvania Ave. NW., Room 3329, Washington, DC 20535; Phone: (202) 323–9468 [note: this is not a toll-free number]; Email: *shannon.may@ic.fbi.gov.*

SUPPLEMENTARY INFORMATION: The National Coordination Committee on the American Indian/Alaskan Native (AI/AN) Sexual Assault Nurse Examiner (SANE)-Sexual Assault Response Team (SART) Initiative (''National Coordination Committee'' or ''Committee'') was established by the Attorney General to provide valuable advice to OVC to encourage the coordination of federal, tribal, state, and local efforts to assist victims of sexual violence within AI/AN communities, and to promote culturally relevant, victim-centered responses to sexual violence within those communities.

Webinar Agenda: The agenda will include: (a) Traditional welcome and introductions; (b) remarks from the Director of OVC; (c) updates on OVC, FBI, and IHS efforts since the November 19, 2013, Committee meeting via webinar; (d) Committee review and discussion of its proposed recommendations report to the U.S. Attorney General; (e) comments by members of the public; and (f) a traditional closing.

Shannon May,

Project Manager—Victims of Crime, National Coordinator, AI/AN SANE-SART Initiative, Designated Federal Official—National Coordination Committee, Federal Bureau of Investigation, Office for Victim Assistance.

[FR Doc. 2014–04072 Filed 2–24–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0041]

Southwest Research Institute: Request for Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces Southwest Research Institute's (SWRI) application containing a request for renewal of recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 12, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit a copy of comments and any attachments to the OSHA Docket Office, Docket No. OSHA–2006–0041, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TDY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2006–0041). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at *http://www.regulations.gov.*

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before March 12, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, phone (202) 693–2110, or email at *johnson.david.w@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition

and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL that details its scope of recognition available at *http://www.osha.gov/dts/otpca/nrtl/index.html*.

OSHA processes applications by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA, not less than nine months, or no more than one year, before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information the NRTL wishes to submit to demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL's headquarters and key sites within the past 18 to 24 months, it will schedule the necessary on-site assessments prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicit comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

SWRI initially received OSHA recognition as an NRTL on July 13, 1993 (58 FR 37752). SWRI's most recent renewal was on February 28, 2007, for a five-year period ending on February 28, 2012. SWRI submitted a timely request for renewal, dated May 26, 2011 (see Ex. OSHA–2006–0041–0002), and retains its recognition pending OSHA's final decision in this renewal process. The current address of the SWRI facility recognized by OSHA and included as part of the renewal request is Southwest Research Institute, 6220 Culebra Road, Post Office Drawer 28510, San Antonio, Texas 78238.

II. Notice of Preliminary Findings

OSHA is providing notice that SWRI is applying for renewal of its current recognition as a NRTL. This renewal covers SWRI's existing NRTL scope of recognition. OSHA evaluated SWRI's application for renewal and preliminarily determined that SWRI can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is making a determination that it does not need to conduct an on-site review of SWRI's facilities based on its evaluations of SWRI's application and all other available information. This information includes OSHA's most recent audit of SWRI conducted on February 28–29, 2012, in which the auditors found some non-conformances with the requirements of 29 CFR 1910.7. SWRI addressed these issues sufficiently to meet the applicable NRTL requirements. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comment as to whether SWRI meets the requirements of 29 CFR 1910.7 for renewal of their recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 30 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in SWRI's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0041.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend whether to grant SWRI's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 19, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–03919 Filed 2–24–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET Laboratories, Inc.: Request for Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces MET Laboratories, Inc.'s (MET), application containing a request for renewal of recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 12, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit a copy of comments and any attachments to the OSHA Docket Office, Docket No. OSHA–2006–0028, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TDY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The

hours of operation for the OSHA Docket Office are 8:15 a.m.—4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2006–0028). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at *http://www.regulations.gov.*

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before March 12, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, phone (202) 693–2110, or email at *johnson.david.w@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL that details its scope of recognition available at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

OSHA processes applications by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA, not less than nine months, or no more than one year, before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information the NRTL wishes to submit to demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL's headquarters and key sites within the past 18 to 24 months, it will schedule the necessary on-site assessments prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicit comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

MET initially received OSHA recognition as an NRTL on May 16, 1989 (54 FR 21136). MET's most recent renewal was on May 23, 2002, for a five-year period ending on May 23, 2007. MET submitted a timely request for renewal, dated June 06, 2006 (see Ex. OSHA–2006–0028–0004), and retains its recognition pending OSHA's final decision in this renewal process. The current address of the MET facility recognized by OSHA and included as part of the renewal request is MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, Maryland 21230.

II. Notice of Preliminary Findings

OSHA is providing notice that MET is applying for renewal of its current recognition as a NRTL. This renewal covers MET's existing NRTL scope of recognition. OSHA evaluated MET's application for renewal and preliminarily determined that MET can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is making a determination that it does not need to conduct an on-site review of MET's facilities based on its evaluations of MET's application and all other available information. This information includes OSHA's most recent audit of MET conducted on September 26–28, 2012, in which the auditors found some non-conformances with the requirements of 29 CFR 1910.7. MET addressed these issues sufficiently to meet the applicable NRTL requirements. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comment as to whether MET meets the requirements of 29 CFR 1910.7 for renewal of their recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 30 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in MET's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0028.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend whether to grant MET's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 19, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–03920 Filed 2–24–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0025]

Underwriters Laboratories, Inc.: Request for Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the Underwriters Laboratories, Inc. (UL), application containing a request for renewal of recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 12, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit a copy of comments and any attachments to the OSHA Docket Office, Docket No. OSHA–2009–0025, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TDY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2009–0025). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at *http://www.regulations.gov.*

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before March 12, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, phone (202) 693–2110, or email at *johnson.david.w@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL that details its scope of recognition available at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

OSHA processes applications by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA, not less than nine months, or no more than one year, before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information the NRTL wishes to submit to demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL's headquarters and key sites within the past 18 to 24 months, it will schedule the necessary on-site assessments prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicit comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

UL initially received OSHA recognition as an NRTL on June 13, 1988, referenced in a **Federal Register** notice dated June 29, 1995 (60 FR 33852). UL's most recent renewal was on May 08, 2002, for a five-year period ending on May 08, 2007. UL submitted a timely request for renewal, dated July 27, 2006 (see Ex. OSHA–2009–0025–0003), and retains its recognition pending OSHA's final decision in this renewal process. The current addresses of the UL facilities recognized by OSHA and included as part of the renewal request are:

(1) UL Northbrook, 333 Pfingsten Road, Northbrook, Illinois 60062;

(2) UL International Netherlands B.V., Delta 1A, Business Park IJsseloord 2, Arnhem, Netherlands 6825 ML;

(3) UL International Italia S.r.l., Via Archimede, 42, Agrate Brianza, Italy 20041;

(4) UL International Services, Ltd. Taiwan, 1st Floor, 260 Da-Yeh Road, Pei Tou District, Taipei City, Taiwan 112;

(5) UL Japan, 4383–326 Asam-cho, Ise-shi, Japan 516–0021;

(6) UL San Jose, 455 Trimble Road, San Jose, California 95131;

(7) UL Melville, 1285 Walt Whitman Road, Mellville, New York 11747;

(8) UL International Germany GmbH, Admiral-Rosendahl-Strasse 9, 23, Neu-Isenburg 63263;

(9) UL Canada, 7 Underwriters Road, Toronto, Ontario, Canada MiR 3A9;

(10) UL Research Triangle Park, 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, North Carolina 27709;

(11) UL International Denmark A/S, Borupvang 5A, Ballerup, Denmark DK–2750;

(12) UL International UK Ltd., Wonersh House; The Guildway; Old Portsmouth Road, Guilford, Surrey, United Kingdom, GU3 1LR;

(13) UL International Limited Hong Kong, 18th Floor, Delta House, 3 On Yiu Street, Shatin, Hong Kong;

(14) UL Camas, 2600 NW. Lake Road, Camas, Washington 98607; and

(15) UL Korea, 33rd Floor Gangnam Finance Center, 737 Yeoksam-dong Gangnam-gu, Seoul, Korea 135–984.

II. Notice of Preliminary Findings

OSHA is providing notice that UL is applying for renewal of its current recognition as an NRTL. This renewal covers UL's existing NRTL scope of recognition. OSHA evaluated UL's application for renewal and preliminarily determined that UL can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is making a determination that it does not need to conduct an on-site review of UL's facilities based on its evaluations of UL's application and all other available information. This information includes OSHA's most recent audits of UL's headquarters, UL Northbrook, conducted on September 10–11, 2013, and on April 4–7, 2011, in which the auditors found some non-conformances with the requirements of 29 CFR 1910.7. UL addressed these issues sufficiently to meet the applicable NRTL requirements.

OSHA staff also performed audits of the UL International Services, Ltd. Taiwan site on November 6–7, 2008; of the UL Melville site on October 20–22, 2008; of the UL International Germany GmbH on June 22–23, 2009; of the UL Research Triangle Park on February 14–15, 2013; of the UL International Denmark A/S, on June 22–23, 2008 and on April 22–23, 2013; of the UL International UK Ltd. On April 18–19, 2011; and of the UL International Limited Hong Kong on November 3–4, 2008. The auditors found some non-conformances with the requirements of 29 CFR 1910.7. UL addressed these issues sufficiently to meet the applicable NRTL requirements. This preliminary finding does not constitute an interim or temporary approval of the application for renewal.

OSHA welcomes public comment as to whether UL meets the requirements of 29 CFR 1910.7 for renewal of their recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 30 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in UL's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2009–0025.

The NRTL Program staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend whether to grant UL's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 19, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–03918 Filed 2–24–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS International, Inc.: Request for Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice

SUMMARY: In this notice, OSHA announces SGS North America, Inc.'s (SGS), application containing a request for renewal of recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 12, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit a copy of comments and any attachments to the OSHA Docket Office, Docket No. OSHA–2006–0040, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TDY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2006–0040). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at *http://www.regulations.gov.*

5. *Docket:* To read or download submissions or other material in the

docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before March 12, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, phone (202) 693–2110, or email at *johnson.david.w@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL that details its scope of recognition available at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

OSHA processes applications by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA, not less than nine months, or no more than one year, before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information the NRTL wishes to submit to demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL's headquarters and key sites within the past 18 to 24 months, it will schedule the necessary on-site assessments prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicit comments from the public. OSHA then publishes a final **Federal Register** notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

SGS initially received OSHA recognition as an NRTL on March 23, 1993 (58 FR 15509). SGS's most recent renewal was on August 28, 1998, for a five-year period ending on August 28, 2003. SGS submitted a timely request for renewal, dated October 16, 2002 (see Ex. OSHA–2006–0040–0007), and retains its recognition pending OSHA's final decision in this renewal process. The current address of the SGS facility recognized by OSHA and included as part of the renewal request is SGS North America, Inc., 620 Old Peachtree Road, Suwanee, Georgia 30024.

II. Notice of Preliminary Findings

OSHA is providing notice that SGS is applying for renewal of its current recognition as a NRTL. This renewal covers SGS's existing NRTL scope of recognition. OSHA evaluated SGS's application for renewal and preliminarily determined that SGS can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is making a determination that it does not need to conduct an on-site review of SGS's facilities based on its evaluations of SGS's application and all other available information. This information includes OSHA's most recent audit of SGS conducted on November 14–16, 2012, in which the auditors found some non-conformances with the requirements of 29 CFR 1910.7. SGS addressed these issues sufficiently to meet the applicable NRTL requirements. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comment as to whether SGS meets the requirements of 29 CFR 1910.7 for renewal of their recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 30 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in SGS's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0040.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend whether to grant SGS's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 19, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–03923 Filed 2–24–14; 8:45 am]

BILLING CODE 4510–26–P

LIBRARY OF CONGRESS

United States Copyright Office

[Docket No. 2014–2]

Study on the Right of Making Available; Comments and Public Roundtable

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Request for comments and notice of public roundtable.

SUMMARY: The United States Copyright Office is undertaking a study at the request of Congress to assess the state of U.S. law recognizing and protecting ''making available'' and ''communication to the public'' rights for copyright holders. The Office is requesting public comments on how the existing bundle of rights under Title 17 covers the making available and communication to the public rights, how foreign laws have addressed such rights, and the feasibility and necessity of amending U.S. law to strengthen or clarify our law in this area. The Copyright Office also will hold a public roundtable to discuss these topics and to provide a forum for interested parties to address the issues raised by the comments received.

DATES: Comments are due on or before April 4, 2014. The public roundtable will be held on May 5, 2014, from 9:00 a.m. to 5:00 p.m. EDT.

ADDRESSES: All comments should be submitted electronically. To submit comments, please visit *http://www.copyright.gov/docs/making_available/*. The Web site interface requires submitters to complete a form specifying name and organization, as applicable, and to upload comments as an attachment via a browser button. To meet accessibility standards, commenting parties must upload comments in a single file not to exceed six megabytes (''MB'') in one of the following formats: The Portable Document File (''PDF'') format that contains searchable,accessible text (not an image); Microsoft Word; WordPerfect; Rich Text Format (''RTF''); or ASCII text file format (not a scanned document). The form and face of the comments must include both the name of the submitter and organization. The Office will post all comments publicly on the Office's Web site exactly as they are received, along with names and organizations.

The public roundtable will take place in the Copyright Office Hearing Room, LM–408 of the Madison Building of the Library of Congress, 101 Independence Avenue SE., Washington, DC 20559. The Copyright Office strongly prefers that requests for participation be submitted electronically. A participation request form will be posted on the Copyright Office Web site at *http://www.copyright.gov/docs/making_available/* on or about April 7, 2014. If electronic submission of comments or requests for participation is not feasible, please contact the Office at 202–707–1027 for special instructions.

FOR FURTHER INFORMATION CONTACT: Maria Strong, Senior Counsel for Policy and International Affairs, by telephone at 202–707–1027 or by email at *mstrong@loc.gov*, or Kevin Amer, Counsel for Policy and International Affairs, by telephone at 202–707–1027 or by email at *kamer@loc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The WIPO Internet Treaties—the WIPO Copyright Treaty(''WCT'') [1] and the WIPO Performances and Phonograms Treaty (''WPPT'') [2]—require member states to recognize the rights of ''making available'' and ''communication to the public'' in their national laws. The treaties obligate member states to give authors of works, producers of sound recordings, and performers whose performances are fixed in sound recordings the exclusive right to authorize the transmission of their works and sound recordings, including through interactive platforms, such as the Internet, where the public can choose where and when to access them. In the specific context of interactive, on-demand situations, WCT Article 8 and WPPT Articles 10 and 14 provide treaty members with flexibility in the manner in which they implement this right.[3]

The United States implemented the WIPO Internet Treaties through the Digital Millennium Copyright Act (''DMCA'') in 1998.[4] Based on advice received from the Copyright Office, among many other experts, Congress did not amend U.S. law to include explicit references to ''making available'' and ''communication to the public,'' concluding that Title 17 already provided those rights.[5] As former Register of Copyrights Marybeth Peters observed:

> While Section 106 of the U.S. Copyright Act does not specifically include anything called a ''making available'' right, the activities involved in making a work available are covered under the exclusive rights of reproduction, distribution, public display and/or public performance. . . . Which of these rights are invoked in any given context will depend on the nature of the ''making available'' activity.[6]

Indeed, both Congress and the Executive Branch have continued to support this view since the enactment of the DMCA.[7]

[1] WIPO Copyright Treaty art. 8, Dec. 20, 1996, 36 I.L.M. 65 (''Without prejudice to the provisions of Articles 11(1)(ii), 11*bis*(1)(i) and (ii), 11*ter*(1)(ii), 14(1)(ii) and 14*bis*(1) of the Berne Convention, authors of literary and artistic works shall enjoy the exclusive right of authorizing any communication to the public of their works, by wire or wireless means, including the making available to the public of their works in such a way that members of the public may access these works from a place and at a time individually chosen by them.'') (text of Agreed Statement omitted). WCT Article 8 is entitled ''Right of Communication to the Public.''

[2] WIPO Performances and Phonograms Treaty arts. 10, 14, Dec. 20, 1996, 36 I.L.M. 76. Articles 10 and 14 provide the making available right to performers whose performances are fixed in sound recordings (phonograms) and to producers of sound recordings. The separate ''communication to the public'' provision in the WPPT (Article 15) involves a right of remuneration, and is not the same ''communication to the public'' right found in the Berne Convention and WCT Article 8.

[3] This flexible approach is known as the ''umbrella solution.'' *See* Mihály Ficsor, World Intellectual Property Organization, Guide to the Copyright and Related Rights Treaties Administered by WIPO and Glossary of Copyright and Related Rights Terms 209 (2003) (WCT Article 8's umbrella solution allows treaty members to implement the making available right through ''a right other than the right of communication to the public or through the combination of different rights''); *id.* at 247–48 (WPPT Articles 10 and 14 apply umbrella solution ''in a fully fledged manner incorporating the neutral description of interactive digital transmissions directly'').

[4] Public Law 105–304, 112 Stat. 2860 (1998).

[5] *See* H.R. Rep. No. 105–551, at 9 (1998) (''The treaties do not require any change in the substance of copyright rights or exceptions in U.S. law.''); *see also WIPO Copyright Treaties Implementation Act and Online Copyright Liability Limitation Act: Hearing on H.R. 2281 & H.R. 2180 Before the H.R. Subcomm. on Courts and Intellectual Property of the Comm. on the Judiciary,* 105th Cong. 43 (1997) (Register of Copyrights advised Congress that there was ''no need to alter the nature and scope of the copyrights and exceptions, or change the substantive balance of rights embodied in the Copyright Act''). More recent research into the legislative history of U.S. law by Professor David Nimmer and Professor Peter Menell has provided additional textual support regarding Congress's views on the breadth of existing U.S. law and the broad scope of the making available right. *See Melville B. Nimmer & David Nimmer,* 2 Nimmer On Copyright § 8.11 (2012); Peter S. Menell, *In Search of Copyright's Lost Ark: Interpreting the Right to Distribute in the Internet Age,* 59 J. Copyright Soc'y U.S.A. 1, 50–51 (2011).

[6] *Piracy of Intellectual Property on Peer-to-Peer Networks: Hearing Before the Subcomm. on Courts, the Internet, and Intellectual Property of the H. Comm. on the Judiciary,* 107th Cong. 114 (2002) (letter from Marybeth Peters, Register of Copyrights, United States Copyright Office).

[7] *See* Internet Policy Task Force, U.S. Dep't of Commerce, Copyright Policy, Creativity, and Innovation in the Digital Economy 15–16 (2013), *available at http://www.uspto.gov/news/publications/copyrightgreenpaper.pdf* (noting that Copyright Act's distribution right was intended to include ''the mere offering of copies to the public'' and that contrary judicial decisions ''predate . . .

Continued

The lack of explicit references to these rights in U.S. law, however, has led some courts and commentators to express uncertainty over how the existing rights in Title 17 may apply to various methods of making of copyrighted works available to the public, including in the digital environment. Especially in the Internet era, in any given case several of these rights (reproduction, distribution, public performance, and public display) may be at issue, depending on the facts involved.

Courts, academics, and practitioners particularly have focused on the scope of the distribution right under Section 106 and have debated whether it fully encompasses the making available of a copyrighted work without proof of an actual distribution.[8] For example, two early Eighth and Fourth Circuit cases discussing making available yielded conflicting results. The Eighth Circuit in *National Car Rental System, Inc.* v. *Computer Associates International, Inc.* rejected the notion that making a work available without more violated the distribution right.[9] The principal authority to the contrary is the Fourth Circuit's decision in *Hotaling* v. *Church of Jesus Christ of Latter-Day Saints,* in which the defendants made several unauthorized microfiche copies of genealogical research materials, one of which ended up in a library collection.[10] The library did not keep records of public use, and therefore there was no evidence of the copy being loaned to the public.[11] The court found that making a work available to the public constituted distribution because ''[w]hen a public library adds a work to its collection, lists the work in its index or catalog system, and makes the work available to the borrowing or browsing public, it has completed all the steps necessary for distribution to the public.'' [12]

A recent Tenth Circuit decision, *Diversey* v. *Schmidly,*[13] followed *Hotaling*'s conclusion that making a work available to the public constitutes distribution under Section 106(3). *Diversey* involved a similar situation to *Hotaling* and addressed a library lending an unauthorized copy of a work to the public. The Tenth Circuit noted, however, that there has not been consensus on *Hotaling*'s applicability to Internet file-sharing cases, and the court avoided extending its holding to those digital situations.[14]

Other courts have addressed the scope of the distribution right in the online context and have reached similarly conflicting results. The Ninth Circuit in *A&M Records* v. *Napster, Inc.* concluded that distribution encompasses ''making available,'' observing that ''Napster users who upload file names to the search index for others to copy violate plaintiffs' distribution rights.'' [15] Other courts have disagreed and required actual distribution. Thus, the court in *London-Sire Records, Inc.* v. *Doe 1,* which considered infringement of the distribution right through peer-to-peer file sharing, cast doubt on *Hotaling,* asserting that ''[m]erely because the defendant has 'completed all the steps necessary for distribution' does not necessarily mean that a distribution has actually occurred.'' [16] Notably, however, while the *London-Sire* court required actual distribution, it did not require direct evidence of dissemination over peer-to-peer networks, holding instead that a reasonable fact-finder may infer that distribution actually took place where the defendant has completed all necessary steps for a public distribution.[17] Other courts have also relied on the language of Section 106(3) to require actual distribution in order to find a violation of that right.[18]

In sum, while Congress and the Copyright Office have agreed that U.S. law covers the making available right of the WCT, courts have encountered difficulties in evaluating the scope of this interactive right, and the level of evidence needed to establish liability, in the specific cases before them.[19]

In a letter dated December 19, 2013, Representative Melvin L. Watt requested that the Copyright Office ''assess the state of U.S. law recognizing and protecting 'making available' and 'communicating to the public' rights for copyright holders. . . . In light of the rapidly changing technology and inconsistency in the various court discussions of these rights . . . it is important that the Copyright Office study the current state of the law in the United States.'' Specifically, Representative Watt asked the Office to review and assess: ''(1) How the existing bundle of exclusive rights under Title 17 covers the making available and communication to the public rights in the context of digital on-demand transmissions such as peer-to-peer networks, streaming services, and music downloads, as well as more broadly in the digital environment; (2) how foreign laws have interpreted and implemented the relevant provisions of the WIPO Internet Treaties; and (3) the feasibility and necessity of amending U.S. law to strengthen or clarify our law in this area.''

On January 14, 2014, the House Judiciary Committee's Subcommittee on Intellectual Property, Competition, and the Internet held a hearing during which two witnesses were asked to address the issue of the making available right.[20] These witnesses expressed a variety of views on whether current U.S. copyright law provides sufficient clarity on this issue and whether adding an explicit making available right to Title 17 would

recent academic scholarship'' on ''previously unanalyzed legislative history'').

[8] The Section 106 distribution right is far broader than the new distribution right afforded under the WIPO Treaties (WCT art. 6 and WPPT arts. 8, 12).

[9] 991 F.2d 426, 430 (8th Cir. 1993) (''[W]e cannot conclude that an allegation that National 'permitted the use' necessarily amounts to an allegation of the actual distribution of a copy of the program.'').

[10] 118 F.3d 199, 202 (4th Cir. 1997).

[11] *Id.* at 203.

[12] *Id.*

[13] *Diversey* v. *Schmidly,* No. 13–2058, 2013 U.S. App. LEXIS 25506, at *12–13 (10th Cir. Dec. 23, 2013).

[14] *Id.* at *13–14 n.7.

[15] *A&M Records, Inc.* v. *Napster, Inc.,* 239 F.3d 1004, 1014 (9th Cir. 2001); *see also Universal City Studios Prods. LLLP* v. *Bigwood,* 441 F. Supp. 2d 185, 190 (D. Me. 2006) (''[B]y using KaZaA to make copies of the Motion Pictures available to thousands of people over the internet, Defendant violated Plaintiffs' exclusive right to distribute the Motion Pictures.''); *Warner Bros. Records, Inc.* v. *Payne,* 2006 U.S. Dist. LEXIS 65765, at *8 (W.D. Tex. 2006) (''Listing unauthorized copies of sound recordings using an online file-sharing system constitutes an offer to distribute those works, thereby violating a copyright owner's exclusive right of distribution.'').

[16] 542 F. Supp. 2d 153, 168 (D. Mass. 2008) (quoting *Hotaling,* 118 F.3d at 203).

[17] *Id.* at 169.

[18] *See Capitol Records, Inc.* v. *Thomas,* 579 F. Supp. 2d 1210, 1218 (D. Minn. 2008) (concluding it was bound by the holding in *National Car* and stating that although ''the Copyright Act does not offer a uniform definition of 'distribution' . . . Congress's choice to not include offers to do the enumerated acts or the making available of the work indicates its intent that an actual distribution or dissemination is required in § 106(3)''); *Atlantic Recording Corp.* v. *Howell,* 554 F. Supp. 2d 976, 983 (D. Ariz. 2008) (''The statute provides copyright holders with the exclusive right to distribute 'copies' of their works to the public 'by sale or other transfer of ownership, or by rental, lease, or lending.' Unless a copy of the work changes hands in one of the designated ways, a 'distribution' under § 106(3) has not taken place. Merely making an unauthorized copy of a copyrighted work available to the public does not violate a copyright holder's exclusive right of distribution.'').

[19] As noted, in addition to the distribution right, the right of making available also implicates the rights of reproduction, public performance, and public display. The Supreme Court recently grated certiorari in a case involving the scope of the public performance right in the context of online streaming of broadcast television programs. *See Am. Broad. Cos., Inc.* v. *Aereo, Inc.,* 82 U.S.L.W. 3241 (U.S. Jan. 10, 2014) (No. 13–461). Oral argument is scheduled for April 22, 2014.

[20] *See The Scope of Copyright Protection: Hearing Before the Subcomm. on Intellectual Property, Courts, & the Internet of the H. Comm. on the Judiciary,* 113th Cong. (2014), *available at http://judiciary.house.gov/index.cfm/2014/1/the-scope-of-copyright-protection.*

be beneficial.[21] They agreed, however, that current law is properly construed to provide such protection.[22]

II. Request for Comment

In light of uncertainty among some courts regarding the nature and scope of the making available and communication to the public rights, and to facilitate the study requested by Representative Watt, the Copyright Office seeks public comments on the three main issues listed above. The Office poses additional questions on these three topics below, and requests that commenters identify the questions they are answering in their responses.

1. Existing Exclusive Rights Under Title 17

a. How does the existing bundle of exclusive rights currently in Title 17 cover the making available and communication to the public rights in the context of digital on-demand transmissions such as peer-to-peer networks, streaming services, and downloads of copyrighted content, as well as more broadly in the digital environment?

b. Do judicial opinions interpreting Section 106 and the making available right in the framework of tangible works provide sufficient guidance for the digital realm?

2. Foreign Implementation and Interpretation of the WIPO Internet Treaties

a. How have foreign laws implemented the making available right (as found in WCT Article 8 and WPPT Articles 10 and 14)? Has such implementation provided more or less legal clarity in those countries in the context of digital distribution of copyrighted works?

b. How have courts in foreign countries evaluated their national implementation of the making available right in these two WIPO treaties? Are there any specific case results or related legislative components that might present attractive options for possible congressional consideration?

3. Possible Changes to U.S. Law

a. If Congress continues to determine that the Section 106 exclusive rights provide a making available right in the digital environment, is there a need for Congress to take any additional steps to clarify the law to avoid potential conflicting outcomes in future litigation? Why or why not?

b. If Congress concludes that Section 106 requires further clarification of the scope of the making available right in the digital environment, how should the law be amended to incorporate this right more explicitly?

c. Would adding an explicit ''making available'' right significantly broaden the scope of copyright protection beyond what it is today? Why or why not? Would existing rights in Section 106 also have to be recalibrated?

d. Would any amendment to the ''making available'' right in Title 17 raise any First Amendment concerns? If so, how can any potential issues in this area be avoided?

e. If an explicit right is added, what, if any, corresponding exceptions or limitations should be considered for addition to the copyright law?

If there are any pertinent issues not discussed above, the Office encourages interested parties to raise those matters in their comments.

III. Public Roundtable

On May 5, 2014, the Copyright Office will hold a public roundtable to hear stakeholder views and to initiate discussion of the three topics identified above. The agenda and the process for submitting requests to participate in the public roundtable will be available on the Copyright Office Web site on or about April 7, 2014.

IV. Requests To Participate

Requests to participate in the public roundtable should be submitted online at *http://www.copyright.gov/docs/making_available/*. Nonparticipants who wish to attend and observe the discussion should note that seating is limited and, for nonparticipants, will be available on a first come, first served basis.

Dated: February 20, 2014.

Maria A. Pallante,

Register of Copyrights.

[FR Doc. 2014–04104 Filed 2–24–14; 8:45 am]

BILLING CODE 1410–30–P

[21] *See* Statement of David Nimmer, Professor, UCLA School of Law, *The Scope of Copyright Protection, supra* note 20 (''Nimmer Statement''); Statement of Glynn S. Lunney, Jr., Professor, Tulane University School of Law, *The Scope of Copyright Protection, supra* note 20 (''Lunney Statement''). These witness statements are available at *http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=101642*.

[22] *See* Nimmer Statement at 2–3; Lunney Statement at 1–4.

MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION

Cancellation of a Meeting of the Military Compensation and Retirement Modernization Commission

AGENCY: Military Compensation and Retirement Modernization Commission.

ACTION: Notice of cancellation of public meetings and town hall meeting.

SUMMARY: This notice cancels the hearings and town hall that were to be held on Tuesday, February 25, 2014.

DATES: The public hearings and town hall originally scheduled for Tuesday, February 25, 2014, are cancelled.

ADDRESSES: The hearings and town hall were to be held Tuesday, February 25, 2014 at the Embassy Suites Fayetteville Fort Bragg, 4760 Lake Valley Drive, Fayetteville, North Carolina 28303.

FOR FURTHER INFORMATION CONTACT: Christopher Nuneviller, Associate Director, Military Compensation and Retirement Modernization Commission, P.O. Box 13170, Arlington VA 22209, telephone 703–692–2080, fax 703–697–8330, email *christopher.nuneviller@mcrmc.gov*.

SUPPLEMENTARY INFORMATION: A notice of public hearings and town hall meeting that appeared in the **Federal Register** on February 18, 2014 (79 FR 9285) announced that the Military Compensation and Retirement Modernization Commission (Commission) was to hold public hearings and a town hall meeting on Tuesday, February 25, 2014, to seek the views of service members, retirees, their beneficiaries and other interested parties regarding pay, retirement, health benefits and quality of life programs of the Uniformed Services. The Commission was to also hear from senior commanders of local military commands and their senior enlisted advisors, unit commanders and their family support groups, local medical and education community representatives, and other quality of life organizations.

The public hearings and town hall meeting will be rescheduled for a later date.

Christopher Nuneviller,

Associate Director, Administration and Operations.

[FR Doc. 2014–04126 Filed 2–24–14; 8:45 am]

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NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Renew an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and Request for Comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

DATES: Written comments on this notice must be received by April 28, 2014 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

For Additional Information: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (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. You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Title of Collection: NSF Surveys to Measure Customer Service Satisfaction.

OMB Number: 3145–0157.

Expiration Date of Approval: September 30, 2014.

Type of Request: Intent to seek approval to renew an information collection.

Abstract:

Proposed Project: On September 11, 1993, President Clinton issued Executive Order 12862, ''Setting Customer Service Standards,'' which calls for Federal agencies to provide service that matches or exceeds the best service available in the private sector. Section 1(b) of that order requires agencies to ''survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.'' The National Science Foundation (NSF) has an ongoing need to collect information from its customer community (primarily individuals and organizations engaged in science and engineering research and education) about the quality and kind of services it provides and use that information to help improve agency operations and services.

Estimate of Burden: The burden on the public will change according to the needs of each individual customer satisfaction survey; however, each survey is estimated to take approximately 30 minutes per response.

Respondents: Will vary among individuals or households; business or other for-profit; not-for-profit institutions; farms; federal government; state, local or tribal governments

Estimated Number of Responses per Survey: This will vary by survey.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden 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 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.

Dated: February 19, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–03912 Filed 2–24–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Science Foundation.

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the National Science Foundation has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

DATES: Comments must be submitted March 27, 2014.

ADDRESSES: Written comments may be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 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, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will 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 we mean 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. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable

results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received no comments in response to the 60-day notice published in the **Federal Register** of December 18, 2013 (78 FR 76661).

Below we provide the National Science Foundation's projected average estimates for the next three years:

Current Actions: New collection of information.

Type of Review: New collection.

Affected Public: Individuals and households, businesses and organizations, State, Local or Tribal Government.

Average Expected Annual Number of activities: 15.

Respondents: 500 per activity.

*Annual responses: 7,*500.

Frequency of Response: Once per request.

Average minutes per response: 30.

Burden hours: 3,750.

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 Office of Management and Budget control number.

Dated: February 19, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–03876 Filed 2–24–14; 8:45 am]

BILLING CODE 7555–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting; Finance, Budget & ProgramCommittee Meeting of the Board of Directors

TIME AND DATE: 2:00 p.m., Wednesday, March 5, 2014.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington DC 20002.

STATUS: Open (with the exception of Executive Session).

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. Call to Order
II. Executive Session: Management Internal Operation Review
III. Lease Renewal Parameters
IV. Sustainable Homeownership Project Management
V. CHC & NC Grants
VI. Successor to CounselorMax
VII. FY14/FY15 Budget
VIII. A. Financial Report
VIII. B. Quarterly Program Reports
VIII. C. Corporate Scorecard Report
VIII. D. Grants Report
IX. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2014–04172 Filed 2–21–14; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0025]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* DOE/NRC Form 742, ''Material Balance Report,'' and DOE/NRC Form 742C, ''Physical Inventory Listing,'' and NUREG/BR–0007, ''Instructions for the Preparation and Distribution of Material Status Reports.''

2. *Current OMB approval number:* DOE/NRC Form 742: 3150–0004. DOE/NRC Form 742C: 3150–0058.

3. *How often the collection is required:* DOE/NRC Form 742 is submitted once a year within thirty days after the start of a physical inventory as part of the material accounting and control procedures. DOE/NRC Form 742C is submitted once a year when licensees complete their physical inventory as part of the material accounting and control procedures.

4. *Who is required or asked to report:* DOE/NRC Form 742, Persons licensed to possess specified quantities of special nuclear material or source material. Any licensee, including nuclear reactor licensees, possessing, or who had possessed in the previous reporting period, at any one time and location, special nuclear material in a quantity totaling one gram or more shall complete DOE/NRC Form 742. In addition, each licensee, Federal or State, who is authorized to possess, at any one time or location, 1 kilogram of foreign obligated source material, is required to file with the NRC an annual statement of source material inventory which is foreign-obligated. DOE/NRC Form 742C, Persons licensed to possess specified quantities of special nuclear material or source material. Any licensee, including nuclear reactor licensees, possessing, or who had possessed in the previous reporting period, at any one time and location, special nuclear material in a quantity totaling one gram or more shall complete DOE/NRC Form 742C.

5. *The number of annual respondents:* DOE/NRC Form 742: 360 respondents. DOE/NRC Form 742C: 360 respondents.

6. *The number of hours needed annually to complete the requirement or request:* DOE/NRC Form 742: 1,260 hours. DOE/NRC Form 742C: 1,440 hours.

7. *Abstract:* The NRC is required to collect nuclear material transaction information for domestic safeguards use and make it available to the International Atomic Energy Agency (IAEA). Licensees use DOE/NRC Form 742 to report the material balance within 30 days after the start of a physical inventory of nuclear materials actually present at licensee's facilities, including the quantities of foreign obligated source material. Licensees use DOE/NRC Form 742C to report the material status based on a physical inventory of nuclear materials actually present at licensee's facilities. These forms enable the NRC to collect, retrieve, analyze, and submit the data to IAEA to fulfill its reporting responsibilities.

This information collection request will also categorize these forms as common forms. Once OMB approves the use of these common forms, all Federal agencies using the form may request use of this common form without additional 60- or 30-day notice and comment

requirements. At that point, each agency will account for its number of respondents and the burden associated with the agency's use.

Submit, by April 28, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee, publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0025. You may submit your comments by any of the following methods: Electronic comments go to *http://www.regulations.gov* and search for Docket No. NRC–2014–0025. Mail comments to the Acting NRC Clearance Officer, Kristen Benney (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Kristen Benney (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6355, or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 19th day of February, 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–03989 Filed 2–24–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on March 6–8, 2014, 11545 Rockville Pike, Rockville, Maryland.

Thursday, March 6, 2014, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Selected Chapters of the Safety Evaluation Report (SER) with Open Items Associated with the US Advanced Pressurized Water Reactor (US–APWR) Design Certification and Comanche Peak Combined License Application (COLA) (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff, Mitsubishi Heavy Industries, and Luminant Generation regarding Chapters 3 and 14 of the SER with open items associated with the US–APWR design certification and Chapters 3, 9, and 14 of the SER with open items associated with the Comanche Peak COLA. [**Note:** A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

10:45 a.m.–12:45 p.m.: Diablo Canyon Power Plant (DCPP), Units 1 and 2, Digital Replacement of the Process Protection System (PPS) and Portions of the Reactor Trip System (RTS) and Engineering Safety Features Actuation System (ESFAS) (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Pacific Gas and Electric Company regarding the DCPP, Units 1 and 2, license amendment request for the digital replacement of the PPS and portions of the RTS and ESFAS and the associated staff safety evaluation report. [**Note:** A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

1:45 p.m.–3:15 p.m.: Pellet Cladding Interaction Fuel Failures during Anticipated Operational Occurrences (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding pellet cladding interaction fuel failures during anticipated operational occurrences. [**Note:** A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

3:30 p.m.–4:30 p.m.: Biennial Review of the NRC Safety Research Program (Open)—The Committee will discuss the draft report on the biennial ACRS review of the NRC Safety Research Program.

4:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

Friday, March 7, 2014, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–9:45 a.m.: Discussion of Topics for Meeting with the Commission (Open)—The Committee will discuss the following topics in preparation for the meeting with the Commission: (1) Overview, (2) Fukushima Near-Term Task Force Recommendation 1, (3) Expedited Transfer of Spent Fuel, (4) Guidance on the Hardened Vents Order, and (5) Proposed Revisions to 10 CFR part 61.

10:00 a.m.–12:00 p.m.: Meeting with the Commission (Open)—The Committee will discuss the topics listed above during a meeting with the US Nuclear Regulatory Commission.

1:00 p.m.–2:30 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

2:30 p.m.–2:45 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and

recommendations included in recent ACRS reports and letters.

3:00 p.m.–4:30 p.m.: Significant Operating Experience (Open)—The Committee will hear a briefing by and hold discussions with the Plant Operations & Fire Protection Subcommittee Chairman regarding significant operating events.

4:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

Saturday, March 8, 2014, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion of matters related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013 (78 FR 67205–67206). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/*.

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: February 19, 2014.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2014–04109 Filed 2–24–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–27; Order No. 1996]

Changes in Postal Rates for Certain Mail in Alaska

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning changes in rates of general applicability for the competitive Standard Post product. The changes are associated with a new price category identified as Limited Overland Routes. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 5, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Brian Corcoran, Acting General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: On February 14, 2014, the Postal Service filed notice with the Commission of changes in rates of general applicability for the competitive Standard Post product.[1] Attached to the Notice is Governors' Decision No. 14–01, which establishes the changes.[2] The changes are scheduled to take effect on March 20, 2014. Notice at 1.

The changes introduce a new price category—Limited Overland Routes—for the Standard Post product.[3] The new price category applies to pieces delivered to or from intra-Alaska ZIP Codes not connected by overland routes. Governors' Decision at 1. The Governors' Decision indicates that Standard Post classification and price changes implemented on January 26, 2014 have had a disproportionate impact on certain intra-Alaska Standard Post users, who typically send heavier than average Standard Post pieces within Zones 1–5. *Id.*

The Postal Service indicates that the price changes would set the prices for the Limited Overland Routes category at prices equal to those in effect last year. Notice at 1. It states that the new price category will only apply to a small, discrete number of designated ZIP Codes with low volume. *Id.*

[1] Notice of the United States Postal Service of Changes in Rates of General Applicability for a Competitive Product, Established in Governors' Decision No. 14–1, February 14, 2014 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the new rates or classes.

[2] Decision of the Governors of the United States Postal Service on Changes in Rate and Class of General Applicability for Standard Post (Governors' Decision No. 14–01), February 14, 2014 (Governors' Decision).

[3] Governors' Decision at 1. The proposed changes to the Mail Classification Schedule also include a minor clarifying change to a footnote in the Standard Post price table. Proposed Changes to Mail Classification Schedule (appended to Notice), February 14, 2014, at 4.

Notice. The Commission establishes Docket No. CP2014–27 to consider the Postal Service's Notice. Interested persons may express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, and 3642, 39 CFR part 3015, and 39 CFR part 3020 subparts B and E. Comments are due no later than March 5, 2014.

Pursuant to 39 U.S.C. 505, Pamela A. Thompson is appointed to serve as Public Representative to represent the interests of the general public in this docket.

Additional information. The Postal Service indicates that it has determined that the Standard Post product as a whole will continue to cover its costs and make an appropriate contribution to institutional costs. *Id.* at 2. The Postal Service is directed to provide revenue and attributable cost data for the 12-month period from the effective date of the proposed rates (March 20, 2014) to demonstrate that the Standard Post product complies with 39 U.S.C. 3633(a)(2). The Postal Service is also directed to confirm that following the price change, competitive products in total will be in compliance with 39 U.S.C. 3633(a)(1) and (3). The Postal Service is directed to provide this additional information by February 26, 2014.

It is ordered:

1. The Commission establishes Docket No. CP2014–27 to consider the matters raised in this docket.
2. The Commission appoints Pamela A. Thompson to serve as Public Representative to represent the interests of the general public in this proceeding.
3. The additional information requested in this Order is due no later than February 26, 2014.
4. Comments on the Notice are due no later than March 5, 2014.
5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–03977 Filed 2–24–14; 8:45 am]

BILLING CODE 7710–FW–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 27, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;
institution and settlement of administrative proceedings;
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 20, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–04132 Filed 2–21–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71574; File No. SR–ICEEU–2014–04]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change To Clear New Sovereign Contracts

February 19, 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 February 11, 2014, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the change is to provide for the clearance of new CDS contracts that are Western European Sovereign CDS contracts referencing the Republic of Ireland, Italian Republic, Portuguese Republic, and Kingdom of Spain (the ''New Sovereign Contracts'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the additional CDS products is to allow ICE Clear Europe Clearing Members the ability to clear additional European CDS products through ICE Clear Europe's platform.

ICE Clear Europe has identified Western European Sovereign CDS Contracts as a product that has become increasingly important for market participants to manage risk and express views with respect to the European sovereign credit markets. ICE Clear Europe believes clearance of the New Sovereign Contracts will benefit the markets for credit default swaps on Western European sovereigns by offering to market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules. The terms of the New Sovereign Contracts will be governed by Paragraph 12 of the CDS Procedures. Clearing of the New Sovereign Contracts will not require any changes to ICE Clear Europe's existing Clearing Rules and CDS Procedures (although ICE Clear Europe has updated its risk management

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

framework (including relevant policies) and margin model as discussed herein).

ICE Clear Europe's CDS risk management framework, including the margin methodology (the ''CDS Model''),[3] has been enhanced to include several features designed to address particular risks of the New Sovereign Contracts. To address so-called general wrong way risk (''General Wrong Way Risk'') involving correlation between the risk of default of an underlying sovereign and the risk of default of a clearing member that has written credit protection through a New Sovereign Contract on such sovereign, additional jump-to-default requirements for initial margin are established for portfolios that present such risk.

ICE Clear Europe proposes to adopt a combination of qualitative and quantitative approaches to capture General Wrong Way Risk. Under the enhanced CDS Model, an additional contribution to initial margin will be required when the seller of protection exhibits a high degree of association with an underlying Western European Sovereign reference entity by virtue of domicile (qualitative approach) or high spread return correlation (quantitative approach). To address General Wrong Way Risk arising from clearing member domicile, ICE Clear Europe will require full collateralization of the jump-to-default loss for a protection seller under a contract referencing the sovereign where the protection seller is domiciled.

Under the quantitative approach, which applies where the protection seller is not domiciled in the jurisdiction of the underlying sovereign, two types of thresholds are introduced: A loss threshold and a correlation threshold. Additional General Wrong Way Risk collateralization will be collected if both thresholds are exceeded. If the spread return correlation between the member and the sovereign is above the correlation threshold and the sovereign CDS jump-to-default loss is above the loss threshold, General Wrong Way Risk collateralization is assessed as a function of the spread return correlation and amount by which the loss threshold is exceeded. The charge becomes more conservative as the spread return correlation increases. The application of additional initial margin requirements under the quantitative approach is not subject to discretion, although the thresholds are subject to review by the CDS Risk Committee as part of its periodic review of ICE Clear Europe's margin methodology.

Other forms of wrong way risk arising from currency risk are also addressed. To mitigate the currency risk between a sovereign reference entity and a New Sovereign Contract involving that entity, and to facilitate greater market liquidity, the New Sovereign Contracts (and related margin and guaranty fund requirements) are denominated in U.S. dollars, rather than Euro. In addition, the rules contain prohibitions on self-referencing trades (i.e., trades where the clearing member is an affiliate of the underlying sovereign reference entity). Such trades may not be submitted for clearing, and if a clearing member subsequently becomes affiliated with the underlying reference entity, the rules applicable to New Sovereign Contracts provide for the termination of relevant positions.

The ICE Clear Europe CDS Risk Policy, the CDS Risk Model Description methodology document and CDS Wrong Way Risk Policy have been updated to account for these additional features of the risk model for the New Sovereign Contracts.

2. Statutory Basis

ICE Clear Europe believes that clearing of the proposed New Sovereign Contracts is consistent with the requirements of Section 17A of the Act[4] and regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[5] The amendments will provide for clearing of New Sovereign Contracts by ICE Clear Europe, consistent with ICE Clear Europe's existing clearing arrangements and related financial safeguards, protections and risk management procedures. ICE Clear Europe has adopted enhancements to the existing CDS Model to address the clearing of the New Sovereign Contracts, including the additional initial margin requirements under the qualitative and quantitative approaches to General Wrong Way Risk discussed above. The New Sovereign Contracts that will be cleared are Western European Sovereign CDS contracts substantially similar to other CDS contracts currently cleared by ICE Clear Europe. Acceptance of New Sovereign Contracts for clearing, on the terms and conditions set out in the ICE Clear Europe Rules and the enhanced CDS Model, is consistent with the prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICE Clear Europe, the safeguarding of securities and funds in the custody or control of ICE Clear Europe and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[6] Clearing of the New Sovereign Contracts will also satisfy the relevant requirements of Rule 17Ad–22,[7] as discussed below.

Financial Resources. ICE Clear Europe will apply its existing margin methodology to the New Sovereign Contracts, with the enhancements to address General Wrong Way Risk discussed above. ICE Clear Europe believes that this model, including the additional initial margin that may be required to address General Wrong Way Risk, will provide sufficient margin to cover its credit exposure to its clearing members from clearing such contracts, consistent with the requirements of Rule 17Ad–22(b)(2) and Rule 17Ad–22(d)(14).[8] In addition, ICE Clear Europe believes the CDS Guaranty Fund, under its existing methodology, will, together with the required margin, provide sufficient financial resources to support the clearing of New Sovereign Contracts consistent with the requirements of Rule 17Ad–22(b)(3).[9]

Operational Resources. ICE Clear Europe will have the operational and managerial capacity to clear the New Sovereign Contracts as of the commencement of clearing, consistent with the requirements of Rule 17Ad–22(d)(4).[10] ICE Clear Europe believes that its existing systems are appropriately scalable to handle the additional New Sovereign Contracts, which are generally similar from an operational perspective to the CDS contracts currently cleared by ICE Clear Europe.

Settlement. ICE Clear Europe believes that the rule changes will be consistent with the requirements of Rule 17Ad–22(d)(5), (12) and (15)[11] as to the finality and accuracy of its daily settlement process and avoidance of the risk to ICE Clear Europe of settlement failures. ICE Clear Europe will use its existing settlement procedures, account structures and approved financial institutions as used in other CDS clearing for the New Sovereign Contracts. ICE Clear Europe believes that its Rules and procedures related to settlements (including physical settlements), appropriately identify and manage the risks associated with

[3] ICE Clear Europe has performed a variety of empirical analyses related to clearing of the New Sovereign Contracts under its margin methodology, including back tests and stress tests.

[4] 15 U.S.C. 78q–1.

[5] 17 CFR 240.17Ad–22.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17Ad–22.

[8] 17 CFR 240.17Ad–22(b)(2), (d)(14).

[9] 17 CFR 240.17Ad–22(b)(3).

[10] 17 CFR 240.17Ad–22(d)(4).

[11] 17 CFR 240.17Ad–22(d)(5), (12) and (15).

settlements under New Sovereign Contracts.

Default Procedures. ICE Clear Europe's existing Rules and default management policies and procedures for CDS will apply to the New Sovereign Contracts as well. ICE Clear Europe believes that the Rules and procedures allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults, including in respect of New Sovereign Contracts, in accordance with Rule 17Ad–22(d)(11).[12]

Governance. ICE Clear Europe has determined to accept the New Sovereign Contracts for clearing in accordance with its governance process, including review of the contracts and related risk management considerations (and the enhancements to the margin methodology for General Wrong Way Risk discussed herein) by the CDS Risk Committee and approval by its Board. These arrangements are consistent with the requirements of Rule 17Ad–22(d)(8).[13] Although the General Wrong Way Risk approaches, when applied to all clearing members who clear the New Sovereign Contracts, may result in clearing members being subject to different margin charges based on their domicile and correlation with the underlying sovereign for a contract, ICE Clear Europe believes that the policy properly aligns the margin requirements to the risks presented by clearing members in this regard. The policy on General Wrong Way Risk has been established with well-defined, objective parameters and is applicable to all clearing members that choose to clear the New Sovereign Contracts. Further, ICE Clear Europe does not believe the revised margin methodology creates a conflict of interest between ICE Clear Europe and its clearing members or among clearing members. The revised margin methodology operates without the need for the CDS Risk Committee, ICE Clear Europe Board or management to exercise discretion concerning particular clearing members or the margin levels applicable to them. The qualitative and quantitative components to the methodology do not contain discretionary elements, and once the relevant threshold is exceeded, the clearing house is required under the policy to assess an additional initial margin charge based on the margin methodology. This approach should minimize any potential conflicts of interest. As noted above, the CDS Risk Committee and ICE Clear Europe management will regularly review the appropriateness of the quantitative threshold. Accordingly, the policy does not, in ICE Clear Europe's view, result in unfair discrimination among clearing members within the meaning of Section 17A(b)(3)(F) of the Act and Rule 17Ad–22(d)(8).[14] ICE Clear Europe further notes that it has extensively consulted with its CDS Risk Committee as to this aspect of the clearing of the New Sovereign Contracts.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed New Sovereign Contracts would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. ICE Clear Europe does not anticipate that its commencement of clearing for the New Sovereign Contracts will adversely affect the trading market for those contracts or for CDS more generally. Specifically, allowing clearing of the New Sovereign Contracts will provide market participants with the additional choice to have their transactions in these types of contracts cleared, and should generally promote the further development of the market for these contracts. Moreover, ICE Clear Europe has established fair and objective criteria for eligibility to clear the New Sovereign Contracts, consistent with its criteria for other cleared CDS.Although clearance of New Sovereign Contracts may result in an increase in margin requirements for some clearing members as a result of the General Wrong Way Risk requirements, ICE Clear Europe believes that these changes will properly align margin requirements to the risks presented by such clearing members with respect to the New Sovereign Contracts. As a result, ICE Clear Europe is of the view that these changes are necessary and appropriate in furtherance of the purpose of the Act and the Commission's regulations thereunder, including the financial resources and risk management requirements of Rule 17Ad–22.[15] Furthermore, ICE Clear Europe does not believe that any such increase in margin requirements would significantly affect the ability of clearing members or other market participants to continue to clear CDS, consistent with the risk management requirements of the clearing house, or otherwise limit market participants' choices for selecting clearing services. Accordingly ICE Clear Europe does not believe that clearance of the New Sovereign Contracts will impose any burden on competition among clearing members not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the current proposal for acceptance of the New Sovereign Contracts for clearing have not been solicited or received. One comment letter was received in connection with ICE Clear Europe's prior filing with respect thereto (File No. 2012–08), which suggested, in relevant part, consideration of additional wrong way risk raised by credit exposures of protection sellers to underlying sovereign reference entities. (The letter raised other issues concerning the disclosure of risk management processes generally and the effectiveness of market-standard sovereign CDS contracts as a hedge, which ICE Clear Europe believes are outside the scope of this rule change). ICE Clear Europe believes that the combination of the qualitative and quantitative approaches discussed herein provides appropriate initial margin protection for General Wrong Way Risk, and notes that ICE Clear Europe management and the CDS Risk Committee regularly review the appropriateness of the margin methodology. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

The CDS Risk Committee raised no objection to the clearing of the New Sovereign Contracts on the terms described herein on December 10, 2013. The clearing of the New Sovereign Contracts was approved by the ICE Clear Europe board on August 1, 2012.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[12] 17 CFR 240.17Ad–22(d)(11).

[13] 17 CFR 240.17Ad–22(d)(8).

[14] 15 U.S.C. 78q–1(b)(3)(F); 17 CFR 240.17Ad–22(d)(8).

[15] 17 CFR 240.17Ad–22.

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–ICEEU–2014–04 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–ICEEU–2014–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/notices/Notices.shtml?regulatoryFilings.*

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–ICEEU–2014–04 and should be submitted on or before March 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03973 Filed 2–24–14; 8:45 am]

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[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71571; File No. SR–OCC–2013–23]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change, As Modified by Amendment No. 1, To Provide OCC With Authority in Emergency Circumstances To Waive, Suspend, or Extend the Time for Compliance With Its By-Laws, Rules, Policies and Procedures, or any Other Rules Issued by OCC

February 19, 2014.

I. Introduction

On December 27, 2013, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–OCC–2013–23 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] On January 8, 2014, OCC filed Amendment No. 1 to the proposed rule change.[3] The proposed rule change was published for comment in the **Federal Register** on January 15, 2014.[4] The Commission received no comments concerning the proposed rule change. For the reasons set forth below, the Commission is approving the proposed rule change.

II. Description

The rule change, as approved, amends OCC's by-laws to provide OCC with authority in emergency circumstances, subject to certain conditions, to waive or suspend the operation of its by-laws, rules, policies and procedures, or any other rules issued by OCC (collectively, ''Rules'') or to extend any time fixed thereby for the doing of any act or acts. OCC previously sought action by the Division of Trading and Markets on an ad hoc basis whenever OCC needed to temporarily waive or suspend certain of its Rules, or extend the time for doing any act or acts specified by its Rules, in order to help facilitate the national system for the prompt and accurate clearance and settlement of securities transactions.[5] The rule change generally aligns OCC's Rules with those of other registered clearing agencies, which allow those clearing agencies to waive or suspend their rules, or extend the time fixed thereby for performing any act or acts, in similar circumstances.

Under the rule change, as approved, OCC's Board of Directors, Chairman,[6] Management Vice Chairman, or President is authorized either to waive or suspend the Rules or extend any time fixed by the Rules for the doing of any act or acts if it is believed that an emergency exists and such extension, waiver, or suspension is necessary or advisable to protect OCC or allow it to continue to facilitate the prompt and accurate clearance and settlement of confirmed transactions and to provide its services in a safe and sound manner. If a determination to invoke these emergency powers is made by anyone other than by the Board of Directors, the Board of Directors must be notified as soon as practicable.

The rule change, as approved, requires OCC to notify the Commission and the CFTC within two hours after exercising its emergency powers.[7] OCC is further required to provide the Commission and the CFTC as soon as practicable, but not later than three calendar days after exercising its emergency powers, with a report setting out the nature of the emergency, the identity of the person or persons who invoked OCC's emergency powers, and the rationale for doing so.

OCC is permitted to continue the emergency action for up to thirty calendar days unless the Commission or the CFTC, as applicable, objects in writing. If OCC wishes to continue the emergency action beyond the thirty-day period, then OCC is required to file a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, OCC clarified its ability to extend the time fixed in certain Rules for the doing of any act or acts in emergency situations, and made other technical changes.

[4] Securities Exchange Act Release No. 71268 (January 9, 2014), 79 FR 2739 (January 15, 2014) (SR–OCC–2013–23).

[5] For instance, in one case, OCC needed to waive certain of its rules temporarily to facilitate the transfer and assignment of the correspondent securities-clearing business of one of its clearing members to another. The Division of Trading and Markets issued a No-Action Letter advising OCC that the Division would not recommend an enforcement action if OCC waived its rules under those circumstances. The Options Clearing Corporation, SEC No-Action Letter, (June 4, 2012), available at *http://www.sec.gov/divisions/marketreg/mr-noaction/2012/occ060412.pdf.*

[6] Pursuant to Article IV, Section 6 of OCC's By-Laws, the Chairman of the Board is also the Executive Chairman.

[7] The Commission's approval of this rule change does not relieve OCC of its obligation to submit a filing to the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act when appropriate. *See* 12 U.S.C. 5465(e)(1).

corresponding proposed rule change with the Commission, the CFTC, or both during this thirty-day period. In that case, the emergency action would remain in effect while the agency or agencies review the corresponding proposed rule change. If either the Commission or the CFTC objects to the proposed rule change in writing, OCC is required to discontinue the emergency extension, waiver, or suspension of its rules.

III. Discussion

Section 19(b)(2)(C) of the Act [8] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act [9] requires that the rules of a registered clearing agency be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions, as well as foster cooperation and coordination amongst other persons engaged in the clearance and settlement of securities transactions.

The Commission believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder applicable to OCC. By giving OCC the ability to respond promptly in the event of an emergency, the proposed rule change will help to minimize the risk of a disruption to OCC's clearance and settlement services. This will help facilitate the prompt clearance and settlement of securities transactions, and will also enable OCC to coordinate its actions with those of other clearing agencies that already possess emergency powers similar to those at issue here. Further, the proposed rule change circumscribes OCC's emergency powers by requiring it to notify the Commission and the CFTC whenever OCC invokes those powers, and by further requiring OCC to discontinue any changes made under those powers if the Commission or the CFTC, as applicable, objects. These procedural safeguards will help to ensure that OCC exercises its emergency powers only in a manner that is consistent with the requirements of the Act and the rules and regulations thereunder.

IV. Conclusion

On the basis of the foregoing, the Commission concludes that the proposal is consistent with the requirements of the Act, particularly the requirements of Section 17A of the Act [10] and the rules and regulations thereunder.

It is therefore *ordered,* pursuant to Section 19(b)(2) of the Act,[11] that proposed rule change SR–OCC–2013–23, as amended, be and hereby is *approved.*[12]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03971 Filed 2–24–14; 8:45 am]

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[8] 15 U.S.C. 78s(b)(2)(C).

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78s(b)(2).

[12] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71575; File No. SR–FINRA–2013–054]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Granting Approval of Proposed Rule Change Relating to a Capacity Management Plan

February 19, 2014.

I. Introduction

On December 24, 2013, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a Capacity Management Plan (''Plan'') for the Alternative Display Facility (''ADF'') and to amend the ADF Certification Record (''Certification''). The proposed rule change was published for comment in the **Federal Register** on January 8, 2014.[3] The Commission received no comments on the proposed rule change. This order grants approval of the proposed rule change.

II. Description of the Proposed Rule Change

The ADF is a quotation collection and trade reporting facility that provides ADF Market Participants the ability to post quotations, display orders and report transactions in NMS stocks [4] for submission to the Securities Information Processors (''SIPs'') for consolidation and dissemination to vendors and other market participants. In addition, the ADF delivers real-time data to FINRA for regulatory purposes, including enforcement of requirements imposed by Regulation NMS.[5]

To ensure that the ADF has sufficient capacity to handle the volume of quote, order and trade data submitted to the ADF without maintaining unused data capacity, FINRA proposes to adopt the Plan for those FINRA members that opt to utilize the ADF for quoting and trade reporting. According to FINRA, the proposed Plan is similar to the approach of other data plans, notably the Consolidated Tape Association Plan (''CTA Plan'') and the Consolidated Quotation Plan (''CQ Plan''; together, ''CTA/CQ Plans''),[6] which serve as the consolidated data plans for securities listed on the New York Stock Exchange, BATS, NYSE Arca, NYSE MKT and other regional exchange-listed securities.[7]

Pursuant to the Plan, each ADF Trading Center would complete an initial ADF Trading Center Capacity Certification process,[8] including testing its connectivity to the ADF. In addition, each ADF Trading Center would submit volume projections for current and future peak data reporting levels on a quarterly basis, and on demand from FINRA.[9] Specifically, the Plan would provide a timeframe by which ADF Trading Centers submit initial and final volume projections for the next two calendar quarters, with final volume projections tested and certified by FINRA in the event of a capacity upgrade. The Plan also would provide ADF Trading Centers with the ability to increase and decrease their capacity projections for the second quarter, subject to certain limitations, in the event that their actual capacity usage deviates from their projected capacity usage. In addition, under the Plan, FINRA would honor an ADF Trading Center's capacity requests and build out to support the ADF Trading Center's

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71224 (Jan. 2, 2014), 79 FR 1414 (''Notice'').

[4] *See* 17 CFR 242.600(b)(47).

[5] *See* 17 CFR 242.600 et seq.

[6] The CTA/CQ Plans and the Unlisted Trading Privileges Plan are collectively referred to as the ''NMS data plans.''

[7] *See* Notice, *supra* note 3 at 1414.

[8] Each ADF Trading Center would also be required to complete an annual recertification.

[9] ADF Trading Centers would submit separate volume projections for CTA securities and UTP securities, and project their volume for quotations, media trade reports, total trade reports, and order reports.

peak projected capacity requirements. Each ADF Trading Center, however, would still partake in quarterly volume tests before it is certified to a specific volume level.

The Plan would also set forth fees for excess and shortfall capacity usage, and provides that FINRA would pass through any penalties incurred under the NMS data plans among the ADF Trading Centers that exceed their projected message traffic.[10] However, FINRA would not assess the excess or shortfall capacity usage fees for the first quarter during which an ADF Trading Center begins operating on the ADF. If an ADF Trading Center begins operations mid-quarter, FINRA would waive these fees only for the remainder of that quarter. Similarly, FINRA would not assess any SIP penalties for the first quarter during which an ADF Trading Center begins operating on the ADF if it exceeds its projected message traffic during this time. If an ADF Trading Center begins operations mid-quarter, FINRA would waive any SIP capacity penalties only for the remainder of that quarter.

In addition, under the Plan, FINRA would be able to make mid-quarter extraordinary system upgrades to accommodate higher message volume or higher message per second throughput, and assess ADF Trading Centers that exceed their certified capacity for those costs accordingly. Moreover, to the extent that an ADF Trading Center's data usage, in the sole discretion of FINRA staff, materially exceeds the ADF Trading Center's certified capacity, the Plan would allow FINRA to incrementally reduce the ADF Trading Center's data port sessions to ensure that data levels stay at or below reasonable levels. Such termination may occur on an intra-day basis and would be proportionate to the extent to which the data overage threatens the ADF system's stability and/or the ability of FINRA to meet its regulatory obligations with respect to the operation of the ADF. Further, the Plan specifies that infrastructure costs associated with building and implementing the capacity and environments (including, but not limited to, labor, hardware, software, installation, testing, etc., as well as associated on-going operational costs) would be borne by FINRA except for extraordinary upgrades.

Finally, in addition to adopting the Plan, FINRA also proposes to amend the Certification to (i) require ADF Trading Centers to comply with the Plan, and (ii) make other minor or non-substantive changes, such as revising the means by which an ADF Trading Center may provide information and replacing references to NASD with FINRA.

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 15A of the Act [11] and the rules and regulations thereunder applicable to a national securities association.[12] In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[13] which requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal is consistent with Section 15A(b)(5) of the Act,[14] which requires that FINRA rules provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls.

The Commission believes that FINRA's proposed Plan should help to ensure that FINRA is able to maintain a high level of operability for the ADF, as well as enhance FINRA's ability to submit accurate volume projections to the NMS data plans. The Commission notes that under the proposed Plan, each ADF Trading Center would be required to submit its projected capacity needs and that FINRA would honor those requests subject to quarterly volume tests. ADF Trading Centers, however, would still have the ability to increase and decrease their capacity projections for their second quarter, subject to certain limitations, in the event that their actual capacity usage deviates from their projected capacity usage.[15] In addition, FINRA would have the ability to make mid-quarter extraordinary upgrades and to incrementally reduce an ADF Trading Center's data port sessions in the event that the ADF Trading Center's data usage threatens the ADF system's stability or the ability of FINRA to meet its regulatory obligations with respect to the operation of the ADF.[16] Accordingly, the Commission believes that FINRA's proposed Plan should help to ensure that the ADF has sufficient capacity to handle the volume of quote, order, and trade data submitted to the ADF, while also avoiding the need for FINRA to expend unnecessary resources to maintain unused data capacity and providing flexibility to ADF Trading Centers in projecting their capacity needs.

The Commission also believes that FINRA's proposed fees and the pass-through of any SIP penalties are consistent with the Act. The Commission believes that the fees should help to ensure that ADF Trading Centers provide meaningful volume projections to ensure adequate, without unnecessary, capacity. The Commission notes that the fees and SIP penalties would not be assessed during an ADF Trading Center's first quarter of operations on the ADF or a portion thereof. In this regard, the Commission believes that the proposal should allow a new ADF Trading Center the opportunity to acquire data on its quote, order, and trade reporting activity on the ADF prior to making capacity projections to which the fees and SIP penalties would apply.

The Commission believes that FINRA's proposed changes to the Certification are also consistent with Act. The Commission believes that requiring an ADF Trading Center to certify that it will comply with the terms of the Plan should help facilitate FINRA's ability to administer the ADF. Moreover, the change to the Certification relating to the manner in which an ADF Trading Center would provide public notice of certain information should increase the means through which such notice may be provided. The other remaining changes to the Certification, such as changes references from NASD to FINRA and TRACS to ADF, should make the Certification more accurate and up-to-date.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 15A(b)(5) and (b)(6) of the Act [17] and the rules and regulations thereunder

[10] FINRA is proposing to codify the excess fees set forth in the Plan as new FINRA Rule 7581, and the shortfall fees as new FINRA Rule 7582. FINRA also proposes to codify the provision in the Plan providing for the pass-through of any SIP penalties as new FINRA Rule 7583.

[11] 15 U.S.C. 78f.

[12] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78o–3(b)(6)

[14] 15 U.S.C. 78o–3(b)(5)

[15] *See* Notice, *supra* note 3 at 1418.

[16] *See* Notice, *supra* note 3 at 1419.

[17] 15 U.S.C. 78*o*–3(b)(5) and (6).

applicable to a national securities association.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[18] that the proposed rule change (SR–FINRA–2013–054) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03974 Filed 2–24–14; 8:45 am]

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[18] 15 U.S.C. 78s(b)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71572; File No. SR–NASDAQ–2014–019]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of Shares of the First Trust Managed Municipal Fund of First Trust Exchange-Traded Fund III

February 19, 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 February 7, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in 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 list and trade the shares of the First Trust Managed Municipal ETF (the ''Fund'') of First Trust Exchange-Traded Fund III (the ''Trust'') under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares[4] on the Exchange. The Fund will be an actively-managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Massachusetts business trust on January 9, 2008.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund will be a series of the Trust.

First Trust Advisors L.P. will be the investment adviser (''Adviser'') to the Fund. First Trust Portfolios L.P. (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. Brown Brothers Harriman & Co. (''BBH'') will act as the administrator, accounting agent, custodian and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange; *see, e.g.,* Securities Exchange Act Release Nos. 69464 (April 26, 2013), 78 FR 25774 (May 2, 2013) (SR–NASDAQ–2013–036) (order approving listing and trading of First Trust Senior Loan Fund); 68972 (February 22, 2013), 78 FR 13721 (February 28, 2013) (SR–NASDAQ–2012–147) (order approving listing and trading of First Trust High Yield Long/Short ETF); 66489 (February 29, 2012), 77 FR 13379 (March 6, 2012) (SR–NASDAQ–2012–004) (order approving listing and trading of WisdomTree Emerging Markets Corporate Bond Fund). Additionally, the Commission has previously approved the listing and trading of a number of actively-managed funds on NYSE Arca, Inc. pursuant to Rule 8.600 of that exchange. *See, e.g.,* Securities Exchange Act Release Nos. 68870 (February 8, 2013), 78 FR 11245 (February 15, 2013) (SR–NYSEArca–2012–139) (order approving listing and trading of First Trust Preferred Securities and Income ETF); 64643 (June 10, 2011), 76 FR 35062 (June 15, 2011) (SR–NYSEArca–2011–21) (order approving listing and trading of WisdomTree Global Real Return Fund). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30029 (April 10, 2012) (File No. 812–13795) (the ''Exemptive Relief''). In addition, on December 6, 2012, the staff of the Commission's Division of Investment Management (''Division'') issued a no-action letter (''No-Action Letter'') relating to the use of derivatives by actively-managed ETFs. *See* No-Action Letter dated December 6, 2012 from Elizabeth G. Osterman, Associate Director, Office of Exemptive Applications, Division of Investment Management. The No-Action Letter stated that the Division would not recommend enforcement action to the Commission under applicable provisions of and rules under the 1940 Act if actively-managed ETFs operating in reliance on specified orders (which include the Exemptive Relief) invest in options contracts, futures contracts or swap agreements provided that they comply with certain representations stated in the No-Action Letter.

[6] *See* Post-Effective Amendment No. 2 to Registration Statement on Form N–1A for the Trust, dated December 20, 2013 (File Nos. 333–176976 and 811–22245). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the

paragraph (g) further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a broker-dealer, but it is affiliated with the Distributor, a broker-dealer, and has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In addition, personnel who make decisions on the Fund's portfolio composition will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio. In the event (a) the Adviser or any sub-adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. The Fund currently does not intend to use a sub-adviser.

First Trust Managed Municipal ETF

Principal Investments

The primary investment objective of the Fund will be to generate current income that is exempt from regular federal income taxes and its secondary objective will be long-term capital appreciation. Under normal market conditions,[8] the Fund will seek to achieve its investment objectives by investing at least 80% of its net assets (including investment borrowings) in municipal debt securities that pay interest that is exempt from regular federal income taxes (collectively, ''Municipal Securities'').[9] Municipal Securities are generally issued by or on behalf of states, territories or possessions of the U.S. and the District of Columbia and their political subdivisions, agencies, authorities and other instrumentalities. The types of Municipal Securities in which the Fund may invest include municipal lease obligations (and certificates of participation in such obligations), municipal general obligation bonds, municipal revenue bonds, municipal notes, municipal cash equivalents, private activity bonds (including without limitation industrial development bonds), and pre-refunded [10] and escrowed to maturity bonds. In addition, Municipal Securities include securities issued by entities whose underlying assets are municipal bonds (for example, tender option bond (TOB) trusts and custodial receipts trusts). The Fund may invest in Municipal Securities of any maturity.

The Fund will invest at least 65% of its net assets in investment grade securities, which are securities that are rated at the time of investment in one of the four highest credit quality categories by at least one nationally recognized statistical rating organization rating that security or, if unrated, determined by the Adviser to be of comparable quality.[11] The Fund will consider pre-refunded or escrowed to maturity bonds, regardless of rating, to be investment grade securities. The Fund may invest up to 35% of its net assets in securities that are, at the time of investment, rated below investment grade (or securities that are unrated and determined by the Adviser to be of comparable quality), commonly referred to as ''high yield'' or ''junk'' bonds. If, subsequent to purchase by the Fund, a security held by the Fund experiences a decline in credit quality and falls below investment grade, the Fund may continue to hold the security and it will not count toward the 35% investment limitation.

Investments in Derivatives

To pursue its investment objectives, the Fund may invest in interest rate swaps,[12] options, exchange-listed options on futures contracts, futures contracts and forward contracts. The use of these derivative transactions may allow the Fund to obtain net long or short exposures to selected interest rates or durations and/or to gain exposure to Municipal Securities. These derivatives may also be used to hedge risks, including interest rate risks and credit risks, associated with the Fund's other portfolio investments.

The Fund generally expects that no more than 20% of the value of the Fund's net assets will be invested in

Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or *force majeure* type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. For temporary defensive purposes, during the initial invest-up period and during periods of high cash inflows or outflows, the Fund may depart from its principal investment strategies and invest part or all of its assets in short-term debt securities, money market funds and other cash equivalents, or it may hold cash. (*See* ''Other Investments'' below.) During such periods, the Fund may not be able to achieve its investment objectives. The Fund may adopt a defensive strategy when the Adviser believes securities in which the Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

[9] Assuming compliance with the investment requirements and limitations described herein (including the 10% limitation on distressed Municipal Securities described below), the Fund may invest up to 100% of its net assets in Municipal Securities that pay interest that generates income subject to the federal alternative minimum tax.

[10] A pre-refunded municipal bond is a municipal bond that has been refunded to a call date on or before the final maturity of principal and remains outstanding in the municipal market. The payment of principal and interest of the pre-refunded municipal bonds held by the Fund will be funded from securities in a designated escrow account that holds U.S. Treasury securities or other obligations of the U.S. government (including its agencies and instrumentalities). As the payment of principal and interest is generated from securities held in a designated escrow account, the pledge of the municipality has been fulfilled and the original pledge of revenue by the municipality is no longer in place. The escrow account securities pledged to pay the principal and interest of the pre-refunded municipal bond do not guarantee the price movement of the bond before maturity. Investment in pre-refunded municipal bonds held by the Fund may subject the Fund to interest rate risk, market risk and credit risk. In addition, while a secondary market exists for pre-refunded municipal bonds, if the Fund sells pre-refunded municipal bonds prior to maturity, the price received may be more or less than the original cost, depending on market conditions at the time of sale.

[11] Comparable quality of unrated securities will be determined by the Adviser based on fundamental credit analysis of the unrated security and comparable rated securities. On a best efforts basis, the Adviser will attempt to make a rating determination based on publicly available data. In making a ''comparable quality'' determination, the Adviser may consider, for example, whether the issuer of the security has issued other rated securities, the nature and provisions of the relevant security, whether the obligations under the relevant security are guaranteed by another entity and the rating of such guarantor (if any), relevant cash flows, macroeconomic analysis, and/or sector or industry analysis.

[12] To the extent practicable, the Fund will invest in swaps cleared through the facilities of a centralized clearing house.

derivative instruments; however, there will be no limitation on the Fund's investments in derivative instruments to be used by the Fund solely for hedging purposes.[13] The Fund will only enter into transactions in derivative instruments with counterparties that the Adviser reasonably believes are capable of performing under the applicable contract.[14] The Fund's investments in derivative instruments will be consistent with the Fund's investment objectives and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index.

Other Investments

Under normal market conditions, the Fund will invest substantially all of its assets to meet its investment objectives as described above. In addition, the Fund may invest its assets as generally described below.

The Fund may invest up to 10% of its net assets in taxable municipal securities. In addition, the Fund may invest up to 10% of its net assets in distressed Municipal Securities.[15] The Fund may also invest up to 10% of its net assets in short-term debt securities, money market funds and other cash equivalents, or it may hold cash. The percentage of the Fund invested in such holdings will vary and will depend on several factors, including market conditions.

Short-term debt securities, which do not include Municipal Securities, are securities from issuers having a long-term debt rating of at least A by Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc. (''S&P Ratings''), Moody's Investors Service, Inc. (''Moody's'') or Fitch Ratings (''Fitch'') and having a maturity of one year or less. The use of temporary investments will not be a part of a principal investment strategy of the Fund.

Short-term debt securities are defined to include, without limitation, the following: (1) Fixed rate and floating rate U.S. government securities, including bills, notes and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. government agencies or instrumentalities; (2) certificates of deposit issued against funds deposited in a bank or savings and loan association; (3) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (4) repurchase agreements,[16] which involve purchases of debt securities; (5) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; and (6) commercial paper, which is short-term unsecured promissory notes. The Fund may only invest in commercial paper rated A–1 or higher by S&P Ratings, Prime-1 or higher by Moody's or F1 or higher by Fitch.

The Fund may invest up to 20% of its net assets in the securities of other investment companies, including money market funds, closed-end funds, open-end funds and other ETFs.[17]

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, in accordance with Commission guidance.[18] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund may not invest 25% or more of the value of its total assets in securities of issuers in any one industry or group of industries. This restriction does not apply to (a) Municipal Securities issued by governments or political subdivisions of governments, (b) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities, or (c) securities of other investment companies.[19]

The Fund intends to qualify each year as a regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.

Creation and Redemption of Shares

The Fund will issue and redeem Shares on a continuous basis at net asset value (''NAV'')[20] only in large blocks of

[13] The Fund will limit its direct investments in futures, options on futures and swaps to the extent necessary for the Adviser to claim the exclusion from regulation as a ''commodity pool operator'' with respect to the Fund under Rule 4.5 promulgated by the Commodity Futures Trading Commission (''CFTC''), as such rule may be amended from time to time. Under Rule 4.5 as currently in effect, the Fund will limit its trading activity in futures, options on futures and swaps (excluding activity for ''bona fide hedging purposes,'' as defined by the CFTC) such that it will meet one of the following tests: (i) Aggregate initial margin and premiums required to establish its futures, options on futures and swap positions will not exceed 5% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions; or (ii) aggregate net notional value of its futures, options on futures and swap positions will not exceed 100% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions.

[14] The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser's analysis will evaluate each approved counterparty using various methods of analysis and may consider the Adviser's past experience with the counterparty, its known disciplinary history and its share of market participation.

[15] Distressed Municipal Securities are Municipal Securities that are currently in default and not expected to pay the current coupon. If, subsequent to purchase by the Fund, a Municipal Security held by the Fund becomes distressed, the Fund may continue to hold the Municipal Security and it will not count toward the 10% limit.

[16] The Fund intends to enter into repurchase agreements only with financial institutions and dealers believed by the Adviser to present minimal credit risks in accordance with criteria approved by the Board of Trustees of the Trust (''Trust Board''). The Adviser will review and monitor the creditworthiness of such institutions. The Adviser will monitor the value of the collateral at the time the transaction is entered into and at all times during the term of the repurchase agreement.

[17] An ETF is an investment company registered under the 1940 Act that holds a portfolio of securities. Many ETFs are designed to track the performance of a securities index, including industry, sector, country and region indexes. ETFs included in the Fund will be listed and traded in the U.S. on registered exchanges. The Fund may invest in the securities of ETFs in excess of the limits imposed under the 1940 Act pursuant to exemptive orders obtained by other ETFs and their sponsors from the Commission. In addition, the Fund may invest in the securities of certain other investment companies in excess of the limits imposed under the 1940 Act pursuant to an exemptive order that the Trust has obtained from the Commission. *See* Investment Company Act Release No. 30377 (February 5, 2013) (File No. 812–13895). The ETFs in which the Fund may invest include Index Fund Shares (as described in Nasdaq Rule 5705), Portfolio Depository Receipts (as described in Nasdaq Rule 5705), and Managed Fund Shares (as described in Nasdaq Rule 5735). While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged (*e.g.,* 2X or –3X) ETFs.

[18] In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

[19] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[20] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as

Shares (''Creation Units'') in transactions with authorized participants, generally including broker-dealers and large institutional investors (''Authorized Participants''). Creation Units will consist of 50,000 Shares. As described in the Registration Statement and consistent with the Exemptive Relief, the Fund will issue and redeem Creation Units in exchange for an in-kind portfolio of instruments or, under certain circumstances, cash in lieu of such instruments or a combination of instruments and cash (the ''Creation Basket''). In addition, if there is a difference between the NAV attributable to a Creation Unit and the market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will pay to the other an amount in cash equal to the difference (referred to as the ''Cash Component'').

Creations and redemptions must be made by an Authorized Participant or through a firm that is either a member of the National Securities Clearing Corporation (''NSCC'') or a Depository Trust Company participant, that, in each case, must have executed an agreement that has been agreed to by the Distributor and BBH with respect to creations and redemptions of Creation Units. All standard orders to create Creation Units must be received by the transfer agent no later than the closing time of the regular trading session on the New York Stock Exchange (ordinarily 4:00 p.m., Eastern time) (the ''Closing Time''), in each case on the date such order is placed in order for the creation of Creation Units to be effected based on the NAV of Shares as next determined on such date after receipt of the order in proper form. Shares may be redeemed only in Creation Units at their NAV next determined after receipt, not later than the Closing Time, of a redemption request in proper form by the Fund through the transfer agent and only on a business day.

The Fund's custodian, through the NSCC, will make available on each business day, prior to the opening of business of the Exchange, the list of the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Component (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following business day.

Net Asset Value

The Fund's NAV will be determined as of the close of trading (normally 4:00 p.m., Eastern time) on each day the New York Stock Exchange is open for business. NAV will be calculated for the Fund by taking the market price of the Fund's total assets, including interest or dividends accrued but not yet collected, less all liabilities, and dividing such amount by the total number of Shares outstanding. The result, rounded to the nearest cent, will be the NAV per Share. All valuations will be subject to review by the Trust Board or its delegate.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with valuation procedures (which may be revised from time to time) adopted by the Trust Board (''Valuation Procedures'') and in accordance with the 1940 Act. A market valuation generally means a valuation (i) obtained from an exchange, an independent pricing service (''Pricing Service''), or a major market maker (or dealer) or (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a Pricing Service, or a major market maker (or dealer). The information summarized below is based on the Valuation Procedures as currently in effect; however, as noted above, the Valuation Procedures are amended from time to time and, therefore, such information is subject to change.

Certain securities in which the Fund may invest will not be listed on any securities exchange or board of trade. Such securities will typically be bought and sold by institutional investors in individually negotiated private transactions that function in many respects like an over-the-counter secondary market, although typically no formal market makers will exist. Certain securities, particularly debt securities, will have few or no trades, or trade infrequently, and information regarding a specific security may not be widely available or may be incomplete. Accordingly, determinations of the fair value of debt securities may be based on infrequent and dated information. Because there is less reliable, objective data available, elements of judgment may play a greater role in valuation of debt securities than for other types of securities. Typically, debt securities (other than those described in the next sentence) will be valued using information provided by a Pricing Service. Debt securities having a remaining maturity of 60 days or less when purchased will be valued at cost adjusted for amortization of premiums and accretion of discounts.

Equity securities (including ETFs and closed-end funds) listed on any exchange other than the Exchange will be valued at the last sale price on the business day as of which such value is being determined. Equity securities (including ETFs and closed-end funds) listed on the Exchange will be valued at the official closing price on the business day as of which such value is being determined. If there has been no sale on such day, or no official closing price in the case of securities traded on the Exchange, the securities will be valued using fair value pricing, as described below. Equity securities traded on more than one securities exchange will be valued at the last sale price or official closing price, as applicable, on the business day as of which such value is being determined at the close of the exchange representing the principal market for such securities. Non-fixed income securities traded in the over-the-counter market will be valued at the midpoint between the bid and the asked price, if available, and otherwise at the closing bid prices. Registered open-end management investment companies (other than ETFs, which will be valued as described above) will be valued at their net asset values as reported by such registered open-end management investment companies to Pricing Services.

Exchange-traded options and futures contracts will be valued at the closing price in the market where such contracts are principally traded. Over-the-counter futures contracts and options will be valued at the midpoint between the bid and the asked price, if available, and otherwise at the closing bid prices.

Interest rate swaps will be valued using a Pricing Service or, if the Pricing Service does not provide a value, the Adviser's pricing committee will then attempt to obtain one or more quotes provided by the selling dealer or financial institution and will value the swaps accordingly.

Certain securities may not be able to be priced by pre-established pricing methods. Such securities may be valued by the Trust Board or its delegate at fair value. The use of fair value pricing by the Fund will be governed by the Valuation Procedures and conducted in accordance with the provisions of the 1940 Act. Valuing the Fund's securities using fair value pricing will result in using prices for those securities that may differ from current market

of the close of regular trading on the New York Stock Exchange, generally 4:00 p.m., Eastern time (the ''NAV Calculation Time''). NAV per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, *see* the Registration Statement.

valuations or official closing prices on the applicable exchange.

Availability of Information

The Fund's Web site (*www.ftportfolios.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include the Shares' ticker, Cusip and exchange information along with additional quantitative information updated on a daily basis, including, for the Fund: (1) Daily trading volume, the prior business day's reported NAV and closing price, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[21] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Regular Market Session [22] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'' as defined in Nasdaq Rule 5735(c)(2)) held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[23] The Disclosed Portfolio will include, as applicable, the names, quantities, percentage weightings and market values of the portfolio securities and other assets held by the Fund. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's Disclosed Portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,[24] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the Intraday Indicative Value and the market price may occur. This should not be viewed as a ''real time'' update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's annual and semi-annual reports (together, ''Shareholder Reports''), and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares. One source of price information for Municipal Securities is the Electronic Municipal Market Access (''EMMA'') of the Municipal Securities Rulemaking Board (''MSRB'').[25] Additionally, the MSRB offers trade data subscription services that permit subscribers to obtain information about municipal securities transactions. Quotation information from brokers and dealers or Pricing Services will also be available for fixed income securities generally. Intraday executable price information for fixed income securities, equity securities and derivatives will be available from major broker-dealer firms and major market data vendors. For exchange-traded assets, intraday price information will also be available directly from the applicable listing exchanges. Intraday price information will also generally be available through subscription services, such as Bloomberg, Markit, and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes will be included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change will be defined in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [26] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and

[21] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[22] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m., Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m., Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m., Eastern time).

[23] Under accounting procedures to be followed by the 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 Fund 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.

[24] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

[25] A source of price information for other types of fixed income securities is the Trade Reporting and Compliance Engine (''TRACE'') of the Financial Industry Regulatory Authority (''FINRA'').

[26] *See* 17 CFR 240.10A–3.

(12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the other assets constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m., Eastern time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[27] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''),[28] and FINRA may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

At least 90% of the Fund's net assets that are invested in exchange-traded futures and exchange-traded options (in the aggregate) will be invested in instruments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.

The Adviser is not a broker-dealer, but it is affiliated with a broker-dealer and is required to implement a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the open-end fund's portfolio.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of ISG, and FINRA may obtain trading

[27] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[28] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. At least 90% of the Fund's net assets that are invested in exchange-traded futures and exchange-traded options (in the aggregate) will be invested in instruments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

The primary investment objective of the Fund will be to generate current income that is exempt from regular federal income taxes and its secondary objective will be long-term capital appreciation. Under normal market conditions, the Fund will seek to achieve its investment objectives by investing at least 80% of its net assets (including investment borrowings) in Municipal Securities. The Fund will invest at least 65% of its net assets in investment grade securities. The Fund may invest up to 10% of its net assets in taxable municipal securities and up to 10% of its net assets in distressed Municipal Securities. The Fund generally expects that no more than 20% of the value of the Fund's net assets will be invested in derivative instruments; however, there will be no limitation on the Fund's investments in derivative instruments to be used by the Fund solely for hedging purposes. The Fund's investments in derivatives will be consistent with the Fund's investment objectives and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index. Also, the Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, in accordance with Commission guidance. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with the Valuation Procedures and in accordance with the 1940 Act.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service, will be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares. One source of price information for Municipal Securities is the MSRB's EMMA. Additionally, the MSRB offers trade data subscription services that permit subscribers to obtain information about municipal securities transactions. Quotation information from brokers and dealers or Pricing Services will also be available for fixed income securities generally. Intraday executable price information for fixed income securities, equity securities and derivatives will be available from major broker-dealer firms and major market data vendors. For exchange-traded assets, intraday price information will also be available directly from the applicable listing exchanges. Intraday price information will also generally be available through subscription services, such as Bloomberg, Markit, and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted under the conditions specified in Nasdaq Rules 4120 and 4121 or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of ISG and FINRA may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Furthermore, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–019 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–019. 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 Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2014–019 and should be submitted on or before March 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03972 Filed 2–24–14; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71570; File No. SR–NASDAQ–2014–018]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Options Regulatory Fee

February 19, 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 February 11, 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 the Substance of the Proposed Rule Change

NASDAQ proposes to modify Chapter XV, entitled ''Options Pricing,'' at Section 5 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 amend its fees to specify the frequency with which the Exchange may change the Options Regulatory Fee (''ORF'').

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on March 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ proposes to amend its Rules at Chapter XV, Section 5 to specify the frequency with which the Exchange may change the ORF. The ORF is assessed by the Exchange on each member for all options transactions executed or cleared by the member that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (i.e., transactions that clear in the customer account of the member's clearing firm at OCC) regardless of the exchange on which the transaction occurs.[3] The fee is collected indirectly

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NOM Participants who do not transact an equities business on the NASDAQ Stock Market

Continued

from members through their clearing firms by OCC on behalf of the Exchange. The dues and fees paid by members go into the general funds of the Exchange, a portion of which is used to help pay the costs of regulation.

In response to feedback from market participants requesting greater certainty as to when ORF changes may occur, the Exchange proposes to specify in the Pricing Schedule that the Exchange may only increase or decrease the ORF semi-annually, and any such fee change will be effective on the first business day of February or August.[4] In addition to submitting a proposed rule change to the Securities and Exchange Commission (''Commission'') as required by the Act to increase or decrease the ORF, the Exchange will notify participants via an Options Trader Alert of any anticipated change in the amount of the fee at least 30 calendar days prior to the effective date of the change. The Exchange believes that by providing guidance on the timing of any changes to the ORF, the Exchange would make it easier for market participants to ensure their systems are configured to properly account for the ORF.

The proposed change is not intended to address any other issues, and the Exchange is not aware of any problems that members would have in complying with the proposed change.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change to limit changes to the ORF to twice a year on specific dates with advance notice is reasonable because it will give market participants certainty on the timing of changes, if any, and better enable them to properly account for ORF charges among their customers. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will apply in the same manner to all members that are subject to the ORF and provide them with additional advance notice of changes to that fee.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will impose an undue burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not intended to address a competitive issue but rather to provide members with better notice of any change that the Exchange may make to the ORF. In any event, because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their trading practices, the Exchange believes that the degree to which fee or credit changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed change will impair the ability of members, or competing order execution venues to maintain their competitive standing in the financial markets.

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.[7] 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–2014–018 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–2014–018. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–018, and should be submitted on or before March 18, 2014.

LLC in a calendar year receive a refund of the fees specified in Rule 7003(b) upon written notification to the Exchange along with documentation evidencing that no equities business was conducted on the NASDAQ Stock Market for that calendar year. The Exchange accepts refund requests up until sixty (60) days after the end of the calendar year.

[4] The Exchange monitors the amount of revenue collected from the ORF so that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs. *See, e.g.,* Securities Exchange Act Release Nos. 65913 (December 8, 2011), 76 FR 77883 (December 14, 2011) (SR–NASDAQ–2011–163).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03970 Filed 2–24–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71569; File No. SR–Phlx–2014–12]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Options Regulatory Fee

February 19, 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 February 11, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend its Pricing Schedule to specify the frequency with which the Exchange may change the Options Regulatory Fee (''ORF'').

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on March 3, 2014.

The text of the proposed rule change is available on the Exchange's Web Site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Pricing Schedule at Section IV, Part D to specify the frequency with which the Exchange may change the ORF. The ORF is assessed by the Exchange on each member for all options transactions executed or cleared by the member that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (i.e., transactions that clear in the customer account of the member's clearing firm at OCC) regardless of the exchange on which the transaction occurs. The fee is collected indirectly from members through their clearing firms by OCC on behalf of the Exchange. The dues and fees paid by members go into the general funds of the Exchange, a portion of which is used to help pay the costs of regulation.

In response to feedback from market participants requesting greater certainty as to when ORF changes may occur, the Exchange proposes to specify in the Pricing Schedule that the Exchange may only increase or decrease the ORF semi-annually, and any such fee change will be effective on the first business day of February or August.[3] In addition to submitting a proposed rule change to the Securities and Exchange Commission (''Commission'') as required by the Act to increase or decrease the ORF, the Exchange will notify participants via an Options Trader Alert of any anticipated change in the amount of the fee at least 30 calendar days prior to the effective date of the change. The Exchange believes that by providing guidance on the timing of any changes to the ORF, the Exchange would make it easier for market participants to ensure their systems are configured to properly account for the ORF.

The proposed change is not intended to address any other issues, and the Exchange is not aware of any problems that members would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change to limit changes to the ORF to twice a year on specific dates with advance notice is reasonable because it will give market participants certainty on the timing of changes, if any, and better enable them to properly account for ORF charges among their customers. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will apply in the same manner to all members that are subject to the ORF and provide them with additional advance notice of changes to that fee.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange Exchange [sic] does not believe that the proposed rule change will impose an undue burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not intended to address a competitive issue but rather to provide members with better notice of any change that the Exchange may make to the ORF. In any event, because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their trading practices, the Exchange believes that the degree to which fee or credit changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed change will impair the ability of members, or competing order execution venues to maintain their competitive standing in the financial markets.

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange monitors the amount of revenue collected from the ORF so that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs. *See, e.g.,*Securities Exchange Act Release Nos. 61133 (December 9, 2009), 74 FR 66715 (December 16, 2009) (SR–Phlx–2009–100); 61529 (February 17, 2010), 75 FR 8421 (February 24, 2010) (SR–Phlx–2010–17), 62619 (July 30, 2010), 75 FR 47874 (August 9, 2010) (SR–Phlx–2010–100); 63436 (December 6, 2010), 75 FR 77021 (December 10, 2010) (SR–Phlx–2010–166); 65897 (December 6, 2011), 76 FR 77277 (December 12, 2011) (SR–Phlx–2011–163) and 66664 (March 27, 2012), 77 FR 19743 (April 2, 2012).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

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.[6] 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–Phlx–2014–12 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–Phlx–2014–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2014–12, and should be submitted on or before March 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–03969 Filed 2–24–14; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meetings.

SUMMARY: The SBA is issuing this notice to announce the location, date and time and agenda for the 3rd quarter meetings of the National Small Business Development Center (SBDC) Advisory Board.

DATES: The meetings for the 3rd quarter will be held on the following dates:

Tuesday, April 15, 2014 at 1:00pm EST;
Tuesday, May 20, 2014 at 1:00pm EST;
Tuesday, June 17, 2014 at 1:00pm EST.

ADDRESSES: This meeting will be held via conference call.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), SBA announces the meetings of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers.

The purpose of these meetings is to discuss following issues pertaining to the SBDC Advisory Board:

—SBA Update
—Annual Meetings
—Board Assignments
—Member Roundtable

FOR FUTHER INFORMATION CONTACT: The meetings are open to the public however advance notice of attendance is requested. Anyone wishing to be a listening participant must contact Monika Nixon by fax or email. Her contact information is Monika Nixon, Program Specialist, 409 Third Street SW., Washington, DC 20416, Phone 202–205–7310, Fax 202–481–5624, email, *monika.nixon@sba.gov*

Additionally, if you need accommodations because of a disability or require additional information, please contact Monika Nixon at the information above.

Diana Doukas,

Committee Management Officer.

[FR Doc. 2014–03913 Filed 2–24–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8645]

30-Day Notice of Proposed Information Collection: Medical History and Examination for Foreign Service

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to March 27, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Susan B. Summers—Chief, Medical Clearances at Department of State, Office of Medical Clearances, SA–15 Room 400, 1800 North Kent St. Rosslyn, VA. 22209, who may be reached on (703) 875–5413 or at *summerssb@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Medical History and Examination for Foreign Service
- *OMB Control Number:* 1405–0068
- *Type of Request:* Emergency Review
- *Originating Office:* M/MED/MC
- *Form Number:* DS–1843, DS–1622
- *Respondents:* Foreign Service candidates who have been given provisional offers of employment and other individuals who participate in the Department of State's Medical Program.
- *Estimated Number of Respondents:* 10,000
- *Estimated Number of Responses:* 10,000
- *Average Time per Response:* 1 Hour
- *Total Estimated Burden Time:* 10,000 Hours
- *Frequency:* Once after conditional offer of employment, and, during the employment of the member of the Foreign Service, at intervals between assignments abroad.
- *Obligation To Respond:* Mandatory

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Pursuant to the Foreign Service Act of 1980, as amended, the Secretary of State has the authority to establish a Medical Program, and the information at issue is collected in accordance with 22 U.S.C. 4084, 3901, and 3984. The information collected in Form DS–1843 is needed to determine whether a candidate for a Foreign Service appointment can obtain the medical clearance that is a requirement of the appointment. Additionally, the information collected in Form DS–1843 and Form DS–1622 is used to provide and to update medical clearances for individuals who participate in the Medical Program.

Methodology: After the individual and his or her health care provider complete the form, it can be faxed or scanned and emailed to *MEDMR@state.gov.*

Dated: February 12, 2014.

Ernest E. Davis,

Director of Medical Clearances, Office of Medical Services, Department of State.

[FR Doc. 2014–04063 Filed 2–24–14; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF STATE

[Public Notice 8644]

30-Day Notice of Proposed Information Collection: Form DS–3057, Medical Clearance Update, OMB 1405–0131

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to March 27, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email:* *oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Susan B. Summers—Chief, Medical Clearances at Department of State, Office of Medical Clearances, SA–15 Room 400, 1800 North Kent St. Rosslyn, VA. 22209, who may be reached on (703) 875–5413 or at *summerssb@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Medical Clearance Update.
- *OMB Control Number:* 1405–0131.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Office of Medical Services—Medical Clearances.
- *Form Number:* DS 3057.
- *Respondents:* Foreign service officers, federal employees, or family members.
- *Estimated Number of Respondents:* 16,280.
- *Estimated Number of Responses:* 16,280.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 8,140 hours.
- *Frequency:* As needed.
- *Obligation To Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Form DS–3057 is designed to collect medical information to provide medical providers with current and adequate information to base decisions on whether a federal employee and family members will have sufficient medical resources at a diplomatic mission abroad to maintain the health and fitness of the individual and family members.

Methodology: The information collected will be collected through the

use of an electronic forms engine or by hand written submission using a pre-printed form.

Dated: February 12, 2014.

Ernest E. Davis,

Director of Medical Clearances, Office of Medical Services, Department of State.

[FR Doc. 2014–04065 Filed 2–24–14; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF STATE

[Public Notice 8646]

Culturally Significant Object Imported for ExhibitionDeterminations: ''Pterosaurs''

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 object to be included in the exhibition ''Pterosaurs,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the American Museum of Natural History, New York, NY, from on or about April 19, 2014, until on or about January 4, 2015, 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 object, 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 20, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary,Bureau of Educational and Cultural Affairs,Department of State.

[FR Doc. 2014–04053 Filed 2–24–14; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments From the Public and Nominations for the Public Interest Trade Advisory Committee

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments from the public on the creation of the Public Interest Trade Advisory Committee and request for nominees to that Committee.

SUMMARY: The Office of the United States Trade Representative (''USTR'') is, pursuant to Section 135 of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) and the Federal Advisory Committee Act (5 U.S.C. App. 1), establishing the Public Interest Trade Advisory Committee (''the Committee'') to provide policy advice on issues involving trade and from the perspective of those concerned with public interest issues. USTR seeks comments on the Committee's objectives and the scope of its activities. USTR is also seeking nominations for membership on the Committee.

DATES: Written comments are due by COB on Tuesday, March 25, 2014. Nominations for membership will be accepted at any time, however, in order to be considered for the initial populating of the committee, nominations should be made by March 25, 2014.

ADDRESSES: Written comments should be submitted electronically via the Internet at *http://www.regulations.gov,* Docket number USTR–2014–0005. For alternatives to online submission please contact Tiffany Enoch, at (202) 395–6120.

FOR FURTHER INFORMATION CONTACT: Questions regarding this request for comments should be directed to Tiffany Enoch, Deputy Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement at (202) 395–6120.

SUPPLEMENTARY INFORMATION:

Background

Section 135 of the Trade Act of 1974, as amended (19 U.S.C. 2155), directs the President to obtain information and advice from representative elements of the private sector and the non-Federal government sector regarding U.S. trade policy and trade negotiation objectives. Among other mechanisms, Section 135(c)(1) of the Trade Act of 1974 provides that:

(1) The President may establish individual general policy advisory committees for industry, labor, agriculture, services, investment, defense, and other interests, as appropriate, to provide general policy advice on matters referred to in subsection (a) of this section.

The President has delegated authority to the USTR to appoint policy advisory committees (''Tier 2'').

Section 135(c)(1) of the Trade Act of 1974 calls for each general policy advisory committee ''insofar as is practicable,'' ''[to] be representative of all industry, labor, agricultural, service, investment, defense, and other interests . . . including small business interests.''

Section 135(f) of the Trade Act of 1974 provides, in relevant part that, ''the provisions of the Federal Advisory Committee Act apply . . . (2) to all . . . advisory committees which may be established under subsection (c) of this section.'' The Federal Advisory Committee Act (FACA) (5 U.S.C. 1–14) requires that legislation establishing or authorizing the establishment of an advisory committee ''require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee'' (5 U.S.C. 5).

With the creation of the Public Interest Trade Advisory Committee, a new forum for discussions on public interest aspects of trade issues will be available. The objectives and scope of activities of the Public Interest Trade Advisory Committee include, but are not limited to:

(1) Providing the U.S. Trade Representative with policy advice on issues including but not limited to, public health, international development, and consumer protection.

(2) Providing the President, the USTR, and Congress with reports on trade agreements, following their conclusions, which include an advisory opinion on whether and to what extent the agreement promotes the interests of the United States.

Request for Comments

USTR solicits comments on the objectives and scope of activities for the Public Interest Advisory Committee, including comments on: the appropriate scope of viewpoints to be represented in such a committee to ensure the committee is fairly balanced; how included viewpoints would improve the quality of information and advice provided to USTR; how included viewpoints would add value and contribute to the Committee's mission to provide general trade policy advice; any additional objectives or activities; modifications to aforementioned objectives, activities or viewpoints; and any other pertinent insights.

Requirements for Submission

Written comments must be received by COB on Tuesday, March 25, 2014. In order to ensure the most timely and expeditious receipt and consideration of comments, USTR has arranged to accept on-line submissions via *www.regulations.gov*. To submit comments via *www.regulations.gov,* enter docket number USTR–2014–0005 on the home page and click ''go''. The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' (For further information on using the *http://www.regulations.gov/* Web site, please consult the resources provided on the Web site by clicking on ''How to Use This Site'' on the left side of the home page.)

The *www.regulations.gov* Web site provides the option of making submissions by filling in a ''Type Comments'' field, or by attaching using the ''Upload File'' field. USTR prefers submissions to be provided in an attached document. If a document is attached, it is sufficient to type ''See attached'' in the ''Type Comments'' field.

We strongly urge submitters to avail themselves of the electronic filing, if at all possible. If an on-line submission is impossible, alternative arrangements must be made with Ms. Enoch, at (202) 395–6120.

Request for Nominations

USTR is also soliciting nominations for membership on the Public Interest Trade Advisory Committee (PITAC). In order to be appointed to the PITAC, the following eligibility requirements must be met:

1. The applicant must be a U.S. citizen;
2. The applicant must not be a full-time employee of a U.S. governmental entity;
3. The applicant must not be a federally-registered lobbyist;
4. The applicant must not be registered with the Department of Justice under the Foreign Agents Registration Act;
5. The applicant must be able to obtain and maintain a security clearance; and
6. The applicant must represent a U.S. organization that represents whose members (or funders) have a demonstrated interest in international trade.

For eligibility purposes, a ''U.S. organization'' is an organization, including trade association, labor union and organization, and nongovernmental organization (NGO), established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), as determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.

In order to be considered for PITAC membership, a nominee should submit:

(1) Name, title, affiliation, and relevant contact information of the individual requesting consideration;

(2) A sponsor letter on the entity's or organization's letterhead containing a brief description of why the applicant should be considered for membership;

(3) The applicant's personal resume demonstrating knowledge of international trade issues;

(4) An affirmative statement that the applicant and the organization he or she represents meet all eligibility requirements;

(5) An affirmative statement that the applicant is not a federally registered lobbyist, and that the applicant understands that if appointed, the applicant will not be allowed to continue to serve as a PITAC member if the applicant becomes a federally registered lobbyist; and

(6) Information regarding the sponsoring entity, including the control of the entity or organization to be represented and the organization's demonstrated interest in international trade. As noted, members of the committee are appointed to represent the views of their sponsoring entities. As such, committee members will generally serve as representatives of those organizations and not as Special Government Employees.

USTR will consider applicants for membership on the PITAC that meet the eligibility criteria based on the following criteria: ability to represent the sponsoring U.S. entity's or U.S. organization's interests on trade matters; ability to carry out the objectives of the PITAC and ensuring that the PITAC is balanced in terms of points of view, demographics, geography, and entity or organization size.

Submit applications to Tiffany Enoch, Deputy Assistant U.S. Trade Representative for Intergovernmental and Affairs and Public Engagement. Send applications to: *tenoch@ustr.eop.gov*. If you have any question please contact Ms. Enoch at (202)395–6120.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this notice. Persons may submit public comments electronically to *www.regulations.gov,* docket number USTR–2014–0005. If you are unable to provide submissions by *www.regulations.gov,* please contact Cece Jones-Davis to arrange for an alternative method of transmission.

To submit comments via *www.regulations.gov,* enter docket number USTR–2014–0005 on the home page and click ''search''. The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' on the left side of the search-results page, and click on the link entitled ''Comment Now!'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use This Site'' on the left side of the home page.)

The *www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comments'' field, or by attaching a document using an ''Upload File'' field. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type ''See attached'' in the ''Type Comments'' field.

A person requesting that information contained in a comment that he/she submitted be treated as confidential business information, must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Cece Jones-Davis at (202) 395–3692. A non-confidential summary of the confidential information must be submitted to *www.regulations.gov*. The non-confidential summary will be placed in the docket and will be open to public inspection.

Dated: February 19, 2014.

Jewel James,

Assistant U.S. Trade Representative, Intergovernmental Affairs and Public Engagement.

[FR Doc. 2014–04062 Filed 2–24–14; 8:45 am]

BILLING CODE 3190–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 13–11–C–00–MSP To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Minneapolis/St. Paul International Airport, Minneapolis, Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Minneapolis/St. Paul International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: Comments on the application may be mailed or delivered in triplicate to the FAA at the following address: Christopher Hugunin, Manager, Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Vinh Ngo, Accountant for the Metropolitan Airports Commission, at the following address: Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, Minnesota, 55450.

Comments previously submitted as part of the air carriers and foreign air carriers consultation process under 14 CFR 158.23 and the public notice process under 14 CFR 158.24 do not have to be resubmitted in order to be considered by the FAA.

FOR FURTHER INFORMATION CONTACT: Christopher Hugunin, Manager, Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450, (612) 253–4610.

Review of Application: A copy of the PFC application is available for examination, upon prior appointment during normal business hours at the Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450. Please call (612) 253–4610 to set up an appointment.

Additionally, a copy to examine can be found at the following location: Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, Minnesota, 55450. Please contact Vinh Ngo at (612) 726–8160 to set up an appointment.

The application may also be viewed online at *http://www.metroairports.org/Airport-Authority.aspx*.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Minneapolis/St. Paul International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On March 25, 2013, the Metropolitan Airports Commission submitted an application to impose and use revenues from a PFC at Minneapolis/St. Paul International Airport.

On April 25, 2013, the FAA determined that the application to impose and use the revenue from a PFC submitted by Metropolitan Airports Commission was not substantially complete within the requirements of section 158.25 of Part 158. The Metropolitan Airports Commission supplemented the application on January 29, 2014. The FAA will approve or disapprove the application, in whole or in part, no later than May 29, 2014.

The following is a brief overview of the application.

PFC application number: 13–11–C–00–MSP

Proposed charge effective date: February 1, 2019.

Proposed charge expiration date: January 1, 2020.

Level of the proposed PFC: $4.50.

Total estimated PFC revenue: $54,880,921.

Brief description of proposed project(s): Terminal 1—Concourse F Pedestrian Bridge Rehabilitation, Terminal 1—Passenger Bridge Replacements, Electronic Video Information Display Systems, Runway 30R Medium Intensity Approach Lighting System, Perimeter Fence and Gate Security Improvements, Taxiway C Extension, Runway 30L Engineered Materials Arresting System Replacements, Service Road Tunnel Improvements, Terminal 2—Security Checkpoint, Terminal 2—Passenger Boarding Bridge Replacement, Terminal 2—Orange Parking Ramp Skyway Link/Terminal Expansion, ARFF Station Number 2/Boiler Building Roof Replacements, and Airport Noise and Operations System Upgrades.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi.

Issued in Des Plaines, Illinois on February 13, 2014.

Ignacio Flores,

Deputy Manager. Airports Division, Great Lakes Region.

[FR Doc. 2014–03925 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Ninth Meeting: RTCA Special Committee 227, Standards of Navigation Performance

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

ACTION: Meeting Notice of RTCA Special Committee 227, Standards of Navigation Performance.

SUMMARY: The FAA is issuing this notice to advise the public of the ninth meeting of the RTCA Special Committee 227, Standards of Navigation Performance.

DATES: The meeting will be held March 17–21, 2014 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at Eurocae Headquarters, 102 Rue Etienne Dolet, 92240 Malakoff, France.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662 or (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org*. In addition, Sophie Bousquet may be contacted directly at email: *sbousquet@rtca.org*.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 227. The agenda will include the following:

March 17–21

- Welcome/Introductions/Administrative Remarks
- Agenda Overview
- Overview of Planned Work Program for the Week
  - Plan for MASPS Change 1
  - Plan for MOPS
- Committee Coordination on Dynamic RNP (SC–214), and A–IM (SC–186).
- Plenary Review—MASPS/MOPS
  - Planned Work Schedule (Note, schedule subject to change based upon progress/pace/issue)

○ 9:00 a.m. to 4:00 p.m. each day
• Technical Requirements Breakout Sessions (as needed)
• Other Business
• Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 12, 2014.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–03924 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

91st Meeting: RTCA Special Committee 159, Global Positioning Systems (GPS)

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

ACTION: Meeting Notice of RTCA Special Committee 159, RTCA Special Committee 159, Global Positioning Systems (GPS).

SUMMARY: The FAA is issuing this notice to advise the public of the ninety-first meeting of the RTCA Special Committee 159, Global Positioning Systems (GPS).

DATES: The meeting will be held March 11–14, 2014 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 159. The agenda will include the following:

Working Group Sessions

March 11

• Working Group 2, GPS/WAAS, MacIntosh-NBAA Room and Colson Board Room.

March 12

• Working Group 2, GPS/WAAS, ARINC & A4A Rooms Room.

March 12

• Working Group 2 Working Group 4, GPS/Precision Landing, MacIntosh-NBAA Room and Colson Board Room.

March 13

• Working Group 4, GPS/GPS/Precision Landing Guidance MacIntosh-NBAA Room and Colson Board Room.

• Afternoon—1:00–5:00 p.m., Working Group 7, GPS/Antennas, ARINC & A4A Room.

March 14

• Chairman's Introductory Remarks.

• Approval of Summary of the Ninetieth Meeting held March 15, 2013, RTCA Paper No. 197–13/SC159–1009.

• Review Working Group (WG) Progress and Identify Issues for Resolution.

• GPS/3nd Civil Frequency (WG–1)

• GPS/WAAS (WG–2)

• GPS/GLONASS (WG–2A)

• GPS/Inertial (WG–2C)

• GPS/Precision Landing Guidance (WG–4)

• GPS/Airport Surface Surveillance (WG–5)

• GPS/Interference (WG–6)

• GPS/Antennas (WG–7)

• Review of EUROCAE Activities.

• Briefing—DOT's GPS Adjacent Band Compatibility Plan

• Assignment/Review of Future Work

• Other Business.

• Date and Place of Next Meeting.

• Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 12, 2014.

Paige Williams,

Management Analyst, NextGen, Business Operations Group Federal Aviation Administration.

[FR Doc. 2014–03916 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Seventy Seventh Meeting: RTCA Special Committee 147, Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment

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

ACTION: Meeting Notice of RTCA Special Committee 147, Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment.

SUMMARY: The FAA is issuing this notice to advise the public of the Seventy Seventh meeting of RTCA Special Committee 147, Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment.

DATES: The meeting will be held March 18–20, 2014, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 147. The agenda will include the following:

March 18

• Opening Plenary Session
○ Chairmen's Opening Remarks
○ Introductions
○ Approval of Minutes From 76th Meeting of SC 147
○ Approval of Agenda
○ Update From Eurocontrol/WG–75
• Review High-Level Goals for MOPS Effort
○ *Mid-morning and lunch breaks taken at the discretion of SC 147 leads*
• Review of ACAS X Concepts
○ Agreements From ACAS X Concepts review
○ Review and Discussion of Draft MOPS Section 1
○ *Mid-afternoon Break 3:00–3:30*
• Discussion of MOPS Structure

Wednesday, March 19: SC–147 Plenary Agenda

- Introduction to Algorithm Description Document (180 min/9:00–12:00)—TCAS Program Office
  - Overview of STM
  - Overview of TRM
  - *Mid-morning and lunch breaks taken at the discretion of SC 147 leads*
- SESAR Activity Updates
  - Update on SESAR work Update & Progress (4.8.2/9.47)
  - Results on TCAS/ACAS X Interoperability Eval
  - Complementary Results on ACAS X Eval
  - *Mid-afternoon Break 2:30–3:00*
- Logic Table Optimization and Tuning
- Overview of Run 12 Validation Results

Thursday, March 20: SC–147 Plenary Agenda

- Draft SC 147 Schedule for ACAS X MOPS
- Coordination Sub-Group Schedule and Scope
- 2015 ACAS X Flight Test Goals and Scenarios
- Revisit Agenda Item #2—High-Level MOPS Goals
- Other/new business/Overflow
- Closing Session
  - Next Meeting Location
  - Action Item review
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 12, 2014.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–03917 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–14]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on this petition must identify the petition docket number and must be received on or before March 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0052 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for 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).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass (202) 493–5260

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 20, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0052

Petitioner: Sierra Pacific Airlines (SPA)

Section of 14 CFR Affected: § 121.1117(e)(1)

Description of Relief Sought: Petitioner seeks relief from an interim compliance date of December 26, 2014, to modify 50 percent of its fleet to incorporate Ignition Mitigation Means or Flammability Reduction Means as required by section 121.1117(e)(1).

[FR Doc. 2014–03996 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–13]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before March 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2013–1075 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building

Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for 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).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 20, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2013–1075.

Petitioner: Operation Migration.

Section of 14 CFR Affected: 14 CFR 61.113(a), 91.319(e), and 91.327(a).

Description of Relief Sought: Operation Migration requests relief to allow pilots with a private license to fly special light-sport aircraft (SLA) for compensation or hire.

[FR Doc. 2014–03983 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–15]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before March 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2013–0889 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for 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).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 20, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2013–0889.

Petitioner: Aero-Flite, Inc.

Section of 14 CFR Affected: 14 CFR 60.7(a)(1) and (b)(1).

Description of Relief Sought: Aero-Flite requests relief from §§ 60.7(a)(1) and (b)(1) to allow it to sponsor the Swiss Aviation Training simulator and have it recertified with the FAA. The simulator would be used for crew training, perform certification check rides, and annual currency check rides per 14 CFR 61.58.

[FR Doc. 2014–03982 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–11]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before March 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–0134 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in

Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for 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).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Katherine L. Haley, ARM–203, Federal Aviation Administration, Office of Rulemaking, 800 Independence Ave. SW., Washington, DC 20591; email *Katherine.L.Haley@faa.gov;* (202) 493–5708.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 19, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2010–0134.

Petitioner: Al's Aerial Spraying, LLC.

Section of 14 CFR Affected: 14 CFR 137.51(b)(4)(i).

Description of Relief Sought: Petitioner seeks modifications to the existing conditions and limitations in Exemption No. 10142, which allows petitioner to use a single-engine turbopropeller-powered Air Tractor aircraft to make turnarounds over congested areas in a loaded configuration. The petitioner is requesting conditions and limitations be changed as follows: (1) The altitude over congested areas where a turnaround maneuver begins be reduced from 200 feet to 100 feet above ground level, and (2) the emergency landing area glide distance be increased from no more than 1 nautical mile to no more than 1.4 nautical miles.

[FR Doc. 2014–03980 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2007–27897]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 11 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective March 5, 2014. Comments must be received on or before March 27, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2007–27897], 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 or Courier:* 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 DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

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

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 11 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 11 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Lee A. Burke (WI)
Barton C. Caldara (WI)
Allan Darley (UT)
Richard Hailey, Jr. (DC)

Robert V. Hodges (IL)
George R. Knavel (UT)
John R. Knott, III (MD)
Timothy S. Miller (AZ)
Edward D. Pickle (GA)
Robert L. Thies (IN)
James T. Wortham, Jr. (GA)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 11 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (68 FR 74699; 69 FR 10503; 69 FR 12536; 70 FR 57353; 70 FR 72689; 71 FR 6829; 72 FR 39879; 72 FR 52419; 72 FR 62897; 73 FR 8392; 74 FR 64124; 75 FR 8184; 77 FR 10604; 77 FR 7233). Each of these 11 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by March 27, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 11 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

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 numbers FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2007–27897 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–2003–16564; FMCSA–2005–22194; FMCSA–2007–27897 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: February 12, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–03999 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0442]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of applications for exemption, request for comments.

SUMMARY: FMCSA announces receipt of applications from 15 individuals for an exemption from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition which is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce. The regulation and the associated advisory criteria published in the Code of Federal Regulations as the ''Instructions for Performing and Recording Physical Examinations'' have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs for 2 years in interstate commerce.

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2013–0442 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

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

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316; January 17, 2008). This information is also available at *http://Docketinfo.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Elaine Papp, Chief, Medical Programs Division, (202) 366–4001, or via email at *fmcsamedical@dot.gov*, or by letter FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 15 individuals listed in this notice have recently requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs as defined in 49 CFR 390.5, in interstate commerce. Section 391.41(b)(8) states that a person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

FMCSA provides medical advisory criteria for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate CMVs in intrastate commerce. The advisory criteria indicate that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause which did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition, has no existing residual complications, and is not taking anti-seizure medication. Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

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–2013–0442'' 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–2013–0442'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Summary of Applications

Charles Blood

Mr. Blood is a 60 year-old class B CDL holder in New York. He has a history of seizure disorder and has remained seizure free since 1975. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Blood receiving an exemption.

Barry Cultice

Mr. Cultice is a 40 year-old driver in Alabama. He has a history of seizures and has remained seizure free since 2006. He does not take anti-seizure medication. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Cultice receiving an exemption.

Michael Duprey

Mr. Duprey is a 53 year-old class A CDL holder in Connecticut. He has a history of post traumatic seizure disorder and has remained seizure free since 1992. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Duprey receiving an exemption.

Arnold Gatison

Mr. Gatison is a 52 year old driver in Connecticut. He has a history of seizure disorder and has remained seizure free since 2005. He takes anti-seizure medication with the dosage and frequency remaining the same for over 2 years. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Gatison receiving an exemption.

Michael Hines

Mr. Hines is a 43 year-old driver in Colorado. He has a history of seizure disorder and has remained seizure free since 2008. He takes anti-seizure medication with the dosage and frequency remaining the same for over 2 years. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Hines receiving an exemption.

Kenneth Hovey

Mr. Ho vey is a 52 year-old class A CDL holder in Oklahoma. He has a history of seizures and has remained seizure free for at least 10 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 10 years. If granted the exemption, he would like to continue to drive a CMV. His physician states he is supportive of Mr. Hovey receiving an exemption.

Raymond Lobo

Mr. Lobo is a 24 year-old driver in New Jersey. He has a history of 2 possible seizures and has remained seizure free for 10 years. He takes anti-seizure medication with the dosage and frequency remaining the same for over 2 years. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Lobo receiving an exemption.

Shawn Mion

Mr. Mion is a 51 year-old class A CDL holder in Colorado. He has no history of seizure and takes anti-seizure medication for Essential Tremor. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Mion receiving an exemption.

Douglas Norland

Mr. Norland is a 39 year-old class B CDL holder in Minnesota. He has a history of seizure disorder and has remained seizure free for 25 years. He discontinued one of his seizure medications in January 2013. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Norland receiving an exemption.

Randy Pinto

Mr. Pinto is a 24 year-old class B CDL holder in Pennsylvania. He has a history of seizure disorder and has remained seizure free for 9 years. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Pinto receiving an exemption.

Bryan Puterbaugh

Mr. Puterbaugh is a 23 year-old driver in New Jersey. He has a history of juvenile epilepsy and has remained seizure free for 12 years. He has not taken anti-seizure medication for 6 years. If granted the exemption, he would like to drive a school bus. His physician states he is supportive of Mr. Puterbaugh receiving an exemption.

Brent Robinson

Mr. Robinson is a 33 year-old driver in North Carolina. He has a history of seizures and has remained seizure free for over 10 years. He has not taken anti-seizure medication for over 6 years. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Robinson receiving an exemption.

James Spece

Mr. Spece is a 55 year-old driver in Pennsylvania. He has a history of seizure disorder and has remained seizure free for 10 years. He takes anti-seizure medication with the dosage and frequency remaining the same for 4 years. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Spece receiving an exemption.

Douglas Teigland

Mr. Teigland is a 57 year-old driver in Minnesota. He has a history of seizures and has remained seizure free since 1978. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Teigland receiving an exemption.

Joseph Thomas

Mr. Thomas is a 26 year-old class A CDL holder in Maryland. He has a history of seizures and has remained seizure free since 2000. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states he is supportive of Mr. Thomas receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued on: February 12, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–03994 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0002]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 58 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0002 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

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

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 58 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Thomas R. Abbott

Mr. Abbott, age 49, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2013, his optometrist certified that, in his medical opinion, Mr. Abbott does have sufficient vision to operate a commercial motor vehicle. Mr. Abbott reported that he has driven straight trucks for 8 years, accumulating 332,800 miles. He holds a Class B Commercial Driver's License (CDL) from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John M. Alfano

Mr. Alfano, 56, has had a macular scar in his left eye since 2006. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2013, his optometrist noted, ''He visually is able to perform driving tasks needed to operate a commercial vehicle.'' Mr. Alfano reported that he has driven straight trucks for 37 years, accumulating 296,000 miles. He holds a chauffer's license from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Corey L. Amans

Mr. Amans, 44, has a macular scar in his right eye due to a traumatic incident in 1989. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''I certify that in my medical opinion, Corey has sufficient vision to perform the driving test required to operate a commercial vehicle based on the minimum Wisconsin standards for commercial drivers.'' Mr. Amans reported that he has driven straight trucks for 25 years, accumulating 800,000 miles. He holds a Class BCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Bruce V. Anderson

Mr. Anderson, 57, has had refractive amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2013, his optometrist noted, ''In my professional opinion, his vision is adequate to perform the driving tasks necessary to safely operate a commercial motor vehicle.'' Mr. Anderson reported that he has driven straight trucks for 32 years, accumulating 480,000 miles. He holds a Class B CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Alan A. Andrews

Mr. Andrews, 59, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, 20/800. Following an examination in 2013, his optometrist stated that, in his medical opinion, Mr. Andrews does have sufficient vision to operate a commercial motor vehicle. Mr. Andrews reported that he has driven straight trucks for 34 years, accumulating 1.7 million miles, and tractor-trailer combinations for 34 years, accumulating 1.7 million miles. He holds a Class A CDL from Maine. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Franklin D. Bailey

Mr. Bailey, 45, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his ophthalmologist noted that Mr. Bailey's vision condition will not affect the safe operation of a CMV. Mr. Bailey reported that he has driven straight trucks for 4 years, accumulating 400,000 miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he failed to signal a lane change or turn.

Felipe Bayron

Mr. Bayron, 57, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''The patient was diagnosed with Amblyopia [*sic*] in the right eye (O.D.) and normal ocular health in the left . . . It is my professional opinion that there is no doubt Mr. Bayron is more than sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Bayron reported that he has driven straight trucks for 4 years, accumulating 500,000 miles, and tractor-trailer combinations for 8 years, accumulating 786,000 miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Tomas Benavidez, Jr.

Mr. Benavidez, 41, has a retinal scar in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2013, his optometrist noted, ''In my medical opinion, Thomas [*sic*] exhibits sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Benavidez reported that he has driven straight trucks for 14 years, accumulating 1 million miles. He holds a Class B CDL from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael S. Broadway

Mr. Broadway, 32, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2013, his ophthalmologist noted, ''The ocular health of his eyes is stable and he would be able to drive truck [*sic*].'' Mr. Broadway reported that he has driven straight trucks for 4 years, accumulating 20,000 miles, and tractor-trailer combinations for 4 years, accumulating 20,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gary A. Budde

Mr. Budde, 59, has had aphakia, exotropia, an irregular pupil, and retinal problems since 1973, causing a visual field defect. The visual acuity in his right eye is 20/40, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''Mr. Budde is aphakic, has retinal problems, exotropia, and an irregular pupil . . . Mr. Budde has the ability to operate a commercial vehicle.'' Mr. Budde reported that he has driven straight trucks for 23 years, accumulating 230,000 miles, and tractor-trailer combinations for 30 years, accumulating 3 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Darrell L. Canupp

Mr. Canupp, 57, has a retinal scar due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his optometrist noted, ''Based on our testing today, Mr. Cannupp [*sic*] does meet the requirements for commercial driving while monocular.'' Mr. Canupp reported that he has driven tractor-trailer combinations for 35 years, accumulating 1.05 million miles. He holds a Class CA CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mark W. Castleman

Mr. Castleman, 43, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his optometrist noted, ''It is my impression Mr. Castleman has adequate visual skills to properly perform his job duties of operating a commercial vehicle.'' Mr. Castleman reported that he has driven straight trucks for 20 years, accumulating 600,000 miles. He holds a Class B CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Lorimer E. Christianson

Mr. Christianson, 56, has had a prosthetic left eye since 1990. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his ophthalmologist noted, ''Based on these findings, I feel Mr. Christianson has the visual abilities to continue operating a commercial motor vehicle in interstate commerce because the visual loss in his left eye occurred in 1990 and has been stable since that time.'' Mr. Christianson reported that he has driven straight trucks for 15 years, accumulating 67,500 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James R. Crum

Mr. Crum, 68, has had retinal scarring and traumatic optic neuropathy in his right eye since 1968. The visual acuity in his right eye is light perception, and in his left eye, 20/25. Following an examination in 2013, his optometrist noted, ''As Mr. Crum has been driving a commercial vehicle for 30+ years and his vision is stable, there appear to be no contraindications for him to continue to do so.'' Mr. Crum reported that he has driven straight trucks for 28 years, accumulating 616,000 miles, and tractor-trailer combinations for 27 years, accumulating 405,000. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Travis C. Denzler

Mr. Denzler, 74, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his ophthalmologist noted, ''He does have sufficient vision to perform driving tasks for a commercial vehicle, as he has

done that before.'' Mr. Denzler reported that he has driven straight trucks for 56 years, accumulating 1.96 million miles, and tractor-trailer combinations for 2 years, accumulating 2,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph O. Dickerson

Mr. Dickerson, 54, has had a mature cataract in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2013, his ophthalmologist noted, ''Mr. Joseph Dickerson is a 54 year old [*sic*] white male who carries the diagnoses of psuedophakia in the right eye, mature cataract in the left eye, hypertropia/vertical hypertropia in the left eye and diabetes mellitus without ophthalmic complications in both eyes . . . In summary, Mr. Dickerson should be able to operate a commercial motor vehicle per our exams.'' Mr. Dickerson reported that he has driven straight trucks for 32 years, accumulating 1.92 million miles, and tractor-trailer combinations for 25 years, accumulating 250,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles S. Duvel

Mr. Duvel, 55, has had a retinal scar in his right eye since 1997. The visual acuity in his right eye is 20/125, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''At this time he is visually stable and has sufficient vision to perform the driving tasks necessary to operate a commercial vehicle.'' Mr. Duvel reported that he has driven straight trucks for 3 years, accumulating 185,964 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David L. Dykes

Mr. Dykes, 54, has a prosthetic right eye due to a traumatic incident in 2003. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''Overall, Mr. Dykes has good vision when fully corrected . . . He meets the requirements to operate a commercial vehicle.'' Mr. Dykes reported that he has driven straight trucks for 37 years, accumulating 111,000 miles, and tractor-trailer combinations for 28 years, accumulating 1.4 million miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he failed to obey a traffic law.

Daniel L. Fedder

Mr. Fedder, 47, has had Leber's hereditary optic neuropathy his left eye since 1997. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his optometrist noted, ''I, therefore, certify, [*sic*] that in my professional opinion as an optometrist, that Mr. Daniel Fedder has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Fedder reported that he has driven straight trucks for 16 years, accumulating 232,000 miles. He holds a Class B CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edward A. Flitton

Mr. Flitton, 37, has exotropia in his right eye due to a traumatic incident during 2005. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist noted, ''He has a visual acuity of 20/20 and in my medical opinion has sufficient vision to operate a commercial vehicle.'' Mr. Flitton reported that he has driven straight trucks for 8 years, accumulating 160,000 miles. He holds a Class B CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Juan C. Gallo-Gomez

Mr. Gallo-Gomez, 41, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist noted, ''After reviewing Mr. Gallo's [*sic*] visual field and exam he [*sic*] meets the criteria to perform the driving tasks required to operate a commercial vehicle under FMCSA Monocular Vision Exemption Program [*sic*].'' Mr. Gallo-Gomez reported that he has driven straight trucks for 5 years, accumulating 70,000 miles. He holds a Class A CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael Giagnacova

Mr. Giagnacova, 51, has had a macular scar, retinal detachment, and a cataract in his right eye since 1983. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''Michael Giagnacova has sufficient vision to operate a commercial motor vehicle.'' Mr. Giagnacova reported that he has driven straight trucks for 20 years, accumulating 140,000 miles, and tractor-trailer combinations for 20 years accumulating 60,000 miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Andeberhan O. Gidey

Mr. Gidey, 46, has complete loss of vision in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his optometrist noted, ''His vision is stable, has the ability to distinguish colors of traffic control signals, and in my opinion, has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Gidey reported that he has driven tractor-trailer combinations for 8 years, accumulating 192,000 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows one crash, for which he was cited, and no convictions for moving violations in a CMV.

Christopher I. Goodwin

Mr. Goodwin, 52, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2013, his ophthalmologist noted, ''In my medical opinion the patient has sufficient vision to preform [*sic*] the driving tasks required to operate a commercial vehicle.'' Mr. Goodwin reported that he has driven straight trucks for 3 years, accumulating 231,987 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Luis A. Gomez-Banda

Mr. Gomez-Banda, 35, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/120. Following an examination in 2013, his optometrist noted that there were no driving restrictions necessary for the patient to safely operate a commercial motor vehicle. Mr. Gomez-Banda reported that he has driven straight trucks for 9 years, accumulating 118,638 miles. He holds a Class CM CDL from

Nevada. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kevin G. Karow

Mr. Karow, 50, has had glaucoma and amblyopia in his left eye since 1993. The visual acuity in his right eye is 20/20, and in his left eye, 20/150. Following an examination in 2013, his ophthalmologist noted, ''I hereby certify to these findings and report that [*to*] the best of my knowledge that he can perform driving tasks that are required to operate a commercial vehicle, from a vision perspective.'' Mr. Karow reported that he has driven straight trucks for 20 years, accumulating 78,000 miles. He holds a Class ABCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gregory L. Kockelman

Mr. Kockelman, 56, has a retinal detachment in his left eye due to a traumatic incident in 2009. The visual acuity in his right eye is 20/15, and in his left eye, 20/50. Following an examination in 2013, his optometrist noted, ''in [*sic*] my opinion he will have no difficulty driving or operating any heavy machinery. He will have no restrictions with his CDL as far as vision is concerned.'' Mr. Kockelman reported that he has driven straight trucks for 36 years, accumulating 180,000 miles, and tractor-trailer combinations for 36 years, accumulating 288,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David R. Knobloch

Mr. Knobloch, 56, has had choroidal melanoma in his right eye since 2004. The visual acuity in his right eye is 20/100 and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''My estimation is that Mr. Knobloch retains sufficient visual acuity and visual perception to adequately drive a commercial motor vehicle.'' Mr. Knobloch reported that he has driven tractor-trailer combinations for 30 years, accumulating 2.88 million miles. He holds a Class CA CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Perry T. Kolberg

Mr. Kolberg, 56, has a retinal detachment and retinal scarring in his left eye due to a traumatic injury during childhood. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2013, his optometrist noted, ''Patient is safe to operate a vehicle and to operate a CDL required [*sic*] license vehicle as patient has normal vision in the right eye.'' Mr. Kolberg reported that he has driven straight trucks for 21 years, accumulating 210,000 miles, tractor-trailer combinations for 21 years, accumulating 346,500 miles. He holds a Class AM CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mark A. La Fleur

Mr. La Fleur, 47, has had a retinal detachment in his left eye since 1998. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his ophthalmologist noted, ''In my opinion, Mr. LaFleur [*sic*] has sufficient vision to perform the driving tasks required to operate a commercial vehicle equipped with outside mirrors on both sides.'' Mr. La Fleur reported that he has driven straight trucks for 7 years, accumulating 218,400 miles. He holds an operator's license from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dennis A. Lindner

Mr. Lindner, 31, has had glaucoma in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2013, his optometrist noted, ''I feel Dennis has sufficient vision to preform [*sic*] the driving tasks required to operate a commercial vehicle.'' Mr. Lindner reported that he has driven straight trucks for 6 years, accumulating 120,000 miles, and tractor-trailer combinations for 3 years, accumulating 90,000 miles. He holds an operator's license from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jerry P. Lindesmith

Mr. Lindesmith, 45, has an enucleated left eye due to a traumatic incident in 1999. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his optometrist noted, ''Mr. Lindesmith has been driving safely under these conditions since 1999 and, in my opinion, has sufficient vision to safely perform the driving tasks required to operate a commercial vehicle.'' Mr. Lindesmith reported that he has driven straight trucks for 3 years, accumulating 295,650 miles, and tractor-trailer combinations for 25 years, accumulating 4.03 million miles. He holds a Class A CDL from Oklahoma. His driving record for the last 3 years shows no crashes and two convictions for moving violations in a CMV; one conviction was for failure to stop for a stop sign; the other conviction was for exceeding the speed limit by 10 mph.

Jorge S. Lopez

Mr. Lopez, 63, has had a macular hole in his right eye since 1998. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''Mr. Lopez has sufficient vision to operate [*sic*] commercial vehicle.'' Mr. Lopez reported that he has driven tractor-trailer combinations for 35 years, accumulating 1.4 million miles. He holds an operator's license from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas J. Mavraganis

Mr. Mavraganis, 25, has had a retinal detachment in his left eye since 2005. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2013, his ophthalmologist noted, ''Although Thomas has very poor vision in his left eye, his vision in his right eye is completely normal, therefore his vision is sufficient to drive a commercial vehicle.'' Mr. Mavraganis reported that he has driven straight trucks for 3.5 years, accumulating 52,500 miles. He holds an operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Douglas P. McEachern

Mr. McEachern, 49, has had HSV keratitis in his right eye since 2009. The visual acuity in his right eye is 20/300, and in his left eye, 20/15. Following an examination in 2013, his optometrist noted, ''In my medical opinion, given the longstanding nature of the condition, and given the stability of the condition, he can perform adequate, safe operation of a commercial vehicle.'' Mr. McEachern reported that he has driven straight trucks for 7 years, accumulating 84,000 miles. He holds a Class B CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Merton H. Miller

Mr. Miller, 79, has a prosthetic left eye due to a traumatic incident in 1971. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his optometrist noted, ''In my opinion, Mr. Miller has sufficient vision to perform commercial driving tasks.'' Mr. Miller reported that he has driven straight trucks for 50 years, accumulating 500,000 miles, and tractor-trailer combinations for 50 years, accumulating 550,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles R. Morris, Jr.

Mr. Morris, 63, has complete loss of vision in his left eye due to a traumatic incident in 2001. The visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2013, his ophthalmologist noted that, in his medical opinion, Mr. Morris does have sufficient vision to operate a commercial motor vehicle. Mr. Morris reported that he has driven straight trucks for 10 years, accumulating 1 million miles, and tractor-trailer combinations for 45 years, accumulating 4.5 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John Murray

Mr. Murray, 60, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2013, his ophthalmologist noted, ''I certify that in my medical option [*sic*] Mr. Murry [*sic*] has significant vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Murray reported that he has driven tractor-trailer combinations for 13 years, accumulating 169,000 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael S. Nichols

Mr. Nichols, 49, has amblyopia in his left eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/400. Following an examination in 2013, his optometrist noted, ''In my opinion, Mr. Nichols is completely safe to operate a commercial vehicle provided that mirrors are on both the right and left hand sides of the vehicle.'' Mr. Nichols reported that he has driven straight trucks for 28 years, accumulating 728,000 miles. He holds an operator's license from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dino J. Pires

Mr. Pires, 44, has had strabismic amblyopia in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, 20/200. Following an examination in 2013, his ophthalmologist noted, ''I believe that Mr. Pires is safe to operate any motor vehicle, with normal peripheral vision and good central vision in his dominant eye.'' Mr. Pires reported that he has driven straight trucks for 15 years, accumulating 75,000 miles. He holds an operator's license from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Anthony S. Poindexter

Mr. Poindexter, 52, has had a corneal scar in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/250. Following an examination in 2013, his ophthalmologist noted, ''Although Mr. Poindexter's corrected acuity is 20/20 OD and 20/250 OS I believe that he has sufficient vision to perform driving tasks to operate a commercial vehicle as he states that he has operated a commercial vehicle since he was 18 years old and the corneal scar OS is congenital.'' Mr. Poindexter reported that he has driven straight trucks for 33 years, accumulating 171,600 miles, and tractor-trailer combinations for 33 years, accumulating 330,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William S. Pusey

Mr. Pusey, 72, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, counting fingers. Following an examination in 2013, his ophthalmologist noted, ''In my medical opinion, Mr. Pusey has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Pusey reported that he has driven straight trucks for 55 years, accumulating 1.1 million miles, and tractor-trailer combinations for 51 years, accumulating 3.06 million miles. He holds a Class A CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joe A. Root

Mr. Root, 54, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''I feel that Mr. Root's *visual* abilities are adequate to operate a commercial vehicle.'' Mr. Root reported that he has driven straight trucks for 23 years, accumulating 230,000 miles, and tractor-trailer combinations for 14 years, accumulating 385,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Daryl A. Roskam

Mr. Roskam, 33, has had complete loss of vision in his right eye since 2002. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2013, his optometrist noted that, in his medical opinion, Mr. Roskam does have sufficient vision to operate a commercial motor vehicle. Mr. Roskam reported that he has driven straight trucks for 13 years, accumulating 16,250 miles. He holds an operator's license from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Chance T. Rupert

Mr. Rupert, 30, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2013, his optometrist noted, ''It is my medical opinion that Mr. Rupert has sufficient vision to perform the driving task [*sic*] required to operate a commercial vehicle.'' Mr. Rupert reported that he has driven straight trucks for 12 years, accumulating 480,000 miles, and tractor-trailer combinations for 2 years, accumulating 16,000 miles. He holds an operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Phil N. Schad

Mr. Schad, 64, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''In my opinion, Mr. Schad has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Schad reported that he has driven straight trucks for 25 years, accumulating 375,000 miles. He holds a Class B CDL from Missouri. His driving

record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Glen A. Schroeder

Mr. Schroeder, 54, has had a corneal scar and cataract in his left eye since 2000. The visual acuity in his right eye is 20/20, and in his left eye, 20/300. Following an examination in 2013, his ophthalmologist noted, ''I told him to be careful and make sure that the right eye is always seeing well as the left eye does have a deficiency, but I do feel that he would be safe in maintaining his CDL license for commercial driving.'' Mr. Schroeder reported that he has driven straight trucks for 2 years, accumulating 120,000 miles, and tractor-trailer combinations for 37 years, accumulating 4.44 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eric E. Scott

Mr. Scott, 40, has complete loss of vision in his right eye due to a traumatic incident in 1998. The visual acuity in his right eye is hand motion, and in his left eye, 20/15. Following an examination in 2013, his optometrist noted, ''It is my opinion that Eric Scott fully meets or exceeds the visual requirements to operate a commercial motor vehicle in interstate commerce.'' Mr. Scott reported that he has driven straight trucks for 7 years, accumulating 70,000 miles, and tractor-trailer combinations for 7 years, accumulating 94,500 miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert L. Sharp

Mr. Sharp, 51, has an aphakic right eye due to a traumatic incident during childhood. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2013, his optometrist noted, ''In my medical opinion, he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Sharp reported that he has driven straight trucks for 25 years, accumulating 50,000 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Glen A. Showalter

Mr. Showalter, 62, has retinal damage and a macular scar in his left eye due to a traumatic incident in 1985. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2013, his ophthalmologist noted, ''This letter certifies that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle as he has been doing for over 25 years.'' Mr. Showalter reported that he has driven straight trucks for 40 years, accumulating 600,000 miles, and tractor-trailer combinations for 32 years, accumulating 2.24 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows one crash, for which he was not cited, and two convictions for moving violations in a CMV; one conviction was for exceeding the speed limit by 10 to 25 mph; the other conviction was for failure to hold a valid CDL while operating a CMV.

Michael D. Singleton

Mr. Singleton, 63, has had ocular histoplasmosis with a macular scar in his right eye since 2007. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist noted, ''In my opinion he has sufficient vision to perform the driving test required to drive a commercial vehicle given the fact that his vision is 20/20- [*sic*] in his left eye.'' Mr. Singleton reported that he has driven straight trucks for 31 years, accumulating 852,500 miles. He holds a chauffer's license from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John B. Theres

Mr. Theres, 36, has had nystagmus and albinism in his right eye since birth. The visual acuity in his right eye is 20/160, and in his left eye, 20/32. Following an examination in 2013, his optometrist noted, ''In my professional opinion as an optometrist, John Theres has sufficient vision to operate a commercial vehicle.'' Mr. Theres reported that he has driven straight trucks for 12 years, accumulating 300,000 miles, and tractor-trailer combinations for 11 years, accumulating 220,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert S. Waltz

Mr. Waltz, 37, has had strabismus amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2013, his optometrist noted, ''In my medical opinion, Robert has sufficient vision to perform driving tasks to operate a commercial vehicle.'' Mr. Waltz reported that he has driven straight trucks for 15 years, accumulating 240,000 miles. He holds a Class B CDL from Maine. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ronald L. Walker

Mr. Walker, 45, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2013, his ophthalmologist noted, ''Mild R Amblyopia [sic] . . . Stable R eye Condition [*sic*] . . . There is sufficient vision for commercial vehicle operation.'' Mr. Walker reported that he has driven straight trucks for 4 years, accumulating 40,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles G. Warshun, Jr.

Mr. Warshun, 58, has had a nuclear sclerotic cataract in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, 20/70. Following an examination in 2013, his ophthalmologist noted, ''Vision sufficient to drive a commercial vehicle safely.'' Mr. Warshun reported that he has driven straight trucks for 36 years, accumulating 524,160 miles. He holds an operator's license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Willard H. Weerts

Mr. Weerts, 59, has optic nerve damage due to a traumatic incident in 1981. The visual acuity in his right eye is 20/400, and in his left eye, 20/25. Following an examination in 2013, his optometrist noted, ''Based on the fact that he has had a CDL license for many years, along with this condition, I feel that he is still capable of driving a commercial vehicle.'' Mr. Weerts reported that he has driven straight trucks for 14 years, accumulating 140,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Vernon J. Wenger

Mr. Wenger, 62, has had refractive amblyopia in his left eye since childhood. The visual acuity in his right

eye is 20/20, and in his left eye, 20/100. Following an examination in 2013, his optometrist noted, ''My understanding is that Mr. Wenger has been driving a commercial vehicle for many years without incident. There has been no recent change in his visual abilities, so my assumption would be that he should have sufficient vision to perform the driving task required to operate a commercial vehicle.'' Mr. Wenger reported that he has driven straight trucks for 20 years, accumulating 520,000 miles. He holds a Class B CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Donald G. Wilcox, Jr.

Mr. Wilcox, 45, has had high hyperopia, astigmatism, nystagmus, and alternating exotropia with left-sided fixation preference in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/40. Following an examination in 2013, his optometrist noted, ''At this time it is of my medical opinion that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Wilcox reported that he has driven straight trucks for 6 years, accumulating 60,000 miles, and tractor-trailer combinations for 9 years, accumulating 540,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business March 27, 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.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0002 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–2014–0002 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: February 12, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–03995 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA- 2014–0012]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 50 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before March 27, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0012 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below for further information.

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

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published

in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 50 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Franklin D. Bailey

Mr. Bailey, 45, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bailey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. By holding a Federal Vision Exemption, Mr. Bailey will be exempt from the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Georgia.

Tony T. Bakkala

Mr. Bakkala, 31, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bakkala understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bakkala meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Washington.

RobRoy Barney

Mr. Barney, 43, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Barney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Barney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Aaron C. Bogle

Mr. Bogle, 39, has had ITDM since 2004. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bogle understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bogle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Todd L. Brandt

Mr. Brandt, 50, has had ITDM since 2004. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brandt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brandt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Dean G. Brekhus

Mr. Brekhus, 43, has had ITDM since 1998. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brekhus understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brekhus meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Kenneth L. Brooks, Jr.

Mr. Brooks, 23, has had ITDM since 1996. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brooks understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brooks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

Angie M. Carrington

Ms. Carrington, 27, has had ITDM since 1996. Her endocrinologist examined her in 2013 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Carrington understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Carrington meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2013 and certified that she does not have diabetic retinopathy. She holds an operator's license from Missouri.

David A. Cavan

Mr. Cavan, 62, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cavan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cavan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Massachusetts.

David A. Charles

Mr. Charles, 52, has had ITDM since 2007. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Charles understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Charles meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Philip M. Clardy

Mr. Clardy, 28, has had ITDM since 2008. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Clardy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clardy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a chauffeur's license from Michigan.

James A. Davis

Mr. Davis, 67, has had ITDM since 2010. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Davis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Davis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Samuel J. Desmond

Mr. Desmond, 23, has had ITDM since 1995. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Desmond understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Desmond meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Rhode Island.

David A. Doeling

Mr. Doeling, 53, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Doeling understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Doeling meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Dakota.

Mark C. Durler

Mr. Durler, 27, has had ITDM since 1986. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Durler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Durler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Kansas.

Nathaniel Edwards, Jr.

Mr. Edwards, 63, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Edwards understands

diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Edwards meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

John F. Fedorchak, Jr.

Mr. Fedorchak, 46, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fedorchak understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fedorchak meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Roger A. Felix

Mr. Felix, 61, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Felix understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Felix meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a chauffer's license from Indiana.

Derek W. Frazier

Mr. Frazier, 58, has had ITDM since 2006. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Frazier understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Frazier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Iowa.

Harry M. Gallagher

Mr. Gallagher, 72, has had ITDM since 2004. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gallagher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gallagher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Michael G. Haugen

Mr. Haugen, 27, has had ITDM since 2007. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Haugen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Haugen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Richard E. Hazek

Mr. Hazek, 56, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hazek understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hazek meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Timothy S. Hinkhouse

Mr. Hinkhouse, 58, has had ITDM since 2008. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hinkhouse understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hinkhouse meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Gregg Isherwood

Mr. Isherwood, 52, has had ITDM since 2005. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Isherwood understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Isherwood meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Maine.

William L. Ivey

Mr. Ivey, 60, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ivey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ivey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Washington.

Chad D. Johansen

Mr. Johansen, 39, has had ITDM since 1998. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johansen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johansen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Utah.

Kevin Krummenacker

Mr. Krummenacker, 53, has had ITDM since 1993. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Krummenacker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Krummenacker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from New York.

James A. Lagunas

Mr. Lagunas, 39, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lagunas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lagunas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arizona.

Douglas R. Lane

Mr. Lane, 48, has had ITDM since 2009. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lane understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lane meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Jonathon W. Luebke

Mr. Luebke, 42, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Luebke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Luebke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Brion Maguire

Mr. Maguire, 39, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Maguire understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maguire meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Christopher P. Martin

Mr. Martin, 35, has had ITDM since 1990. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Martin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from New Hampshire.

Jacob R. Martin

Mr. Martin, 21, has had ITDM since 2008. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Martin understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Martin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

John C. May

Mr. May, 52, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. May understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. May meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Daryl J. Millard

Mr. Millard, 56, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Millard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Millard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Angel F. Morales

Mr. Morales, 37, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Morales understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Morales meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

Neil J. Morrison

Mr. Morrison, 28, has had ITDM since 1990. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Morrison understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Morrison meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Illinois.

Peter Odo

Mr. Odo, 63, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Odo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Odo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Slobodan Pavlovich

Mr. Pavlovich, 49, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pavlovich understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pavlovich meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Darryl W. Peppers

Mr. Peppers, 47, has had ITDM since 2000. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Peppers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Peppers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Bradley S. Pletcher

Mr. Pletcher, 31, has had ITDM since 2006. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pletcher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pletcher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Michael G. Pollard

Mr. Pollard, 57, has had ITDM since 2006. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pollard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pollard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Hank D. Rose, Jr.

Mr. Rose, 37, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rose understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rose meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

James M. Runyon

Mr. Runyon, 39, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Runyon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Runyon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oklahoma.

Michael J. Schroeder

Mr. Schroeder, 55, has had ITDM since 1994. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schroeder understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schroeder meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Mary E. Schultz

Ms. Schultz, 66, has had ITDM since 2013. Her endocrinologist examined her in 2013 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Schultz understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Schultz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2013 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Wisconsin.

David H. Sopko

Mr. Sopko, 63, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sopko understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sopko meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

David G. Stookey

Mr. Stookey, 71, has had ITDM since 2007. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stookey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stookey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Thomas P. Verdon

Mr. Verdon, 49, has had ITDM since 2010. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Verdon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Verdon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Joshua R. Wiery

Mr. Wiery, 42, has had ITDM since 1978. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wiery understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wiery meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 USC. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0012 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–2014–0012 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: February 14, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–04010 Filed 2–24–14; 8:45 am]

BILLING CODE P

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2009–0291]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 21 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective March 2, 2014. Comments must be received on or before March 27, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2009–0291], 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 or Courier:* 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 DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

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

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the

name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 21 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 21 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Cris D. Bush (TN)
Billy C. Chenault (NM)
Eugene Contreras (NM)
Jim L. Davis (NM)
David E. Evans (NC)
Randy M. Garcia (NM)
Jason L. Hoovan (UT)
Amos W. Hulsey (AL)
Curtis M. Lawless (VA)
James M. McCormick (ID)
Millard F. Neace II (WV)
William E. Norris (NC)
Frank L. Ortolani (OH)
Paul D. Prillaman (VA)
Scott A. Randol (MO)
Miguel A. Sanchez (NM)
James E. Vickery (KY)
Norman J. Watson (NC)
Lewis H. West, Jr. (MA)
Billy R. Wilkey (TX)
Reginald J. Wuethrich (IL)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 21 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (74 FR 65842; 75 FR 9482; 77 FR 10604). Each of these 21 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by March 27, 2014.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 21 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

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 numbers FMCSA–2009–0291 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–2009–0291 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: February 12, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–04015 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2013–0181]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Federal pipeline safety laws, PHMSA is publishing this notice to announce the availability for review of an Environmental Assessment for a special permit request we have received from Fairbanks Natural Gas, LLC (FNG) for a facility in Fairbanks, Alaska. FNG is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. This notice seeks public comments on the Environmental Assessment, including comments on any safety or environmental impacts. The Environmental Assessment is available for review at *http://www.Regulations.gov*. At the conclusion of the 30-day comment period, PHMSA will evaluate the comments and determine whether to grant or deny the associated special permit request.

DATES: Submit any comments regarding this special permit request by March 27, 2014.

ADDRESSES: Comments should reference the docket number for the specific special permit request and may be submitted in the following ways:

- *E-Gov Web site: http://www.Regulations.gov*. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the Environmental Assessment and related special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov*.

Note: Comments are posted without changes or edits to *http://www.Regulations.gov,* including any personal information provided. There is a privacy statement published on *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

General: Kay McIver by telephone at 202–366–0113, or email at *Kay.McIver@dot.gov*.

Technical: Joseph Sieve by telephone at 202–366–5064 email at *Joseph.Sieve@dot.gov*.

SUPPLEMENTARY INFORMATION: On July 2, 2013, PHMSA received a request from FNG seeking relief from 49 CFR 193.2155 for its construction of a 125,000 barrel liquid natural gas single containment storage tank at its existing storage and vaporization facility at 2942 Tria Road in Fairbanks, Alaska. The request included a technical analysis provided by the operator and was filed at *http://www.Regulations.gov* under assigned docket number PHMSA–2013–0181. On August 26, 2013, through a **Federal Register** notice, PHMSA invited interested persons to participate by reviewing the special permit request at *http://www.Regulations.gov* and submitting written comments, data, or other views. No public comments were received in response to this publication.

To further evaluate the special permit request, PHMSA is publishing this notice to announce the availability of an Environmental Assessment prepared for the special permit area noted in FNG's request. Please include any comments on potential environmental impacts that may result if this special permit is granted. Before acting on this special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments will be evaluated after this date if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment we receive in making our decision to grant or deny a request.

Authority: 49 U.S.C. 60118 (c)(1) and 49 CFR 1.53.

Issued in Washington, DC, on February 19, 2014.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2014–03981 Filed 2–24–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Open Meeting of the President's Advisory Council on Financial Capability for Young Americans

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: The President's Advisory Council on Financial Capability for Young Americans (Council) will convene for an open meeting on March 10, 2014, at the Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington DC, beginning at 9:00 a.m. EST. The meeting will be open to the public. The Council will: (1) Receive a report from the Executive Director on the recommendations of the predecessor President's Advisory Council on Financial Capability and the Financial Literacy and Education Commission; (2) discuss proposed subcommittees and council agenda. Time will be allotted for members of the public, who may make up to one (1) minute of comments before

the Council. If you are interested in making comments, please request time when you register. Time slots will be subject to time available.

DATES: The meeting will be held on March 10, 2014 at 9:00 a.m. Eastern Time.

Submission of Written Statements: The public is invited to submit written statements to the Council. Written statements should be sent by any one of the following methods:

Electronic Statements

Email: *pacfcya@treasury.gov;* or

Paper Statements

Send paper statements to the Department of the Treasury, Office of Consumer Policy, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington DC, 20220.

In general, the Department will make all statements available in their original format, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers, for public inspection and photocopying in the Department's library located at Treasury Department Annex, 1500 Pennsylvania Avenue NW., Washington DC, 20220. The library is open on official business days between the hours of 10:00 a.m. and 5:00 p.m. You can make an appointment to inspect statements by calling (202) 622–0990. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Louisa Quittman, Director, Financial Education, Office of Consumer Policy, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington DC, 20220, at (202) 622–5770 or *pacfcya@treasury.gov.*

SUPPLEMENTARY INFORMATION: On June 25, 2013, the President signed Executive Order 13646, creating the Council to help build the financial capability of young people from an early age, in schools, communities and the workplace. Understanding financial matters and making informed financial decisions help contribute to financial stability. The Council is composed of two *ex-officio* Federal officials and 22 non-governmental members appointed by the President with relevant backgrounds, such as financial services, consumer protection, financial access, and education. The Director of the Consumer Financial Protection Bureau has also been invited to participate as a member of the Council. The role of the Council is to advise the President and the Secretary of the Treasury on means to promote and enhance the financial capability of young Americans. In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 and the regulations thereunder, Louisa Quittman, Designated Federal Officer of the Council, has ordered publication of this notice that the Council will convene its first meeting on March 10, 2014, at the Department of Treasury, 1500 Pennsylvania Avenue NW, Washington DC, beginning at 9:00 a.m. EST. The meeting will be open to the public. Members of the public who plan to attend the meeting must register in advance. To register, please go to *www.treasury.gov,* click on Resource Center, then Office of Consumer Policy, and then on the President's Advisory Council on Financial Capability for Young Americans by 5:00 p.m. EST on March 3, 2014. To register, attendees will need to provide a full name, date of birth and Social Security Number. For entry into the building on the date of the meeting, attendees must present a government-issued ID, such as a driver's license or passport, which includes a photo. The purpose of the meeting is to receive a report from the Executive Director on the recommendations of the predecessor President's Advisory Council on Financial Capability and the Financial Literacy and Education Commission and discuss proposed subcommittees and council agenda. Time will be allotted for members of the public, who may make up to one (1) minute of comments before the Council. Due to the significant logistical difficulties of appointing and convening the members of the PACFCYA, the meeting has been scheduled with less than 15 days notice, (see 41 CFR 102–3.150(b)).

David G. Clunie,

Acting Executive Secretary, U.S. Department of the Treasury.

[FR Doc. 2014–03926 Filed 2–24–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2014–0002]

Proposed Information Collections; Comment Request (No. 46)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau; Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

DATES: We must receive your written comments on or before April 28, 2014.

ADDRESSES: Please note that TTB has adopted a new method for receiving public comments on its information collections. As described below, you may send comments on the information collections listed in this document using the ''Regulations.gov'' online comment form for this document, or you may send written comments via U.S. mail or hand delivery. TTB no longer accepts public comments via email or fax.

- *http://www.regulations.gov:* Use the comment form for this document posted within Docket No. TTB–2014–0002 on ''Regulations.gov,'' the Federal e-rulemaking portal, to submit comments via the Internet;
- *U.S. Mail:* Mary A. Wood, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier in Lieu of Mail:* Mary A. Wood, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit separate comments for each specific information collection listed in this document that you wish to comment upon. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment.

You may view copies of this document, the information collections listed in it, and all comments received in response to this document within Docket No. TTB–2014–0002 at *http://www.regulations.gov.* A link to that docket is posted on the TTB Web site at *http://www.ttb.gov/forms/comment-on-form.shtml.* You may also obtain paper copies of this document, the information collections described in it, and any comments received in response to this document by contacting Mary A. Wood at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT: Mary A. Wood, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; telephone

202–453–1039, ext. 165; or email *informationcollections@ttb.gov* (please do *not* submit comments on this notice to this email address).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether this information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

Information Collections Open for Comment

Currently, we are seeking comments on the following forms, recordkeeping requirements, or questionnaires:

Title: Power of Attorney.

OMB Number: 1513–0014.

TTB Form Number: 5000.8.

Abstract: As authorized by the Internal Revenue Code of 1986, as amended, at 26 U.S.C. 6061, the TTB regulations require individuals who sign tax returns and other documents on behalf of an applicant, business, or other principal to have that signature authority on file with TTB. TTB F 5000.8 is used to delegate such signature authority to a specific individual.

Current Actions: We are submitting this information collection as an extension.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 5,000.

Estimated Total Annual Burden Hours: 3,250.

Title: Notice of Change in Status of Plant.

OMB Number: 1513–0044.

TTB Form or REC Number: None.

Abstract: This collection is necessary to document the use of a distilled spirits plant (DSP) premises for other activities or by alternating proprietors. It describes a proprietor's use of the plant premises and lists other information to show that the change in plant status is in conformity with Federal law and regulations.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Total Annual Burden Hours: 500.

Title: Tax Deferral Bond—Distilled Spirits (Puerto Rico).

OMB Number: 1513–0050.

TTB Form Number: 5110.50.

Abstract: TTB F 5110.50 is the bond to secure payment of excise taxes on the tax-deferred shipment of distilled spirits from Puerto Rico to the United States. The form identifies the principal, the surety, purpose of bond, and allocation of the penal sum among the principal's locations.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 10.

Estimated Total Annual Burden Hours: 10.

Title: Tobacco Products Manufacturers—Supporting Records for Removal for the Use of the United States.

OMB Number: 1513–0069.

TTB REC Number: 5210/6.

Abstract: Tobacco products have historically been a major source of excise tax revenues for the Federal Government. In order to safeguard these taxes, tobacco products manufacturers are required to maintain a system of records designed to establish accountability over the tobacco products and cigarette papers and tubes produced. However, these items can be removed without the payment of tax if they are for the use of the United States.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 101.

Estimated Total Annual Burden Hours: 505.

Titles: Statement of Ultimate Vendor; Exemption Certificate (Use on Certain Vessels or Aircraft); Exemption Certificate (Use by State or Local Governments); Statement of Manufacturer's Vendee (For Export); and Statement of Manufacturer's Vendee (Use in Further Manufacture).

OMB Number: 1513–0128.

TTB Form Number: 5600.33, 5600.34, 5600.35, 5600.36, and 5600.37, respectively.

Abstract: Title 27 CFR Part 53, Manufacturers Excise Taxes—Firearms and Ammunition, requires that, in some cases, persons who sell firearms or ammunition tax-free use specific exemption certificates or statements to support the tax-free sales. In addition, 27 CFR part 53 requires a specific statement from the ultimate vendor to support claims for certain tax refunds or credits. These certificates and statements are used to document these tax-free sales, and, to promote uniformity among excise taxpayer records, the regulations require firearms and ammunition excise taxpayers to design and reproduce these certificates or statements as specified in the regulations.

Current Actions: We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit; Individuals or households; State or Local Governments.

Estimated Number of Respondents: 7,000.

Estimated Total Annual Burden Hours: 52,500.

Dated: February 20, 2014.

Rochelle E. Stern,

Director, Regulations and Rulings Division.

[FR Doc. 2014–04111 Filed 2–24–14; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation; Bond Safeguard Insurance Company

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

ACTION: Notice.

SUMMARY: This is Supplement No. 4 to the Treasury Department Circular 570, 2013 Revision, published July 1, 2013, at 78 FR 39440.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given that Bond Safegaurd Insurance Company (NAIC# 27081) has redomesticated from the state of Illinois to the state of South Dakota effective December 9, 2013. Federal bond-approving officials should annotate their reference copies of the Treasury Department Circular 570 (''Circular''), 2013 Revision, to reflect this change.

With respect to any bonds currently in force with this company, bond-approving officers may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from this company and bonds that are continuous in nature should not be renewed.

The Circular may be viewed and downloaded through the Internet at *www.fms.treas.gov/c570*.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Bureau of the Fiscal Service, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: February 14, 2014.

Kevin McIntyre,

Manager, Financial Accounting and Services Branch, Bureau of the Fiscal Service.

[FR Doc. 2014–03915 Filed 2–24–14; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of 2 individuals and 2 entities whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the 2 individuals and 2 entities identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on February 19, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a significant role in international narcotics trafficking.

On February 19, 2014, the Director of OFAC removed from the SDN List the 2 individuals and 2 entities listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individuals

1. DIAZ HERRERA, Carlos Olimpo, c/o CAMBIOS NASDAQ LTDA, Bogota, Colombia; DOB 07 Feb 1954; POB Pandi, Cundinamarca, Colombia; nationality Colombia; citizen Colombia; Cedula No. 11250581 (Colombia); Passport 11250581 (Colombia) (individual) [SDNTK].
2. CLAVIJO ROMERO, Andres Elias, c/o C.I. STONES AND BYPRODUCTS TRADING S.A., Bogota, Colombia; c/o C.I. AGROINDUSTRIAL DE MATERIAS PRIMAS ORGANICAS LTDA, Bogota, Colombia; c/o PROMOTORA DE MATERIAS PRIMAS ORGANICAS DEL TOLIMA LTDA, Bogota, Colombia; c/o MERCADO DE VALORES INTEGRADOS LTDA, Bogota, Colombia; c/o JUAN SEBASTIAN Y CAMILA ANDREA JIMENEZ RAMIREZ Y CIA S.C.S., Bogota, Colombia; c/o PROFESIONALES EN GANADERIA, Bogota, Colombia; DOB 29 Jun 1973; citizen Colombia; Cedula No. 79209806 (Colombia) (individual) [SDNTK].

Entities

1. CAMBIOS NASDAQ LTDA, Avenida 15 No. 77–05 Local 2–106, Bogota, Colombia; NIT # 8301284123 (Colombia) [SDNTK].
2. PROFESIONALES EN GANADERIA, Carrera 49 No. 37–64 Sur, Bogota, Colombia; NIT # 79209806–6 (Colombia); Matricula Mercantil No 01414983 (Colombia) [SDNTK].

Dated: February 19, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–04047 Filed 2–24–14; 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 8 individuals and 5 entities 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 8 individuals and 5 entities identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on February 19, 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 19, 2014, the Director of OFAC designated the following 8 individuals and 5 entities whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individuals

1. RODRIGUEZ VASQUEZ, Fernain (a.k.a. CARRILLO, Abel); DOB 08 Jan 1972; POB Valparaiso, Caqueta, Colombia; Cedula No. 16191270 (Colombia) (individual) [SDNTK].
2. CASANOVA ORDONEZ, Hermes Alirio; DOB 02 Oct 1973; POB Policarpa, Narino, Colombia; Cedula No. 98390155 (Colombia) (individual) [SDNTK].
3. MONJE ALVARADO, Jonh Eduarth; DOB 09 May 1969; POB Caqueta, Florencia, Colombia; Cedula No. 1673727 (Colombia) (individual) [SDNTK] (Linked To: AGRO NEGOCIOS SAJE LTDA.).
4. SABAGH CAJELI, Romez Jose (a.k.a. SABAGH, Ramzi); DOB 04 Jun 1960; POB El Carmen de Bolivar, Bolivar, Colombia; Cedula No. 17848240 (Colombia) (individual) [SDNTK] (Linked To: ALMACEN SONIPAL).
5. QUINTERO CABALLERO, Luis Ramiro, Carrera 56 No. 81–98, Apt. 9B, Edificio Galery El Golf, Barranquilla, Colombia; Carrera 52B 100–240, Barranquilla, Colombia; DOB 23 Jan 1980; POB Santa Marta, Magdalena, Colombia; Cedula No. 7604133 (Colombia) (individual) [SDNTK] (Linked To: INTERNACIONAL MONEY SERVICIO LTDA.; Linked To: INVERSIONES Y REPRESENTACIONES EL CAIRO LTDA.; Linked To: EL KAIRO INTERNACIONAL SAS).
6. CUELLAR CASTRO, Luis Eduardo; DOB 18 Jun 1972; POB Valparaiso, Caqueta, Colombia; Cedula No. 12257081 (Colombia) (individual) [SDNTK].
7. VILLOTA SEGURA, Aldemar; DOB 03 Nov 1979; POB Policarpa, Narino, Colombia; Cedula No. 98367490 (Colombia) (individual) [SDNTK].
8. VILLOTA SEGURA, Segundo Alberto; DOB 22 Apr 1975; POB Policarpa, Narino, Colombia; Cedula No. 97445691 (Colombia) (individual) [SDNTK].

Entities

1. ALMACEN SONIPAL, Carrera 10 No. 12–20, Maicao, Guajira, Colombia; Matricula Mercantil No 0004638 (Colombia) [SDNTK].
2. INTERNACIONAL MONEY SERVICIO LTDA., Calle 76 No. 48–30, Barranquilla, Colombia; Carrera 15 No. 93–60 Local 1–21, Bogota, Colombia; Cra. 15 No. 119–59, Int. 308, Bogota, Colombia; NIT # 8301427473 (Colombia); alt. NIT # 9003766996 (Colombia) [SDNTK].
3. INVERSIONES Y REPRESENTACIONES EL CAIRO LTDA., Calle 76 No. 48–30, Barranquilla, Colombia; NIT # 802013384–9 (Colombia) [SDNTK].
4. AGRO NEGOCIOS SAJE LTDA., Carrera 15A No. 121–12, Ofc. 504, Bogota, Colombia; NIT # 9002933274 (Colombia); Matricula Mercantil No 1903808 (Colombia) [SDNTK].
5. EL KAIRO INTERNACIONAL SAS, Carrera 15 No. 93–60 Local 1–21, Bogota, Colombia; NIT # 900376699–6 (Colombia); Matricula Mercantil No 02018260 (Colombia) [SDNTK].

Dated: February 19, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–04033 Filed 2–24–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of 2 individuals and 1 entity whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, ''Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers''. In addition, OFAC is publishing an amendment to the identifying information of one individual previously designated pursuant to Executive Order 12978.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the two individuals and one entity identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on February 19, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202)622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the ''Order''). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) to play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On February 19, 2014, the Director of OFAC removed from the SDN List the individuals and entity listed below, whose property and interests in property were blocked pursuant to the Order:

Individuals

1. RODRIGUEZ ARBELAEZ, Juan Miguel, Avenida del Lago Calle Cocli Casa 19 Ciudad Jardin, Cali, Colombia; c/o CREDIREBAJA S.A., Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ Y CIA. S.C.S., Cali, Colombia; c/o M. RODRIGUEZ O. Y CIA. S.C.S., Cali, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Cali, Colombia; c/o ASISTENCIA PROFESIONAL ESPECIALIZADA EN COLOMBIA LIMITADA, Cali, Colombia; c/o BONOMERCAD S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o DROCARD S.A., Bogota, Colombia; c/o FUNDASER, Cali, Colombia; c/o INCOMMERCE S.A., Cali, Colombia; DOB 19 Nov 1976; Cedula No. 94491335 (Colombia) (individual) [SDNT].

2. RESTREPO ENCIZO, Luz Piedad, c/o GRANJA PORCICOLA LA FORTALEZA, Cartago, Valle, Colombia; c/o MOTEL MOMENTOS E.U., Cartago, Valle, Colombia; Calle 17 Bis. 2N–74, Cartago, Valle, Colombia; DOB 27 Dec 1975; POB Sevilla, Valle, Colombia; Cedula No. 31423447 (Colombia); Passport AH411251 (Colombia) (individual) [SDNT].

Entity

1. GRANJA PORCICOLA LA FORTALEZA, Carrera 22 No. 8–71, Cartago, Valle, Colombia; Vda. La Hondura, Cartago, Valle, Colombia; NIT # 31423447–7 (Colombia) [SDNT].

In addition, OFAC amended the identifying information for the following individual previously designated pursuant to Executive Order 12978:

1. SANCHEZ RUA, Rafael Angel, c/o ALMACEN Y COMPRAVENTA LOS 3 OROS, Cartago, Valle, Colombia; c/o GRANJA PORCICOLA LA FORTALEZA, Cartago, Valle, Colombia; c/o MOTEL MOMENTOS E.U., Cartago, Valle, Colombia; Calle 17 Bis. No. 2N–74, Cartago, Valle, Colombia; Finca El Encanto, Anserma, Colombia; Finca La Fortaleza, Anserma, Colombia; Finca La Perlita, Anserma, Colombia; Finca La Quichita, Anserma, Colombia; Finca Quiebra de Italia, Anserma, Colombia; DOB 22 Aug 1966; POB Ansermanuevo, Valle, Colombia; Cedula No. 16219873 (Colombia); Passport AF866705 (Colombia) (individual) [SDNT].

The listing for the individual now appears as follows:

1. SANCHEZ RUA, Rafael Angel, Calle 17 Bis. No. 2N–74, Cartago, Valle, Colombia; Finca El Encanto, Anserma, Colombia; Finca La Fortaleza, Anserma, Colombia; Finca La Perlita, Anserma, Colombia; Finca La Quichita, Anserma, Colombia; Finca Quiebra de Italia, Anserma, Colombia; DOB 22 Aug 1966; POB Ansermanuevo, Valle, Colombia; Cedula No. 16219873 (Colombia); Passport AF866705 (Colombia) (individual) [SDNT] (Linked To: MOTEL MOMENTOS E.U.; Linked To: ALMACEN Y COMPRAVENTA LOS 3 OROS).

Dated: February 19, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–04030 Filed 2–24–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1040 and Schedules A, B, C, C–EZ, D, D–1, E, EIC, F, H, J, R, and SE, Form 1040A, Form 1040EZ, Form 1040NR, Form 1040NR–EZ, Form 1040X, and all attachments to these forms.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). This notice requests comments on all forms used by individual taxpayers: Form 1040, U.S. Individual Income Tax Return, and Schedules A, B, C, C–EZ, D, E, EIC, F, H, J, R, and SE; Form 1040A; Form 1040EZ; Form 1040NR; Form 1040NR–EZ; Form 1040X; and all attachments to these forms (see the Appendix to this notice).

DATES: Written comments should be received on or before April 28, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to The OMB Unit, SE:W:CAR:MP:T:T:SP, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

PRA Approval of Forms Used by Individual Taxpayers

Under the PRA, OMB assigns a control number to each ''collection of information'' that it reviews and approves for use by an agency. The PRA also requires agencies to estimate the burden for each collection of information. Burden estimates for each control number are displayed in (1) PRA notices that accompany collections of information, (2) **Federal Register** notices such as this one, and (3) OMB's database of approved information collections.

Taxpayer Burden Model

The Individual Taxpayer Burden Model (ITBM) estimates burden experienced by individual taxpayers when complying with Federal tax laws and incorporates results from a survey of tax year 2011 individual taxpayers,

conducted in 2012 and 2013. The approach to measuring burden focuses on the characteristics and activities undertaken by individual taxpayers in meeting their tax return filing obligations.

Burden is defined as the time and out-of-pocket costs incurred by taxpayers in complying with the Federal tax system and are estimated separately. Out-of-pocket costs include any expenses incurred by taxpayers to prepare and submit their tax returns. Examples include tax return preparation fees, the purchase price of tax preparation software, submission fees, photocopying costs, postage, and phone calls (if not toll-free).

The methodology distinguishes among preparation method, taxpayer activities, taxpayer type, filing method, and income level. Indicators of tax law and administrative complexity, as reflected in the tax forms and instructions, are incorporated into the model.

Preparation methods reflected in the model are as follows:

- Self-prepared without software,
- Self-prepared with software, and
- Use of a paid preparer or tax professional.

Types of taxpayer activities reflected in the model are as follows:

- Recordkeeping,
- Tax planning,
- Gathering tax materials,
- Use of services (IRS and other),
- Form completion, and
- Form submission.

Taxpayer Burden Estimates

Summary level results using this methodology are presented in Table 1 below. The data shown are the best forward-looking estimates available for income tax returns filed for tax year 2013

Table 1 shows burden estimates based on current statutory requirements as of November 21, 2013 for taxpayers filing a 2013 Form 1040, 1040A, or 1040EZ tax return. Time spent and out-of-pocket costs are presented separately. Time burden is broken out by taxpayer activity, with record keeping representing the largest component. Out-of-pocket costs include any expenses incurred by taxpayers to prepare and submit their tax returns. Examples include tax return preparation and submission fees, postage and photocopying costs, and tax preparation software costs. While these estimates do not include burden associated with post-filing activities, IRS operational data indicate that electronically prepared and filed returns have fewer arithmetic errors, implying lower post-filing burden.

Reported time and cost burdens are national averages and do not necessarily reflect a ''typical'' case. Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type. For instance, the estimated average time burden for all taxpayers filing a Form 1040, 1040A, or 1040EZ is 12 hours, with an average cost of $210 per return. This average includes all associated forms and schedules, across all preparation methods and taxpayer activities. The average burden for taxpayers filing Form 1040 is about 15 hours and $280; the average burden for taxpayers filing Form 1040A is about 7 hours and $90; and the average for Form 1040EZ filers is about 4 hours and $30.

Within each of these estimates there is significant variation in taxpayer activity. For example, non-business taxpayers are expected to have an average burden of about 7 hours and $120, while business taxpayers are expected to have an average burden of about 24 hours and $430. Similarly, tax preparation fees and other out-of-pocket costs vary extensively depending on the tax situation of the taxpayer, the type of software or professional preparer used, and the geographic location.

Proposed PRA Submission to OMB

Title: U.S. Individual Income Tax Return.

OMB Number: 1545–0074.

Form Numbers: Form 1040 and Schedules A, B, C, C–EZ, D, E, EIC, F, H, J, R, and SE; Form 1040A; Form 1040EZ; Form 1040NR; Form 1040NR–EZ, Form 1040X; and all attachments to these forms (see the Appendix to this notice).

Abstract: These forms are used by individuals to report their income tax liability. The data is used to verify that the items reported on the forms are correct, and also for general statistical use.

Current Actions: The change in estimated aggregate compliance burden can be explained by three major sources—technical adjustments, statutory changes, and discretionary agency (IRS) actions.

Technical Adjustments—The largest adjustments are from incorporation of update tax return data, macroeconomic data, and survey data as well as refinements in the estimation methodology. Updating the FY13 macroeconomic data and incorporating new tax return data lead to the largest technical adjustments. The impact of each technical adjustment can be seen below.

	Change in filers	Change in time	Change in dollars
Updated FY13 Macroeconomic Data	−3,100,000	−32,000,000	−$762,000,000
Updated Tax Return Data	0	−53,000,000	−1,486,000,000
Updated Survey Data	0	6,000,000	1,063,000,000
FY14 Population Estimates	1,700,000	4,000,000	908,000,000

Statutory Changes—The primary drivers of the statutory changes are the phaseout of itemized deductions (American Taxpayer Relief Act of 2012), the Net Investment Income Tax (Health Care and Education Reconciliation Act of 2010), and the Additional Medicare Tax (Patient Protection and Affordable Care Act of 2010). The estimated impact of these items is as follows:

	Expected filers	Change in hours	Change in dollars
Phaseout of Itemized Deductions	2,300,000	< 500,000	$21,000,000
Net Investment Income Tax	2,800,000	4,000,000	202,000,000
Additional Medicare Tax	3,100,000	3,000,000	129,000,000

IRS Discretionary Changes—Introduction of the Office in the Home Safe Harbor impacts approximately 600,000 filers and decreases time by 1,600,000 hours (rounded to 2,000,000 hours) and money by $7,000,000. All

other IRS discretionary changes had a negligible impact on taxpayer burden.

Total—Taken together, the changes discussed above have decreased total hours by 69,000,000 hours and increased total dollars by $68,000,000.

Type of Review: Revision of currently approved collections.

Affected Public: Individuals or households.

Estimated Number of Respondents: 152,900,000.

Total Estimated Time: 1.855 billion hours (1,855,000,000 hours).

Estimated Time per Respondent: 12.13 hours.

Total Estimated Out-of-Pocket Costs: $31.717 billion ($31,717,000,000).

Estimated Out-of-Pocket Cost Per Respondent: $207.

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 will 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 10, 2014 .

Christie Preston,

IRS Supervisory Tax Analyst.

TABLE 1—ESTIMATED AVERAGE TAXPAYER BURDEN FOR INDIVIDUALS BY ACTIVITY

Primary form filed or type of taxpayer		Time burden					Money burden
		Average time burden (hours)					
	Percentage of returns	Total time	Record keeping	Tax planning	Form completion and submission	All other	Average cost
All Taxpayers	100%	12	6	2	4	1	$210
Primary forms filed							
1040	68%	15	8	2	4	1	280
1040A	19%	7	2	1	3	1	90
1040EZ	13%	4	1	*	2	1	30
Type of taxpayer							
Non-business **	70%	7	3	1	3	1	120
Business**	30%	24	13	4	5	2	430

* Rounds to less than one hour.

Detail may not add to total due to rounding. Dollars rounded to the nearest $10.

** A ''business'' filer files one or more of the following with Form 1040: Schedule C, C–EZ, E, F, Form 2106, or 2106–EZ. A ''non-business'' filer does not file any of these schedules or forms with Form 1040 or if you file Form 1040A or 1040EZ.

TABLE 2—ICB ESTIMATES FOR THE 1040/A/EZ/NR/NR–EZ/X SERIES OF RETURNS AND SUPPORTING FORMS AND SCHEDULES

	Previously approved FY13	Program change due to adjustment	Program change due to new legislation	Program change due to agency	FY14
Number of Taxpayers	154,300,000	(1,400,000)			152,900,000
Burden in Hours	1,924,000,000	(75,000,000)	8,000,000	(2,000,000)	1,855,000,000
Burden in Dollars	31,649,000,000	(277,000,000)	352,000,000	(7,000,000)	31,717,000,000

APPENDIX

Forms	Filed by individuals and others	Title
673		Statement for Claiming Exemption from Withholding on Foreign Earned Income Eligible for the Exclusions Provided by Section 911.
926	X	Return by a U.S. Transferor of Property to a Foreign Corporation.
970	X	Application To Use LIFO Inventory Method.
972	X	Consent of Shareholder To Include Specific Amount in Gross Income.
982	X	Reduction of Tax Attributes Due To Discharge of Indebtedness (and Section 1082 Basis Adjustment).
1040		U.S. Individual Income Tax Return.
1040 SCH A		Itemized Deductions.
1040 SCH B		Interest and Ordinary Dividends.
1040 SCH C	X	Profit or Loss From Business.
1040 SCH C–EZ	X	Net Profit From Business.
1040 SCH D		Capital Gains and Losses.
1040 SCH E	X	Supplemental Income and Loss.
1040 SCH EIC		Earned Income Credit.
1040 SCH F	X	Profit or Loss From Farming.
1040 SCH H	X	Household Employment Taxes.
1040 SCH J		Income Averaging for Farmers and Fishermen.
1040 SCH R		Credit for the Elderly or the Disabled.
1040 SCH SE		Self-Employment Tax.
1040 SCH 8812		
1040 A		U.S. Individual Income Tax Return.
1040–C		
1040ES (NR)		U.S. Estimated Tax for Nonresident Alien Individuals.
1040ES (PR)		Estimated Federal Tax on Self Employment Income and on Household Employees (Residents of Puerto Rico)
1040 ES–OCR–V		Payment Voucher.
1040 ES–OTC		Estimated Tax for Individuals.
1040 EZ		Income Tax Return for Single and Joint Filers With No Dependents.
1040 NR		U.S. Nonresident Alien Income Tax Return.
1040 NR–EZ		U.S. Income Tax Return for Certain Nonresident Aliens With No Dependents.
1040 V		Payment Voucher.
1040 V–OCR–ES		Payment Voucher
1040 X		Amended U.S. Individual Income Tax Return.
1045	X	Application for Tentative Refund.
1116	X	Foreign Tax Credit.
1127	X	Application For Extension of Time For Payment of Tax
1128	X	Application To Adopt, Change, or Retain a Tax Year.
1310		Statement of Person Claiming Refund Due a Deceased Taxpayer.
2106		Employee Business Expenses.
2106 EZ		Unreimbursed Employee Business Expenses.
2120		Multiple Support Declaration.
2210	X	Underpayment of Estimated Tax by Individuals, Estates, and Trusts.
2210 F	X	Underpayment of Estimated Tax by Farmers and Fishermen.
2350		Application for Extension of Time To File U.S. Income Tax Return.
2350 SP		Solicitud de Prórroga para Presentar la Declaración del Impuesto Personal sobre el Ingreso de los Estados Unidos
2439	X	Notice to Shareholder of Undistributed Long-Term Capital Gains.
2441		Child and Dependent Care Expenses.
2555		Foreign Earned Income.
2555 EZ		Foreign Earned Income Exclusion.
2848	X	Power of Attorney and Declaration of Representative.
2848(SP)		
3115	X	Application for Change in Accounting Method.
3468	X	Investment Credit.
3520	X	Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts
3800	X	General Business Credit.
3903		Moving Expenses.
4029		Application for Exemption From Social Security and Medicare Taxes and Waiver of Benefits.
4070		Employee's Report of Tips to Employer
4070 A		Employee's Daily Record of Tips
4136	X	Credit for Federal Tax Paid On Fuels.
4137		Social Security and Medicare Tax on Unreported Tip Income.
4255	X	Recapture of Investment Credit.
4361		Application for Exemption From Self-Employment Tax for Use by Ministers, Members of Religious Orders, and Christian Science Practitioners.
4562	X	Depreciation and Amortization.
4563		Exclusion of Income for Bona Fide Residents of American Samoa.
4684	X	Casualties and Thefts.

APPENDIX—Continued

Forms	Filed by individuals and others	Title
4797	X	Sales of Business Property.
4835		Farm Rental Income and Expenses.
4852	X	Substitute for Form W–2, Wage and Tax Statement or Form 1099–R, Distributions From Pension Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.
4868		Application for Automatic Extension of Time To File Individual U.S. Income Tax Return.
4868 SP		Solicitud de Prórroga Automática para Presentar la Declaración del Impuesto sobre el Ingreso Personal de los Estados Unidos
4952	X	Investment Interest Expense Deduction.
4970	X	Tax on Accumulation Distribution of Trusts.
4972	X	Tax on Lump-Sum Distributions.
5074		Allocation of Individual Income Tax To Guam or the Commonwealth of the Northern Mariana Islands (CNMI).
5213	X	Election To Postpone Determination as To Whether the Presumption Applies That an Activity Is Engaged in for Profit.
5329		Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts.
5405		First-Time Homebuyer Credit
5471	X	Information Return of U.S. Persons With Respect To Certain Foreign Corporations.
5471 SCH J	X	Accumulated Earnings and Profits (E&P) of Controlled Foreign Corporation.
5471 SCH M	X	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons.
5471 SCH O	X	Organization or Reorganization of Foreign Corporation, and Acquisitions and Dispositions of Its Stock.
5695		Residential Energy Credits.
5713	X	International Boycott Report.
5713 SCH A	X	International Boycott Factor (Section 999(c)(1)).
5713 SCH B	X	Specifically Attributable Taxes and Income (Section 999(c)(2)).
5713 SCH C	X	Tax Effect of the International Boycott Provisions.
5754	X	Statement by Person(s) Receiving Gambling Winnings.
5884	X	Work Opportunity Credit.
6198	X	At-Risk Limitations.
6251		Alternative Minimum Tax—Individuals.
6252	X	Installment Sale Income.
6478	X	Credit for Alcohol Used as Fuel.
6765	X	Credit for Increasing Research Activities.
6781	X	Gains and Losses From Section 1256 Contracts and Straddles.
8082	X	Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR).
8275	X	Disclosure Statement.
8275 R	X	Regulation Disclosure Statement.
8283	X	Noncash Charitable Contributions.
8332		Release of Claim to Exemption for Child of Divorced or Separated Parents.
8379		Injured Spouse Claim and Allocation.
8396		Mortgage Interest Credit.
8453		U.S. Individual Income Tax Declaration for an IRS e-file Return.
8453(SP)		
8582	X	Passive Activity Loss Limitations.
8582 CR	X	Passive Activity Credit Limitations.
8586	X	Low-Income Housing Credit.
8594	X	Asset Acquisition Statement.
8606		Nondeductible IRAs.
8609–A	X	Annual Statement for Low-Income Housing Credit
8611	X	Recapture of Low-Income Housing Credit.
8615		Tax for Certain Children Who Have Investment Income of More Than $1,800.
8621	X	Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.
8621–A	X	Late Deemed Dividend or Deemed Sale Election by a Passive Foreign Investment Company
8689		Allocation of Individual Income Tax To the Virgin Islands.
8693	X	Low-Income Housing Credit Disposition Bond.
8697	X	Interest Computation Under the Look-Back Method for Completed Long-Term Contracts.
8801	X	Credit for Prior Year Minimum Tax—Individuals, Estates, and Trusts.
8812		Additional Child Tax Credit.
8814		Parents' Election To Report Child's Interest and Dividends.
8815		Exclusion of Interest From Series EE and I U.S. Savings Bonds Issued After 1989.
8818		Optional Form To Record Redemption of Series EE and I U.S. Savings Bonds Issued After 1989.

APPENDIX—Continued

Forms	Filed by individuals and others	Title
8820	X	Orphan Drug Credit.
8821	X	Tax Information Authorization.
8822	X	Change of Address.
8824	X	Like-Kind Exchanges.
8826	X	Disabled Access Credit.
8828		Recapture of Federal Mortgage Subsidy.
8829		Expenses for Business Use of Your Home.
8832	X	Entity Classification Election.
8833	X	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)
8834	X	Qualified Electric Vehicle Credit.
8835	X	Renewable Electricity and Refined Coal Production Credit.
8838	X	Consent To Extend the Time To Assess Tax Under Section 367—Gain Recognition Statement.
8839		Qualified Adoption Expenses.
8840		Closer Connection Exception Statement for Aliens.
8843		Statement for Exempt Individuals and Individuals With a Medical Condition.
8844	X	Empowerment Zone and Renewal Community Employment Credit.
8845	X	Indian Employment Credit.
8846	X	Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips.
8847	X	Credit for Contributions to Selected Community Development Corporations.
8853		Archer MSAs and Long-Term Care Insurance Contracts.
8854		Initial and Annual Expatriation Information Statement.
8858	X	Information Return of U.S. Persons With Respect to Foreign Disregarded Entities.
8858 SCH M	X	Transactions Between Controlled Foreign Disregarded Entity and Filer or Other Related Entities.
8859		District of Columbia First-Time Homebuyer Credit.
8862		Information to Claim Earned Income Credit After Disallowance.
8862(SP)		
8863		Education Credits.
8864	X	Biodiesel Fuels Credit.
8865	X	Return of U.S. Persons With Respect To Certain Foreign Partnerships.
8865 SCH K–1	X	Partner's Share of Income, Credits, Deductions, etc.
8865 SCH O	X	Transfer of Property to a Foreign Partnership.
8865 SCH P	X	Acquisitions, Dispositions, and Changes of Interests in a Foreign Partnership.
8866	X	Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.
8873	X	Extraterritorial Income Exclusion.
8874	X	New Markets Credit.
8878		IRS e-file Signature Authorization for Form 4868 or Form 2350.
8878 SP		Autorizacion de firma para presentar por medio del IRS e-file para el Formulario 4868(SP) o el Formulario 2350(SP).
8879		IRS e-file Signature Authorization.
8879 SP		Autorizacion de firma para presentar la Declaracion por medio del IRS e-file.
8880		Credit for Qualified Retirement Savings Contributions.
8881	X	Credit for Small Employer Pension Plan Startup Costs.
8882	X	Credit for Employer-Provided Childcare Facilities and Services.
8885		Health Coverage Tax Credit.
8886	X	Reportable Transaction Disclosure Statement.
8888		Allocation of Refund (Including Savings Bond Purchases
8889		Health Savings Accounts (HSAs).
8891		U.S. Information Return for Beneficiaries of Certain Canadian Registered Retirement Plans
8896	X	Low Sulfur Diesel Fuel Production Credit.
8898		Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession.
8900	X	Qualified Railroad Track Maintenance Credit.
8903	X	Domestic Production Activities Deduction.
8906		Distills Spirits Credit.
8907		Nonconventional Source Fuel Credit.
8908		Energy Efficient Home Credit.
8909		
8910		Alternative Motor Vehicle Credit.
8911		Alternative Fuel Vehicle Refueling Property Credit.
8912		
8917		Tuition and Fees Deduction
8919		Uncollected Social Security and Medicare Tax on Wages.
8923		Mine Rescue Team Training Credit
8925	X	Report of Employer-Owned Life Insurance Contracts
8931	X	Agricultural Chemicals Security Credit
8932	X	Credit for Employer Differential Wage Payments

APPENDIX—Continued

Forms	Filed by individuals and others	Title
8933		Carbon Dioxide Sequestration Credit
8936		Qualified Plug-in Electric Drive Motor Vehicle Credit
9465		Installment Agreement Request.
9465 SP		Solicitud para un Plan de Pagos a Plazos.
Notice 2006–52		
Notice 160920–05		Deduction for Energy Efficient Commercial Buildings.
Pub 972 Tables		Child Tax Credit
REG–149856–03		Notice of Proposed Rulemaking Dependent Child of Divorced or Separated Parents or Parents Who Live Apart
SS–4	X	Application for Employer Identification Number.
SS–8	X	Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding
T (Timber)	X	Forest Activities Schedules.
W–4		Employee's Withholding Allowance Certificate.
W–4 P		Withholding Certificate for Pension or Annuity Payments.
W–4 S		Request for Federal Income Tax Withholding From Sick Pay.
W–4 SP		Certificado de Exencion de la Retencion del Empleado.
W–4 V		Voluntary Withholding Request.
W–7		Application for IRS Individual Taxpayer Identification Number.
W–7 A		Application for Taxpayer Identification Number for Pending U.S. Adoptions.
W–7 SP		Solicitud de Numero de Identicacion Personal del Contribuyente del Servicio de Impuestos Internos.

[FR Doc. 2014–03750 Filed 2–24–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

Funding Availability Under Supportive Services for Veteran Families Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice; correction.

SUMMARY: The Department of Veterans Affairs (VA) published a Notice of Funding Availability in the **Federal Register** on January 14, 2014, that contained an error. Specifically, the table on page 2539 mistakenly listed one of the priority 1 Continuums of Care (CoCs) as list ''KS–501 as Kansas City/Independence/Lee's Summit/Jackson County CoC.'' This document corrects the error by replacing, on line 42 of the table, ''Kansas City/Independence/Lee's Summit/Jackson County CoC'' with ''Kansas City/Wyandotte CoC'' in the second column.

FOR FURTHER INFORMATION CONTACT: John Kuhn, Supportive Services for Veteran Families Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737–0111 (this is a toll-free number); *SSVF@va.gov*.

William F. Russo,

Deputy Director, Office of Regulation and Policy, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–03953 Filed 2–24–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Social Security Administration

20 CFR Parts 404

Revised Medical Criteria for Evaluating Neurological Disorders; Proposed Rule

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2006–0140]

RIN 0960–AF35

Revised Medical Criteria for Evaluating Neurological Disorders

AGENCY: Social Security Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to revise the criteria in the Listing of Impairments (listings) that we use to evaluate disability claims involving neurological disorders in adults and children under titles II and XVI of the Social Security Act (Act). The proposed revisions reflect our program experience; advances in medical knowledge, treatment, and methods of evaluating neurological disorders; comments we received from medical experts and the public at an outreach policy conference; and responses to an advance notice of proposed rulemaking (ANPRM).

DATES: To ensure that your comments are considered, we must receive them no later than April 28, 2014.

ADDRESSES: You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2006–0140 so that we may associate your comments with the correct regulation.

CAUTION: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the *Search* function to find docket number SSA–2006–0140. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Address your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

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

SUPPLEMENTARY INFORMATION:

What revisions are we proposing

We propose to:

- Change the name of the body system from *Neurological* to *Neurological Disorders;*
- Revise and expand the introductory text to the neurological disorders body system for both adults (section 11.00) and children (section 111.00);
- Add criteria to the adult and the childhood listings to evaluate the effects of neurological disorders;
- Add criteria to the adult listings based on functional limitations associated with neurological disorders; and
- Make conforming changes in the mental disorders body system in sections 12.00 and 112.00.

Why are we proposing to revise the listings for this body system?

We propose these revisions to reflect our program experience and advances in medical knowledge, treatment, and methods of evaluating neurological disorders. We last published final rules making comprehensive revisions to section 11.00—the neurological listings for adults (people who are at least 18 years old)—and section 111.00—the neurological listings for children (people under age 18)—on December 6, 1985.[1] Although we have made some changes since then, we have not comprehensively revised the rules since 1985.[2]

How did we develop these proposed rules?

In developing these proposed rules, we considered the public comments we received in response to an ANPRM that we published in the **Federal Register** on April 13, 2005.[3] In the ANPRM, we announced our plans to update and revise this body system, and we invited the public to send us written comments and suggestions. We also considered the public comments we received at an outreach policy conference on ''Neurological Disorders in the Disability Programs'' that we hosted in New York, New York, on July 28, 2005.[4] In addition, we considered comments about neuropathy that we received when we revised the medical criteria for evaluating endocrine disorders.[5]

We also used information from other sources, including:

- Medical experts in the field of neurology and other related fields, advocacy groups for people with neurological disorders, and people with neurological disorders and their families;
- People who make and review disability determinations and decisions for us in state agencies, in our Office of Quality Performance, and in our Office of Disability Adjudication and Review; and
- The published sources we list in the References section at the end of this preamble.

We describe in more detail below the revisions we propose to make to the introductory text of the adult listings, the adult listings, the introductory text of the childhood listings, and the childhood listings.

Why are we proposing to change the name of this body system?

We propose to change the name of this body system from Neurological to Neurological Disorders to make it consistent with our naming of other body systems. We have been renaming all of the other body systems to include the word ''disorders'' as we revise them, and the name change we are proposing in this notice of proposed rulemaking (NPRM) is consistent with that approach.

[1] 50 FR 50068.

[2] We published final rules adding section 11.00F (for traumatic brain injury) on August 21, 2000 (65 FR 50746), made technical revisions to most of the body systems on April 24, 2002 (67 FR 20018), which included some changes to the neurological body system, moved the listings for malignant brain tumors to the body system for malignant neoplastic diseases on November 15, 2004 (69 FR 67018), and made a technical correction in listing 111.09 on March 24, 2011 (76 FR 16531).

[3] 70 FR 19356.

[4] Although we indicated in the ANPRM that we would not summarize or respond to the comments, we read and considered them carefully. You can read the ANPRM, the comments we received in response to the ANPRM, and a transcript of the policy conference at—*http://www.regulations.gov/#!documentDetail;D=SSA-2006-0140-0002* and *http://www.regulations.gov/#!documentDetail;D=SSA-2006-0140-0003.*

[5] 76 FR 19692.

What changes are we proposing to the introductory text of the neurological disorders listings for adults?

We propose to expand, revise, and clarify the introductory text to the listings to provide more guidance for our adjudicators, to update it, and to reflect the revised listings. The following chart shows the headings of the current and proposed sections of the introductory text:

Current introductory text	Proposed introductory text
11.00A *Epilepsy*	11.00A *Which neurological disorders do we evaluate under these listings?*
11.00B *Brain tumors*	11.00B *What evidence do we need to document your neurological disorder?*
11.00C *Persistent disorganization of motor function*	11.00C *How do we consider adherence to prescribed treatment in neurological disorders?*
11.00D *In conditions which are episodic in character*	11.00D *What do we mean by disorganization of motor function?*
11.00E *Multiple sclerosis*	11.00E *How do we evaluate communication impairments under these listings?*
11.00F *Traumatic brain injury (TBI)*	11.00F *What do we mean by bulbar and neuromuscular dysfunction?*
11.00G *Amyotrophic Lateral Sclerosis (ALS)*	11.00G *How do we evaluate a combination of functional limitations under these listings?*
	11.00H *What is epilepsy, and how do we evaluate it under 11.02?*
	11.00I *What is vascular insult to the brain, and how do we evaluate it under 11.04?*
	11.00J *What are benign brain tumors, and how do we evaluate them under 11.05?*
	11.00K *What is Parkinsonian syndrome, and how do we evaluate it under 11.06?*
	11.00L *What is cerebral palsy, and how do we evaluate it under 11.07?*
	11.00M *What are spinal cord insults, and how do we evaluate them under 11.08?*
	11.00N *What is multiple sclerosis, and how do we evaluate it under 11.09?*
	11.00O *What is amyotrophic lateral sclerosis, and how do we evaluate it under 11.10?*
	11.00P *What are neurodegenerative disorders of the central nervous system, such as Huntington disease, Friedreich ataxia, and spinocerebellar degeneration, and how do we evaluate them under 11.17?*
	11.00Q *What is traumatic brain injury, and how do we evaluate it under 11.18?*
	11.00R *What are coma and persistent vegetative state, and how do we evaluate them under 11.20?*
	11.00S *What are motor neuron disorders, other than ALS, and how do we evaluate them under 11.22?*
	11.00T *How do we consider your symptom of fatigue in these listings?*
	11.00U *How do we evaluate your neurological disorder when it does not meet one of these listings?*

The following is a detailed explanation of the proposed changes to the introductory text:

Proposed Section 11.00A—Which neurological disorders do we evaluate under these listings?

In this new section, we explain which neurological disorders we evaluate under these listings and how we evaluate their effects.

Proposed Section 11.00B—What evidence do we need to document your neurological disorder?

In this new section, we describe the kinds of information that we use to establish the existence and severity of your neurological disorder. We also clarify our policy that we will not purchase imaging or laboratory tests that are complex, costly, or invasive.[6]

Proposed Section 11.00C—How do we consider adherence to prescribed treatment in neurological disorders?

We define the phrase ''despite adherence to prescribed treatment'' that is in proposed listings 11.02 Epilepsy, 11.06 Parkinsonian syndrome, and 11.12 Myasthenia gravis. Medical research shows that these neurological conditions may improve after a period of treatment. This criterion is used for conditions that do not improve despite a regular regimen of medication or other treatment that has been prescribed by a physician for 3 consecutive months.

Proposed Section 11.00D—What do we mean by disorganization of motor function?

In this new section, we define the phrase ''disorganization of motor function''. In proposed 11.00D2, we explain the addition of a severity standard for disorganized motor function, which we refer to as ''extreme limitation.'' We propose to define an extreme limitation as the inability to stand up from a seated position, or the inability to maintain balance in a standing position and while walking, or the inability to use your upper extremities. We then explain what each of these limitations means.

[6] DI 39545.175 states, ''DDS examiners, supervisors, medical consultants and psychological consultants will ensure that only necessary and appropriate CEs are purchased.'' In the same POMS, as well as DI 22510.006, we explain when not to purchase an exam.

Proposed Section 11.00E—How do we evaluate communication impairments under these listings?

In this section, we propose to provide guidance about how to document communication impairments associated with neurological disorders evaluated under listings 11.04A, 11.07C, and 11.11B. We also explain that communication impairments caused by non-neurological disorders be evaluated under listing 2.09 in the special senses and speech body system.

Although we do not propose to revise the requirements for evaluating communication impairments that are currently in listings 11.04A, 11.07C, and 11.11B, we propose to define the terms ''ineffective speech or communication'' and ''significant interference'' in 11.00E1 and 11.00E2. Guidance for evaluating speech and language impairments will be addressed in future regulations, as discussed in ANPRMs published in the **Federal Register** on April 13, 2005, and February 6, 2012.[7]

Proposed Section 11.00F—What do we mean by bulbar and neuromuscular dysfunction?

In this new section, we propose criteria for evaluating bulbar and neuromuscular dysfunction and explain what characterizes it.

Proposed Section 11.00G—How do we evaluate a combination of functional limitations under these listings?

We propose new functional criteria for evaluating neurological disorders in all listings except proposed 11.20, coma and persistent vegetative state (PVS). These criteria would give adjudicators another way to evaluate neurological disorders. A person must have marked limitation in physical functioning and marked limitation in at least one of three broad areas of functioning: Activities of daily living; maintaining social functioning; or completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace. We explain each part of this listing in detail in proposed 11.00G.

In proposed 11.00G2, we use essentially the same definition of ''marked'' as in 14.00I5, but we would not include the description of ''marked'' as ''more than moderate but less than extreme.'' Instead, we include an explanation based on the language describing the rating scale for mental disorders in current §§ 404.1520a(c)(4) and 416.920a(c)(4). This rating scale describes ''marked'' as the fourth point on a five-point rating scale. We explain that we would not require our adjudicators to use such a scale, but that ''marked'' would be the fourth point on a scale of ''no limitation, mild limitation, moderate limitation, marked limitation, and extreme limitation.'' With this guideline, we would not need to state that ''marked'' falls between ''moderate'' and ''extreme.''

In proposed 11.00G3, we explain what we mean by ''physical functioning,'' ''activities of daily living,'' ''social functioning,'' and ''completing tasks in a timely manner.'' We based this proposed section, in part, on current 14.00I6, 14.00I7, and 14.00I8 in our immune system disorders listings.

Proposed Section 11.00H—What is epilepsy, and how do we evaluate it under 11.02?

In proposed 11.00H1, we define epilepsy and acknowledge the various types. We include information about evaluating the most severe types of epilepsy, generalized tonic-clonic and dyscognitive seizures (formerly complex partial seizures), and dyscognitive seizures that may develop into generalized tonic-clonic seizures. In proposed 11.00H2, we clarify the requirement for a detailed description of seizures.

In proposed 11.00H3, we explain that we no longer require serum drug levels and we will therefore not purchase them. When we last revised the listings in 1985, blood drug levels were strong indicators for prescribed treatment compliance because therapeutic ranges had been established for antiepileptic drugs (AEDs) and the ranges were often noted on laboratory results. Many newer AEDs do not have established therapeutic levels, which makes lab results difficult for our adjudicators to interpret. We believe that removing the requirement for obtaining blood drug levels for adjudicative purposes address this issue and simplify evaluation of seizures that satisfy the listing criteria. We continue to consider blood drug levels available in the evidence in the context of all evidence in the case record.

We propose 11.00H4 in response to requests from our adjudicators for guidance about how to count seizures to satisfy the listing requirements. In proposed 11.00H5, we clarify our longstanding policy that we will not purchase electroencephalography (EEG) and explain when we use EEG test results in making a disability determination or decision.

Proposed Section 11.00I—What is vascular insult to the brain, and how do we evaluate it under 11.04?

In proposed 11.00I1, we describe vascular insult to the brain. In proposed 11.00I3, we clarify the 3-month requirement for evaluating disorganization of motor function in combination with functional limitations resulting from a vascular insult.

Proposed Section 11.00J—What are benign brain tumors, and how do we evaluate them under 11.05?

In proposed 11.00J, we describe benign brain tumors and explain that we evaluate them under the proposed criteria of disorganized motor functioning, oral communication, or a combination of functional limitations.

Proposed Section 11.00K—What is Parkinsonian syndrome, and how do we evaluate it under 11.06?

In proposed 11.00K, we describe Parkinsonian syndrome and explain that we evaluate this disorder using our requirement for adherence to prescribed treatment.

Proposed Section 11.00L—What is cerebral palsy, and how do we evaluate it under 11.07?

In proposed 11.00L, we describe cerebral palsy (CP) and the various signs and symptoms of the disorder. We explain how we consider the signs and symptoms of this disorder when we decide a claim.

Proposed Section 11.00M—What are spinal cord insults, and how do we evaluate them under 11.08?

In this proposed 11.00M, we define spinal cord insults and describe their signs and symptoms. We describe spinal cord insults with complete loss of function of the affected part(s) of the body in proposed 11.00M2, and spinal cord insults with less than complete loss of function of the affected part(s) of the body in proposed 11.00M3. In proposed 11.00M4, we clarify the 3-month requirement for evaluating disorganization of motor function resulting from spinal cord insults.

Proposed Section 11.00N—What is multiple sclerosis, and how do we evaluate it under 11.09?

We propose to expand guidance to our adjudicators on evaluating multiple sclerosis (MS) by explaining that the disorder affects several aspects of functioning. In proposed 11.00N2, we explain how we evaluate the effects of MS using proposed criteria for disorganization of motor functioning or a combination of functional limitations.

[7] 70 FR 19351 published on April 13, 2005; 77 FR 5734 published on February 6, 2012.

Proposed Section 11.00O—What is amyotrophic lateral sclerosis, and how do we evaluate it under 11.10?

We explain that amyotrophic lateral sclerosis (ALS) is one type of motor neuron disorder, and we describe our documentation requirements for it. We propose to remove some of the discussion about ALS that is currently in 11.00G. Based on our program experience, we no longer need this guidance on evaluating ALS.

Proposed Section 11.00P—What are neurodegenerative disorders of the central nervous system, such as Huntington disease, Friedreich ataxia, and spinocerebellar degeneration, and how do we evaluate them under 11.17?

We propose to list examples of the types of disorders we evaluate under 11.17. We explain the instances in which we evaluate these disorders under the mental body disorders system (12.00).

Proposed Section 11.00Q—What is traumatic brain injury, and how do we evaluate it under 11.18?

In proposed 11.00Q1, we define traumatic brain injury (TBI) and explain that we evaluate an injury that results in coma or PVS under proposed listing 11.20. In proposed 11.00Q2, we clarify the 3-month requirement for evaluating disorganization of motor function and a combination of functional limitations resulting from a TBI.

Proposed Section 11.00R—What are coma and persistent vegetative state, and how do we evaluate them under 11.20?

In this new section, we explain the differences between coma and PVS. We also describe the common symptoms and signs of these conditions.

Proposed Section 11.00S—What are motor neuron disorders, other than ALS, and how do we evaluate them under 11.22?

In this new section, we provide a general explanation of these disorders and explain how we evaluate them.

Proposed Section 11.00T—How do we consider your symptom of fatigue in these listings?

In this new section, we propose to expand our guidance on how to consider fatigue so that it applies to more neurological disorders. We explain how we evaluate the intensity, persistence, and effects of fatigue. We also provide general guidance for all neurological disorders that may cause or be associated with fatigue, including multiple sclerosis, post-polio syndrome, and myasthenia gravis. In response to the ANPRM comments, we explain how we evaluate the effects of both physical fatigue and mental fatigue.

Proposed Section 11.00U—How do we evaluate your neurological disorder when it does not meet one of these listings?

In this new section, we propose to provide guidance on how to evaluate neurological disorders that do not meet the proposed listings. We explain the steps in our evaluation process that we use in determining whether your disorder is disabling when it does not meet one of the listings.

What changes are we proposing to the neurological disorders listings for adults?

We propose to revise the headings of eight listings, remove two listings, add two listings, and replace reference listings with appropriate criteria to evaluate neurological disorders, except in situations when the neurological disorder has resulted in a communication impairment. The following chart provides a comparison of the current adult listings and the proposed adult listings.

Current	Proposed
11.02 *Epilepsy—convulsive epilepsy*	11.02 *Epilepsy.*
11.03 *Epilepsy—nonconvulsive epilepsy*	11.03 [Reserved].
11.04 *Central nervous system vascular accident*	11.04 *Vascular insult to the brain.*
11.05 *Benign brain tumors*	11.05 *Benign brain tumors.*
11.06 *Parkinsonian syndrome*	11.06 *Parkinsonian syndrome.*
11.07 *Cerebral palsy*	11.07 *Cerebral palsy.*
11.08 *Spinal cord or nerve root lesions, due to any cause*	11.08 *Spinal cord insults.*
11.09 *Multiple sclerosis*	11.09 *Multiple sclerosis.*
11.10 *Amyotrophic lateral sclerosis*	11.10 *Amyotrophic lateral sclerosis.*
11.11 *Anterior poliomyelitis*	11.11 *Post-polio syndrome.*
11.12 *Myasthenia gravis*	11.12 *Myasthenia gravis.*
11.13 *Muscular dystrophy*	11.13 *Muscular dystrophy.*
11.14 *Peripheral neuropathies*	11.14 *Peripheral neuropathy.*
11.15 [Reserved]	11.15 [Reserved].
11.16 *Subacute combined cord degeneration (pernicious anemia)*	11.16 [Reserved]
11.17 *Degenerative disease not listed elsewhere, such as Huntington's chorea, Friedreich's ataxia, and spino-cerebellar degeneration.*	11.17 *Neurodegenerative disorders of the central nervous system, such as Huntington disease, Friedreich ataxia, and spinocerebellar degeneration.*
11.18 *Cerebral trauma*	11.18 *Traumatic brain injury.*
11.19 *Syringomyelia*	11.19 [Reserved].
	11.20 *Coma or persistent vegetative state.*
	11.21 [Reserved].
	11.22 *Motor neuron disorders other than ALS.*

What general criteria are we proposing to add to the neurological disorders listings for adults?

We propose to use the following criteria, as appropriate, to establish the severity of a person's neurological disorder: Disorganization of motor function, bulbar and neuromuscular dysfunction, and a combination of functional limitations. We describe the three criteria below.

We propose to use the criterion *disorganization of motor function* in all listings, except proposed 11.02 for Epilepsy and 11.20 for coma or PVS. This criterion is analogous to the ''disorganization of motor function'' criterion that we have in most of the current neurological disorders listings. Our proposed criterion focuses on specific limitations in the ability to stand up, balance, walk, and use fingers, hands, and arms to perform fine and gross motor movements, rather than on

specific neurological signs and the measureable degree of limitation demonstrated by those signs. This clarification to disorganization of motor function provides more consistency to our determinations of disorganization of motor function under the listings.

We propose to use the criterion *bulbar and neuromuscular dysfunction* in proposed listings 11.11 for Post-polio syndrome, 11.12 for Myasthenia gravis, and 11.22 for Motor neuron disorders to evaluate neurologically-based problems with speaking, swallowing, or breathing. This criterion replaces the bulbar and neuromuscular dysfunction criteria currently used in listings 11.11 and 11.12.

We propose to use the criterion *a combination of functional limitations* in all of the proposed listings except 11.20 for coma or PVS. We describe the four broad areas of functioning that we use to establish the severity of a person's neurological disorder in proposed paragraph 11.00G. With the exception of epilepsy, a neurological disorder is of listing-level severity if it results in marked limitation in physical functioning and marked limitation in one of three other broad areas of functioning.

What changes are we proposing to the neurological disorders listings?

We describe the significant changes to the neurological listings for adults below, following the order of the proposed listings.

Proposed Listing 11.02, Epilepsy

We propose to revise the heading of current 11.02, *Epilepsy—convulsive epilepsy,* to *Epilepsy,* and remove current 11.03, *Epilepsy—nonconvulsive epilepsy.* The current classifications of seizures are ''generalized'' and ''focal'' or partial, which are based upon which part and how much of the brain is affected. We describe the most severe types of epilepsy that we propose to evaluate, generalized tonic-clonic seizures and dyscognitive seizures (formerly complex partial seizures). We use terms that are consistent with current medical terminology.

We propose to revise the current epilepsy listing criteria requirement for seizures to occur more frequently than once a month by requiring generalized tonic-clonic seizures to occur at least once a month for at least 3 consecutive months despite adherence to prescribed treatment. We also revise the current epilepsy listing criteria requirement for seizures to occur more frequently than once a week by requiring dyscognitive seizures to occur at least once a week for at least 3 consecutive months despite adherence to prescribed treatment. We also propose new criteria for generalized tonic-clonic seizures and for dyscognitive seizures that occur less frequently in combination with functional criteria.

In order to simplify and clarify our frequency of seizure requirement, we provide guidance in proposed 11.00H4 on how to count seizures to satisfy the proposed listing criteria.

Listing 11.04, Vascular Insult to the Brain

We propose to revise the heading of current 11.04, *Central nervous system vascular accident,* to *Vascular insult to the brain.* In proposed 11.04B, we add the general criteria for evaluating disorganization of motor function as described above.

Listing 11.05, Benign Brain Tumors

We propose to add the general criteria described above for evaluating disorganization of motor function and a combination of functional limitations. We remove references to current listings 11.02, 11.03, and 11.04.

Listing 11.06, Parkinsonian Syndrome

We propose to add a criterion for adherence to prescribed treatment. Medical research shows that Parkinsonian syndrome may be responsive to treatment. We believe that a specific period of time needs to pass during which you are adhering to prescribed treatment before considering the severity of the condition.

Listing 11.07, Cerebral Palsy

We propose to remove the current intelligence quotient (IQ) score criterion because advances in medical knowledge of cerebral palsy and our program experience indicate that an IQ score does not provide us the best measure of a person's cognitive limitations and may not indicate listing-level severity.

We propose to update the remaining criteria by replacing them with the general criteria described above for evaluating disorganization of motor function and a combination of functional limitations.

Listing 11.08, Spinal Cord Insults

We propose to revise the heading of current 11.08, *Spinal cord or nerve root lesions, due to any cause,* to *Spinal cord insults,* to more accurately reflect the disorders we evaluate under this listing. We evaluate insults that primarily affect the spinal cord, such as infections, tumors, hemorrhages and vascular lesions, and anatomical abnormalities, under proposed 11.08. This change clarifies for our adjudicators that we evaluate disorders of the spine, such as nerve root impingement that is primarily a result of bony spine disorders, under the musculoskeletal body system, 1.00, rather than under the neurological listings.

We add the general criteria described above for evaluating a combination of functional limitations, and we remove the reference to current listing 11.04.

Listing 11.09, Multiple Sclerosis

We propose to replace the disorganization of motor function criteria in current 11.09 with the proposed disorganization of motor function criteria. Under the proposed listing, we assess the severity of a visual or mental impairment related to multiple sclerosis using the proposed combination of functional limitations criteria or under a special senses and speech listing in 2.00, or under a mental disorders listing in 12.00, respectively. We also replace the requirement for significant reproducible fatigue with the general criteria described above for evaluating disorganization of motor function and a combination of functional limitations.

Listing 11.11, Post-Polio Syndrome

We propose to revise the heading of current 11.11, *Anterior poliomyelitis,* to *Post-polio syndrome,* because modern medicine has mostly eradicated anterior poliomyelitis. We update the current listing criteria by replacing it with the general criteria described above for evaluating disorganization of motor function and a combination of functional limitations. In proposed listing 11.11C, we also propose criteria for evaluating bulbar and neuromuscular dysfunction.

Listing 11.12, Myasthenia Gravis

We propose to update the current listing criteria for significant difficulty with speaking, swallowing, or breathing by replacing it with the general criteria described above for evaluating bulbar and neuromuscular dysfunction. We also add the general criteria described above for a combination of functional limitations. Our program experience shows that it is difficult to evaluate motor weakness under the current listing. We propose to clarify the criteria for evaluating motor weakness by using the general criteria described above for evaluating disorganization of motor function.

We propose to add a criterion for adherence to prescribed treatment. We believe that a specific period of time needs to pass during which you are adhering to prescribed treatment before

considering the severity of the condition.

We replace the current criteria for bulbar dysfunction and significant motor weakness of muscles of extremities with the proposed bulbar and neuromuscular dysfunction criteria in proposed 11.12.

Listing 11.13, Muscular Dystrophy

We propose to add the general criteria described above for evaluating disorganization of motor function and a combination of functional limitations. We remove references to current listing 11.04B.

Listing 11.14, Peripheral Neuropathy

We propose to revise the heading of current 11.14, *Peripheral neuropathies,* to *Peripheral neuropathy,* because the medical community uses the singular form to refer to the various types of this disorder. Current 11.14 is a reference listing that cross-refers to the disorganization of motor function criteria in current 11.04B and requires that the motor dysfunction occur despite prescribed treatment. We update the current listing criteria for disorganization of motor function by replacing it with the general criteria described above for evaluating disorganization of motor function. We provide an alternative means for evaluating peripheral neuropathy by adding the general criteria described above for evaluating a combination of functional limitations. We remove the prescribed treatment requirement because a person's response to treatment is variable depending on the underlying cause.

Listing 11.17, Neurodegenerative Disorders of the Central Nervous System, Such as Huntington Disease, Friedreich Ataxia, and Spinocerebellar Degeneration

We propose to revise the heading of current 11.17, *Degenerative disease not listed elsewhere, such as Huntington's chorea, Friedreich's ataxia, and spino-cerebellar degeneration,* to *Neurodegenerative disorders of the central nervous system, such as Huntington disease, Friedreich ataxia, and spinocerebellar degeneration,* to reflect the disorders we evaluate under this listing and current medical terminology. Current 11.17 is a reference listing that cross-refers to the disorganization of motor function criteria in 11.04B and the mental criteria in 12.02. We update the criteria for disorganization of motor function by replacing it with the general criteria described above for evaluating disorganization of motor function. When these disorders result in solely cognitive and other mental function effects, we evaluate the disorder under 12.02.

Listing 11.18, Traumatic Brain Injury

We propose to revise the heading of current 11.18, *Cerebral trauma,* to *Traumatic brain injury.* We add the general criteria described above for evaluating disorganization of motor function and a combination of functional limitations. We remove references to current listings 11.02, 11.03, 11.04, and 12.02. We also move the 3-month requirement for resulting limitations from the current introductory text to the proposed listing.

Listing 11.20, Coma or PVS.

In response to questions from our adjudicators, we propose to add 11.20, *coma or PVS,* to evaluate neurological disorders that result in coma or persistent vegetative state.

Listing 11.22, Motor Neuron Disorders Other Than ALS

We propose to add 11.22 *Motor neuron disorders* for evaluating all such disorders except for ALS. We add the general criteria described above for evaluating disorganization of motor function, bulbar and neuromuscular dysfunction, and a combination of functional limitations.

Other Revisions

We propose to remove current 11.16, *Subacute combined cord degeneration (pernicious anemia)* and current 11.19, *Syringomyelia.* These disorders generally respond to medical treatment and do not reach listing-level severity because they do not become sufficiently severe or do not remain at a sufficient level of severity long enough to meet our 12-month duration requirement. We evaluate these disorders under proposed 11.08 if they result in severe impairment despite medical treatment and intervention.

What changes are we proposing to the introductory text of the neurological disorders listings for children?

The proposed childhood introductory text and listings are similar to the proposed adult rules and only have minor differences, such as referring to children instead of adults.

To clarify the guidance that we provide on evaluating communication disorders in children, we propose to provide definitions and severity criteria for the terms ''significantly affects'' and ''ineffective verbal communication'' in 111.00K.

We are not proposing to include criteria for evaluating a combination of functional limitations in the childhood listings because we already evaluate functioning in children using the rules for determining the functional equivalence of an impairment(s) to the listings.[8] Except for minor editorial changes to make the text specific to children, we propose to repeat most of the introductory text of proposed 11.00 in the introductory text of proposed 111.00. Since we have already described these proposed revisions in the explanation to the introductory text of proposed 11.00, we describe here only sections of the proposed rules that are unique to children or that require further explanation.

What changes are we proposing to the neurological disorders listings for children?

We propose to remove one childhood listing and revise the heading of another. We propose to add nine childhood listings to parallel the adult listings because many neurological disorders that affect adults also affect children. We are not proposing corresponding childhood listings to proposed adult listings 11.06 for Parkinsonian syndrome, 11.10 for Amyotrophic lateral sclerosis, and 11.11 for Post-polio syndrome because these disorders rarely occur in children. When these disorders do occur in children, we evaluate them under the adult listings, when appropriate, or determine whether they functionally equal the listings. Although we are proposing corresponding childhood listings to most of the proposed adult listings, we propose to add a childhood Multiple Sclerosis listing, 111.21, and maintain current childhood neurological communication listing, 111.09, as is. We are also proposing to remove the current intelligence quotient (IQ) score criterion in listing 111.02 and 111.08 because advances in medical knowledge of epilepsy and spinal cord insults, and our program experience indicate that an IQ score does not provide us the best measure of a child's cognitive limitations and may not indicate listing-level severity

The following chart provides a comparison of the current childhood listings and the proposed childhood listings.

[8] See § 416.926(a) of this chapter.

Current	Proposed
111.02 *Major motor seizure disorder*	111.02 *Epilepsy.*
111.03 *Nonconvulsive epilepsy*	111.03 [Reserved].
	111.04 *Vascular insult to the brain.*
111.05 *Benign brain tumors*	111.05 *Benign brain tumors.*
111.06 *Motor dysfunction (due to any neurological disorder)*	111.06 [Reserved].
111.07 *Cerebral Palsy*	111.07 *Cerebral palsy.*
111.08 *Meningomyelocele (and related disorders)*	111.08 *Spinal cord insults.*
111.09 *Communication impairment, associated with documented neurological disorder.*	111.09 *Communication impairments, associated with documented neurological disorder.*
	111.12 *Myasthenia gravis.*
	111.13 *Muscular dystrophy.*
	111.14 *Peripheral neuropathy.*
	111.17 *Neurodegenerative disorders of the central nervous system, such as Juvenile Huntington disease and Friedreich ataxia.*
	111.18 *Traumatic brain injury.*
	111.20 *Coma or persistent vegetative state.*
	111.21 *Multiple sclerosis.*
	111.22 *Motor neuron disorders other than ALS.*

Why are we removing current 111.06, motor dysfunction (due to any neurological disorder)?

Current 111.06 lists the criteria we use to evaluate motor dysfunction due to any neurological disorder in children. We propose to remove current 111.06 because we include disorganization of motor function criteria in each of the proposed childhood neurological listings, as appropriate.

Listing 111.08, Spinal Cord Insults

We propose to revise the heading of current 111.08, *Meningomyelocele (and related disorders),* to *Spinal cord insults,* to match the proposed adult heading and to reflect which disorders we evaluate in children, including meningomyelocele, a severe form of spina bifida.

Other Changes

We propose minor conforming changes to the musculoskeletal system listings (1.00).

How should we consider genetic testing when evaluating neurological disorders?

We are requesting information regarding how we could consider genetic testing and/or analysis to document, identify, and evaluate specific medically determinable neurological disorder(s).

Under our current, long-standing policy, we do not require or purchase genetic testing to evaluate disability; however, we do consider all evidence in the record, including genetic testing, when we make a determination or decision of whether you are disabled (See, §§ 404.1520 and 416.920).

What is our authority to make rules and set procedures for determining whether a person is disabled under the statutory definition?

Under the Act, we have full power and authority to make rules and regulations and to establish necessary and appropriate procedures to carry out such provisions. Sections 205(a), 702(a)(5), and 1631(d)(1).

How long would these proposed rules be effective?

If we publish these proposed rules as final rules, they would remain in effect for 5 years after the date they become effective, unless we extend them, or revise and issue them again.

Clarity of These Proposed Rules

Executive Order 12866, as supplemented by Executive Order 13563, requires each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make them easier to understand.

For example:

- Would more, but shorter sections be better?
- Are the requirements in the rules clearly stated?
- Have we organized the material to suit your needs?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rules easier to understand?
- Do the rules contain technical language or jargon that is not clear?
- Would a different format make the rules easier to understand, such as grouping and order of sections, use of headings, paragraphing?

Regulatory Procedures

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this NPRM meets the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB reviewed it.

Regulatory Flexibility Act

We certify that this NPRM would not have a significant economic impact on a substantial number of small entities because it would affect individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Paperwork Reduction Act

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

References

We consulted the following references when we developed these proposed rules:

Aarsland, D., Andersen, K., Larsen, J.P., Lolk, A., Nielsen, H., & Kragh-Sørensen, P. (2001). Risk of dementia in Parkinson's disease: A community-based, prospective study. *Neurology, 56,* 730–736.doi:10.1212/WNL.56.6.730

Adler, C.H. (2005). Nonmotor complications in Parkinson's disease. *Movement Disorders, 20*(Suppl. 11), S23–S29.doi:10.1002/mds.20460

Bach, J.R. (1999). *Guide to the evaluation and management of neuromuscular disease.* Newark, NJ: Hanley & Belfus

Barry, J.J. (2003). The recognition and management of mood disorders as a comorbidity of epilepsy. *Epilepsia, 44,*

supplement s4, 30–40.doi:10.1046/j.1528–1157.44.s4.4.x

Berg, A.T., et. al. (2010). Revised terminology and concepts for organization of seizures and epilepsies: Report of the ILAE Commission on Classification and Terminology, 2005–2009. *Epilepsia,* 51, 676–685.doi:10.1111/j.1528–1167.2010.02522.x. Epub 2010 Feb 26

Bruno, R. (2002), The Polio Paradox: *Uncovering the hidden history of polio to understand and treat chronic fatigue and ''post-polio syndrome''.* New York, NY: Warner Books.

Carroll, L. (2006). War on the brain. *Neurology Now, 2*(5), 12–16. Retrieved from *http://journals.lww.com/neurologynow/Fulltext/2006/02050/War_on_the_Brain.13.aspx*

Cornaggia, C.M., Beghi, M., Moltrasio, L., & Beghi, E. (2006). Accidents at work among people with epilepsy: Results of a European prospective cohort study. *Seizure, 15*(5), 313–319.doi:10.1016/j.seizure.2006.03.001

Deutsch, P.M., Kendall, S.L., Daninhirsch, C., Cimino-Ferguson, S., & McCollom, P. (2006). Vocational outcomes after brain injury in a patient population evaluated for Life Care Plan reliability. *NeuroRehabilitation, 21,* 305–314. Retrieved from *http://flcpr.org/Documents/Deutsch_etal_NR_21_305-314.pdf*

Diedrich, A., & Robertson, D. (2010, March 4). *Multiple system atrophy.* Retrieved from *http://emedicine.medscape.com/article/1154583-overview*

Eidelberg, D., & Surmeier, D.J. (2011). Brain networks in Huntington disease. *Journal of Clinical Investigation, 121,* 484–492.doi:10.1172/JCI45646

Farbu, E. (2012). Post-polio syndrome. In J.Stone & M. Blouin (Eds.), *International Encyclopedia of Rehabilitation.* Retrieved from *http://cirrie.buffalo.edu/encyclopedia/en/article/138/*

Fenichel, Gerald, M. (2001). *Clinical Pediatric Neurology: A Signs and Symptoms Approach* (4th ed.). Philadelphia, PA: Saunders Elsevier

Fisher, R.S., Vickrey, B.G., Gibson, P., Hermann, B., Penovich, P., Scherer, A., & Walker, S. (2000). The impact of epilepsy from the patient's perspective I: Descriptions and subjective perceptions. *Epilepsy Research, 41,* 39–51.doi:10.1016/S0920–1211(00)00126–1

Frohman, E.M., Goodin, D.S., Calabresi, P.A., Corboy, J.R., Coyle, P.K., Filippi, M., . . . Stuart, W.H. (2003). The utility of MRI in suspected MS: Report of the Therapeutics and Technology Assessment Subcommittee of the American Academy of Neurology. *Neurology, 61,* 602–611. doi:10.1212/01.WNL.0000082654.99838.EF

Geddes, J.F., Hackshaw, A.K., Vowles, G.H., Nickols, C.D., & Whitwell, H.L. (2001). Neuropathology of inflicted head injury in children I:Patterns of brain damage. *Brain, 124,* 1290–1298. doi:10.1093/brain/124.7.1290

Goodin, D.S., Frohman, E.M., Hurwitz, B., O'Connor, P.W., Oger, J.J., Reder, A.T., & Stevens, J.C. (2007). Neutralizing antibodies to interferon beta: Assessment of their clinical and radiographic impact: An evidence report: Report of the Therapeutics and Technology Assessment Subcommittee of the American Academy of Neurology. *Neurology, 68,* 977–984. doi:10.1212/01.wnl.0000258545.73854.cf

Green, J., McDonald, W.M., Vitek, J.L., Evatt, M., Freeman, A., Haber, M., . . . DeLong, M.R. (2002). Cognitive impairments in advanced PD without dementia. *Neurology, 59,* 1320–1324. doi:10.1212/01.WNL.0000031426.21683.E2

Hankey, G.J., Spiesser, J., Hakimi, Z., Carita, P., & Gabriel, S. (2007). Time frame and predictors of recovery from disability following recurrent ischemic stroke. *Neurology, 68,* 202–205. doi:10.1212/01.wnl.0000250327.73031.54

Hermanowicz, N., & Haske-Palomino, M. (2007). Parkinson disease: Essentials of diagnosis. *Applied Neurology, 3*(2), 27–38. Retrieved from *http://www.psychiatrictimes.com/display/article/10168/57546#*

Hill, K. (2010). Advances in augmentative and alternative communication as quality-of-life technology. *Physical Medicine and Rehabilitation Clinics of North America, 21,* 43–58. doi:10.1016/j.pmr.2009.07.007

Johnson, A.M., Almeida, Q.J., Stough, C., Thompson, J.C., Singarayer, R., & Jog, M.S. (2004). Visual inspection time in Parkinson's disease: Deficits in early stages of cognitive processing. *Neuropsychologia, 42,* 577–583. doi:10.1016/j.neuropsychologia.2003.10.011

Karceski, S. (2007, March). Epilepsy essentials: Exploring the connection between epilepsy and migraine. *Practical Neurology,* 17–18. Retrieved from *http://www.bmctoday.net/practicalneurology/*

Krupp, L.B., & Elkins, L.E. (2000). Fatigue and declines in cognitive functioning in multiple sclerosis. *Neurology, 55,* 934–939. doi:10.1212/WNL.55.7.934

LaPointe, L.L. (2011). *Aphasia and related neurogenic language disorders.* New York, NY: Thieme.

Lauterbach, E.C. (2004). The neuropsychiatry of Parkinson's disease and related disorders. *Psychiatric Clinics of North America, 27,* 801–825. doi:10.1016/j.psc.2004.07.001

Lazar, R.M., Speizer, A.E., Festa, J.R., Krakauer, J.W., & Marshall, R.S. (2008). Variability in language recovery after first-time stroke. *Journal of Neurology, Neurosurgery & Psychiatry, 79,* 530–534. doi:10.1136/jnnp.2007.122457

Lemke, M.R., Fuchs, G., Gemende, I., Herting, B., Oehlwein, C., Reichmann, H., . . .Volkmann, J. (2004). Depression and Parkinson's disease. *Journal of Neurology, 251*(6), vi24-vi27. doi:10.1007/s00415–004–1606–6

McCrory, D.C., Pompeii, L.A., Skeen, M.B., Moon, S.D., Gray, R.N., Kolimaga, J.T., & Matchar, D.B. (2004). Criteria to Determine Disability Related to Multiple Sclerosis. *Evidence Report/Technology Assessment s, 100.* (AHRQ Publication No. 04–E019–2). Rockville, MD: Agency for Healthcare Research and Quality. Retrieved from *http://archive.ahrq.gov/downloads/pub/evidence/pdf/msdis/msdis.pdf*

Mitra, K., Gangopadhaya, P.K., & Das, S.K. (2003). Parkinsonism plus syndrome—A review. *Neurology India, 51,* 183–188. Retrieved from *http://www.neurologyindia.com*

Murphy, K.P. (2010). The adult with cerebral palsy. *Orthopedic Clinics of North America, 41,* 595–605. doi:10.1016/j.ocl.2010.06.007

National Institute of Neurological Disorders and Stroke. (2011). *NINDS Migraine Information Page.* Retrieved from *http://www.ninds.nih.gov/disorders/migraine/migraine.htm*

Pan, J.W., Zaveri, H.P., Spencer, D.D., Hetherington, H.P., & Spencer, S.S. (2009). Intracranial EEG power and metabolism in human epilepsy. *Epilepsy Research, 87,* 18–24. doi:10.1016/j.eplepsyres.2009.07.006

Pappert, E.J., Goetz, C.G., Louis, E.D., Blasucci, L. & Leurgans, S. (2003). Objective assessments of longitudinal outcome in Gilles de la Tourette's syndrome. *Neurology, 61,* 936–940. doi:10.1212/01.WNL.0000086370.10186.7C

Rapposelli, D. (2007). Depression in epilepsy: Chipping away at obstacles to diagnosis and care. *Psychiatric Times, 3*(1), 39–40. Retrieved from *http://www.psychiatrictimes.com/*

Reece, R.M., & Nicholson, C.E. (2003). *Inflicted childhood neurotrauma.* Bethesda, MD: American Academy of Pediatrics.

Rethlefsen, S.A., Ryan, D.D., & Kay, R.M. (2010). Classification systems in cerebral palsy. *Orthopedic Clinics of North America, 41,* 457–467. doi:10.1016/j.ocl.2010.06.005

Robinson, R. (2007). Anthony Lang: How new research is changing the conventional wisdom on Parkinson disease. *Neurology Today, 7*(10), 16–17. doi:10.1097/01.NT.0000278749.58783.84

Rodnitzky, R.L. (2007, March). Perchance to dream: How to minimize sleep disorders in Parkinson's disease. *Practical Neurology,* 58–67. Retrieved from *http://bmctoday.net/practicalneurology*

Sahgal, V., & Reger, S. (2009, April 30). *Physical medicine and rehabilitation for limb-girdle muscular dystrophy.* Retrieved from *http://emedicine.medscape.com/article/313515-overview*

Sanger, T.D. (2003). Pediatric movement disorders. *Current Opinion in Neurology, 16,* 529–535. doi:10.1097/01.wco.0000084233.82329.Oe

Schwid, S.R., Tyler, C.M., Scheid, E. A., Weinstein, A., Goodman, A.D., & McDermott, M.P. (2003). Cognitive fatigue during a test requiring sustained attention: A pilot study. *Multiple Sclerosis, 9,* 503–508. doi:10.1191/1352458503ms946oa

Sillanpää, M., & Shinnar, S. (2010). Long-term mortality in childhood-onset epilepsy. *New England Journal of Medicine, 363,* 2522–2529. doi:10.1056/NEJMoa0911610

Taber, K.H., Warden, D.L., & Hurley, R.A. (2006). Blast-related traumatic brain injury: What is known? *Journal of Neuropsychiatry & Clinical Neurosciences, 18,* 141–145. Retrieved from *http://neuro.psychiatryonline.org/issues.aspx?journalid=62*

Thurman, D., et. al. (2011). Standards for epidemiologic studies and surveillance of epilepsy. *Epilepsia,* 52, supplement s7, 2–16. doi: 10.1111/j.1528–1167.2011.03121.x.

Zesiewicz, T.A., Patel-Larson, A., Hauser, R.A., & Sullivan, K.L. (2007). Social Security Disability Insurance (SSDI) in Parkinson's disease. *Disability and Rehabilitation, 29,* 1934–1936. doi:10.1080/09638280701257247

Zinman, L., Ng, E., & Bril, V. (2007). IV immunoglobulin in patients with myasthenia gravis: A randomized controlled trial. *Neurology, 68,* 837–841. doi:10.1212/01.wnl.0000256698.69121.45

We will make these references available to you for inspection if you are interested in reading them. Please make arrangements with the contact person shown in this preamble if you would like to review any reference materials.

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

List of Subjects in 20 CFR Part 404

Administrative practice and procedure; Blind; Disability benefits; Old-age, Survivors and Disability Insurance; Reporting and recordkeeping requirements; Social security.

Dated: January 31, 2014.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we propose to amend 20 CFR part 404, subpart P as set forth below:

PART 404—FEDERAL OLD–AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart P—Determining Disability and Blindness

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

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

■ 2. Amend appendix 1 by:

■ a. Revising item 12 of the introductory text before part A;

■ b. In part A table of contents, revising the body system name for section 11.00;

■ c. In section 1.00 of part A, revising the introduction to paragraph K;

■ d. Revising section 11.00 of part A;

■ e. In section 12.00 of part A, revising paragraph D10, heading of listing 12.01, and listing 12.09I;

■ f. In part B table of contents, revising the body system name for section 111.00;

■ g. In section 101.00 of part B, revising the last sentence of paragraph B1 and paragraph K;

■ h. In section 101.00 of part B, revising the last sentence of paragraph B1 and paragraph K; and

■ i. Revising section 111.00 of part B to read as follows;

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

* * * * *

12. Neurological Disorders (11.00 and 111.00): [DATE 5 YEARS FROM EFFECTIVE DATE OF FINAL RULES].

* * * * *

11.00 Neurological Disorders.

* * * * *

K. *Disorders of the spine,* listed in 1.04, result in limitations because of distortion of the bony and ligamentous architecture of the spine and associated impingement on nerve roots (including the cauda equina) or spinal cord. Such impingement on nerve tissue may result from a herniated nucleus pulposus, spinal stenosis, arachnoiditis, or other miscellaneous conditions.

* * * * *

11.00 NEUROLOGICAL DISORDERS

A. *Which neurological disorders do we evaluate under these listings?* We evaluate epilepsy, amyotrophic lateral sclerosis, coma or PVS, and neurological disorders that cause disorganization of motor function, bulbar and neuromuscular dysfunction, or a combination of functional limitations.

B. *What evidence do we need to document your neurological disorder?*

1. We need medical evidence to assess the effects of your neurological disorder. Medical evidence should include your medical history, examination findings, relevant laboratory tests, and the results of imaging. Imaging refers to medical imaging techniques, such as x-ray, computerized tomography (CT), magnetic resonance imaging (MRI), and electroencephalography (EEG). The imaging must be consistent with the prevailing state of medical knowledge and clinical practice as the proper technique to support the evaluation of the disorder. In addition, the medical evidence may include descriptions of any prescribed treatment and your response to it. We consider statements you or others make about your impairments, your restrictions, your daily activities, or your efforts to work.

2. We will make every reasonable effort to obtain the results of your laboratory and imaging evidence. We will not purchase imaging or laboratory tests that are complex, costly, or invasive.

C. *How do we consider adherence to prescribed treatment in neurological disorders?* In 11.02, 11.06, and 11.12, we require that findings occur despite adherence to prescribed treatment. ''Despite adherence to prescribed treatment'' means that you have taken medication(s) or followed other treatment procedures for your neurological disorder(s) as prescribed by a physician for 3 consecutive months. You may receive your treatment at a health care facility that you visit regularly, even if you do not see the same physician on each visit.

D. *What do we mean by disorganization of motor function?*

1. *Disorganization of motor function* means interference with movement of the trunk or lower extremities, or upper extremities (including arms, hands, and fingers). All listings in this body system, except for 11.02, 11.10, and 11.20, include a requirement for disorganization of motor function that results in an extreme limitation in your ability to:

- Stand up; or
- Balance; or
- Walk; or
- Use arms, hands, and fingers to perform fine and gross motor movements.

2. *Extreme limitation* is the inability to stand up from a seated position, or the inability to maintain balance in a standing position and while walking, or the inability to use your upper extremities.

a. Inability to stand up from a seated position means that once seated you are unable to stand and maintain an upright position without the assistance of another person or the use of an assistive device, such as a walker, a crutch, or a cane.

b. Inability to maintain balance in a standing position means that you are unable to maintain an upright position while standing or walking without the assistance of another person or an assistive device, such as a walker, two crutches, or two canes.

c. Inability to use your upper extremities means that you have an extreme loss of function of both upper extremities that interferes very seriously with your ability to perform fine and gross motor movements. Inability to perform fine and gross motor

movements could include inability to feed oneself, inability to take care of personal hygiene, inability to sort and handle papers or files, or the inability to lift and carry items at or above waist level.

3. We will find you disabled under these listings if you have disorganization of motor function that limits both lower extremities, or both upper extremities, or the trunk and one upper or lower extremity, or one upper extremity and one lower extremity. Examples of extreme limitation that meet this criterion include, but are not limited to, very serious limitation in the ability to:

a. Stand upright without the risk of falling;

b. Balance in a seated position without the risk of falling;

c. Walk without the assistance of a device or person without the risk of falling; and

d. Use your fingers, hands, and arms to manipulate, grasp, lift, and carry objects.

E. *How do we evaluate communication impairments under these listings?* We must have a description of a recent comprehensive evaluation including all areas of communication, performed by an acceptable medical source, to document a communication impairment associated with a neurological disorder. A communication impairment may occur when a medically determinable neurological impairment results in dysfunction in the parts of the brain responsible for speech and language. We evaluate communication impairments associated with neurological disorders under 11.04A, 11.07C, or 11.11B. We evaluate communication impairments due to non-neurological disorders under 2.09.

1. Under 11.04A, we need evidence documenting that your central nervous system vascular accident or insult (CVA) and sensory or motor aphasia have resulted in ineffective speech or communication. *Ineffective speech or communication* means that there is an extreme limitation in your ability to understand or convey your message in simple spoken language resulting in the inability to demonstrate basic communication skills, such as following one-step commands or telling someone about your basic personal needs without assistance.

2. Under 11.07C, we need evidence documenting that your cerebral palsy has resulted in significant interference in your ability to speak, hear, or see. *We will find that you have ''significant interference'' in your ability to speak, hear, or see if your symptoms, such as aphasia, strabismus, or sensorineural hearing loss, seriously limit your ability to function on a sustained basis.*

3. Under 11.11B, we need evidence documenting that your post-polio syndrome has resulted in the inability to produce intelligible speech.

F. *What do we mean by bulbar and neuromuscular dysfunction?* The bulbar region of the brain is responsible for controlling the bulbar muscles in the throat, tongue, jaw, and face. Bulbar and most neuromuscular dysfunction refer to weakness in these muscles resulting in breathing, swallowing, and speaking impairments. Listings 11.11, 11.12, and 11.22 include criteria for evaluating bulbar and neuromuscular dysfunction.

G. *How do we evaluate a combination of functional limitations under these listings?*

1. We consider all relevant information in your case record to determine the effects of your neurological disorder on your ability to function in these four areas: Physical functioning, activities of daily living, social functioning, and completing tasks in a timely manner. To satisfy the combination of functional limitations requirement in these listings, your neurological disorder must result marked limitation in physical functioning and in at least one of three broad areas of functioning: Activities of daily living; maintaining social functioning; or completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace.

2. Marked limitation means that the signs and symptoms of your neurological disorder interfere seriously with your ability to function independently, appropriately, effectively, and on a sustained basis in work-related activities.

a. Although we do not require the use of such a scale, marked would be the fourth point on a five-point rating scale consisting of no limitation, slight limitation, moderate limitation, marked limitation, and extreme limitation.

b. We do not define marked in terms of specific physical functions, or a specific number of different activities of daily living, or different behaviors in which your social functioning is impaired, or a specific number of tasks that you are able to complete, but by the nature and overall degree of interference with your functioning.

c. Marked limitation also reflects the kind and extent of help you receive and the characteristics of any special supports that may reduce your symptoms and signs and enable you to function as you do. Examples include help you receive from other people, special appliances or equipment, assistive devices, or medications that enable you to function. The more extensive the help or supports that you need to function, the more limited we will find you to be.

3. *Areas of functioning and marked limitation*

a. *Physical functioning* includes specific motor abilities, such as the ability to stand up, balance, walk, climb, bend, push, pull, lift, carry, reach, grasp, and manipulate. Physical functioning may also include functions of the body that support motor abilities, such as the ability to see, breathe, swallow, and physiological processes that sustain energy level, output, and physical pace. We will find that you have ''marked'' limitation in this area if your symptoms, such as pain or physical or mental fatigue (see 11.00T) caused by your neurological disorder or its treatment, seriously limit your motor abilities, or the physical functions or physiological processes that support those abilities.

b. *Activities of daily living* include, but are not limited to, such activities as doing household chores, grooming and hygiene, using a post office, taking public transportation, or paying bills. We will find that you have ''marked'' limitation in this area if your symptoms, such as pain or physical or mental fatigue, caused by your neurological disorder or its treatment, seriously limit your ability to perform activities of daily living.

c. *Social functioning* includes the ability to interact with others independently, appropriately, effectively, and on a sustained basis. It includes the ability to communicate effectively with others. We will find that you have ''marked'' limitation in this area if your symptoms, such as pain, physical or mental fatigue, or communication deficits, caused by your neurological disorder or its treatment, seriously limit social interaction on a sustained basis.

d. *Completing tasks in a timely manner* involves the ability to sustain concentration, persistence, or pace to permit timely completion of tasks. We will find that you have ''marked'' limitation in this area if your symptoms, such as pain, physical or mental fatigue, or difficulty concentrating, caused by your neurological disorder or its treatment seriously limit your ability to sustain concentration or pace adequate to complete tasks.

4. *Symptoms and signs of your disorder and the effects of treatment.*

a. We will consider your symptoms and signs and how they affect your ability to function in work-related activities. When we evaluate your functioning, we will consider whether

your symptoms and signs are persistent or intermittent, how frequently they occur and how long they last, their intensity, and whether you have periods of exacerbation and remission.

b. We will consider the effectiveness of treatment in improving the symptoms, signs, and laboratory findings related to your neurological disorder, as well as any aspects of treatment that may interfere with your ability to function. We will consider, for example: the effects of medications you take (including side effects); the time-limited efficacy of some medications; the intrusiveness, complexity, and duration of your treatment (for example, the dosing schedule, need for injections); the effects of treatment, including medications, therapy, and surgery, on your functioning; the variability of your response to treatment; and any drug interactions.

H. *What is epilepsy, and how do we evaluate it under 11.02?*

1. *Epilepsy* is a pattern of recurrent and unprovoked seizures that are manifestations of abnormal electrical activity in the brain. There are various types of generalized and ''focal'' or partial seizures. In adults, the most common potentially disabling seizure types are *generalized tonic-clonic seizures* and *dyscognitive seizures (formerly complex partial seizures).*

a. *Generalized tonic-clonic seizures* are characterized by loss of consciousness accompanied by a tonic phase (sudden muscle tensing causing the person to lose postural control) followed by a clonic phase (rapid cycles of muscle contraction and relaxation, also called convulsions). Tongue biting and incontinence commonly occur during generalized tonic-clonic seizures, and injuries may result from falling.

b. *Dyscognitive seizures* are characterized by alteration of consciousness without convulsions or loss of muscle control. During the seizure, blank staring, change of facial expression, and automatisms (such as lip smacking, chewing or swallowing, or repetitive simple actions, such as gestures or verbal utterances) may occur. During the course of the seizure, a dyscognitive seizure may progress into a generalized tonic-clonic seizure (see 11.00H1a).

2. We require at least one detailed description of your seizures from someone, preferably a medical professional, who has observed at least one of your typical seizures. If you experience more than one type of seizure, we require a description of each type.

3. *Serum drug levels.* We do not require serum drug levels; therefore, we will not purchase them. However, if serum drug levels are available in your medical records, we will evaluate them in the context of the other evidence in your case record.

4. *Counting seizures.* The period specified in 11.02A, B, or C cannot begin earlier than one month after you began prescribed treatment. The required number of seizures must occur within the period we are considering in connection with your application or continuing disability review. When we evaluate the frequency of your seizures, we also consider your adherence to prescribed treatment (see 11.00C). When we determine the number of seizures you have had in the specified period, we will:

a. Count multiple seizures occurring in a 24-hour period as one seizure.

b. Count status epilepticus (a continuous series of seizures without return to consciousness between seizures) as one seizure.

c. Count a dyscognitive seizure that progresses into a generalized tonic-clonic seizure as one generalized tonic-clonic seizure.

d. We do not count seizures that occur during a period when you are not adhering to prescribed treatment without good reason. When we determine that you had good reason for not adhering to prescribed treatment, we will consider your physical, mental, educational, and communicative limitations (including any lack of facility with the English language). We will consider you to have good reason for not following prescribed treatment if the treatment is very risky for you due to its magnitude or unusual nature, or if you are unable to afford prescribed treatment that you are willing to accept, but for which no free community resources are available. We will not follow guidelines in our policy that are not relevant to the number of seizures that you experience. For example, we will not consider amputation of an extremity or cataract surgery in one eye when there is a severe visual impairment not expected to improve with treatment in the other eye to be good reasons to not follow prescribed treatment for your seizures. We will follow guidelines found in our policy, such as §§ 404.1530(c) and 416.930(c) of this chapter, when we determine whether you have a good reason for not adhering to prescribed treatment.

5. *Electroencephalography (EEG) testing.* We do not require EEG test results; therefore, we will not purchase them. However, if EEG test results are available in your medical records, we will evaluate them in the context of the other evidence in your case record.

I. *What is vascular insult to the brain, and how do we evaluate it under 11.04?*

1. *Vascular insult to the brain* (cerebrum, cerebellum, or brainstem), commonly referred to as stroke or cerebrovascular accident, is brain cell death caused by an interruption of blood flow within or leading to the brain, or by a hemorrhage from a ruptured blood vessel or aneurysm in the brain.

2. We need evidence of sensory or motor aphasia that results in ineffective speech or communication under 11.04A. (See 11.00E). We may evaluate your communication impairment under the functional criteria under listing 11.04C, or under mental listing 12.02.

3. We generally need evidence from at least 3 months after the vascular insult to evaluate your physical limitations under 11.04B or the impact that your disorder has on your functioning under 11.04C. In some cases, evidence of your vascular insult is sufficient to determine disability within 3 months post-vascular insult. If we are unable to determine disability within 3 months after your vascular insult, we will defer adjudication of the claim until we obtain evidence of your neurological disorder at least 3 months post-vascular insult.

J. *What are benign brain tumors, and how do we evaluate them under 11.05?* Benign brain tumors are noncancerous (nonmalignant) abnormal growths of tissue in or on the brain that invade healthy brain tissue or apply pressure on the brain or cranial nerves. We evaluate their effects on your motor functioning, oral communication, or on several areas of functioning (see 11.00G3). We evaluate malignant brain tumors under the malignant neoplastic diseases body system in 13.00.

K. *What is Parkinsonian syndrome, and how do we evaluate it under 11.06?* Parkinsonian syndrome is a term that describes a group of chronic, progressive movement disorders resulting from loss or decline in the function of dopamine-producing brain cells. Dopamine is a neurotransmitter that regulates muscle movement throughout the body. When we evaluate your Parkinsonian syndrome, we will consider your adherence to prescribed treatment (see 11.00C).

L. *What is cerebral palsy, and how do we evaluate it under 11.07?*

1. *Cerebral palsy (CP)* is a term that describes a group of static, nonprogressive disorders caused by abnormalities within the brain that disrupt the brain's ability to control movement, muscle coordination, and posture. The resulting motor deficits manifest very early in a person's

development, with delayed or abnormal progress in attaining developmental milestones; deficits may become more obvious as the person grows and matures over time.

2. We evaluate your signs and symptoms, such as ataxia, spasticity, flaccidity, athetosis, chorea, and difficulty with precise movements when we determine your ability to stand up, balance, walk, or perform fine and gross motor movements. We will also evaluate your signs, such as dysarthria and apraxia of speech, and receptive and expressive language problems when we determine your ability to communicate. We will consider your other impairments or signs and symptoms that develop secondary to the disorder, such as post-impairment syndrome (a combination of pain, fatigue, and weakness due to muscle abnormalities); overuse syndromes (repetitive motion injuries); arthritis; abnormalities of proprioception (perception of the movements and position of the body); abnormalities of stereognosis (perception and identification of objects by touch); learning problems; anxiety; and depression.

M. *What are spinal cord insults, and how do we evaluate them under 11.08?*

1. *Spinal cord insults* are lesions that transect or contuse the spinal cord. Motor signs and symptoms of spinal cord insults include paralysis, flaccidity, spasticity, and weakness.

2. *Spinal cord insults with complete loss of function* (11.08A) addresses spinal cord insults that result in complete lack of motor, sensory, and autonomic function of the affected part(s) of the body.

3. *Spinal cord insults with disorganization of motor function* (11.08B) addresses spinal cord insults that result in less than complete loss of function of the affected part(s) of the body, reducing, but not eliminating, motor, sensory, and autonomic function.

4. When we evaluate your spinal cord insult, we generally need evidence from at least 3 months after the spinal cord insult to evaluate your disorganization of motor function. In some cases, evidence of your spinal cord insult may be sufficient to determine disability within 3 months after the spinal cord insult.

N. *What is multiple sclerosis, and how do we evaluate it under 11.09?*

1. *Multiple sclerosis (MS)* is a chronic, inflammatory, degenerative disorder of the brain and spinal cord that damages the myelin sheath surrounding the nerve fibers in the brain and spinal cord. The damage disrupts the normal transmission of nerve impulses within the brain, and between the brain and other parts of the body causing impairment in muscle coordination, strength, balance, sensation, and vision. There are several forms of MS, ranging from slightly to highly aggressive. Milder forms generally involve acute attacks (exacerbations) with partial or complete recovery from signs and symptoms (remissions). Aggressive forms generally exhibit a steady progression of signs and symptoms with few or no remissions. The effects of all forms vary from person to person.

2. We evaluate your signs and symptoms, such as flaccidity, spasticity, spasms, in-coordination, imbalance, tremor, physical fatigue, muscle weakness, dizziness, tingling, and numbness when we determine your ability to stand up, balance, walk, or perform fine and gross motor movements using your arms, hands, and fingers. We will consider your other impairments or signs and symptoms that develop secondary to the disorder, such as mental fatigue; visual loss; trouble sleeping; impaired attention, concentration, memory, or judgment; mood swings; and depression in determining a combination of functional limitations.

O. *What is amyotrophic lateral sclerosis, and how do we evaluate it under 11.10? Amyotrophic lateral sclerosis (ALS)* is one type of motor neuron disorder. We establish ALS under 11.10 when you have a documented diagnosis of ALS. Documentation must be based on generally accepted methods consistent with the prevailing state of medical knowledge and clinical practice. We require laboratory testing to establish the diagnosis when the clinical findings of upper and lower motor neuron disease are not present in three or more regions. Electrophysiological studies, such as nerve conduction velocity studies and electromyography (EMG), may support your diagnosis of ALS; however, we will not purchase these studies.

P. *What are neurodegenerative disorders of the central nervous system, such as Huntington disease, Friedreich ataxia, and spinocerebellar degeneration, and how do we evaluate them under 11.17?* Neurodegenerative disorders of the central nervous system are disorders characterized by progressive and irreversible degeneration of neurons or their supporting cells. Over time, these disorders impair many of the body's motor or cognitive and other mental functions. We consider neurodegenerative disorders of the central nervous system under 11.17 that we do not evaluate elsewhere in section 11.00, such as Huntington disease (HD), Friedreich ataxia, spinocerebellar degeneration, Creutzfeldt-Jakob disease (CJD), progressive supranuclear palsy (PSP), early onset Alzheimer disease, and frontotemporal dementia (Pick disease). When these disorders result in solely cognitive and other mental function effects, we will evaluate the disorder under 12.02.

Q. *What is traumatic brain injury, and how do we evaluate it under 11.18?*

1. *Traumatic brain injury (TBI)* is damage to the brain resulting from skull fracture, collision with an external force leading to a closed head injury, or penetration by an object that enters the skull and makes contact with brain tissue. We evaluate TBI that results in coma or persistent vegetative state (PVS) under 11.20.

2. We generally need evidence from at least 3 months after the TBI to evaluate either your physical limitations under 11.18A or the impact that your disorder has on your functioning under 11.18C. In some cases, evidence of your TBI is sufficient to determine disability within 3 months post-TBI. If we are unable to determine disability within 3 months post-TBI, we will defer adjudication of the claim until we obtain evidence of your neurological disorder at least 3 months post-TBI. If a finding of disability still is not possible at that time, we will again defer adjudication of the claim until we obtain evidence at least 6 months after your TBI.

R. *What are coma and persistent vegetative state, and how do we evaluate them under 11.20?* Coma is a state of unconsciousness in which a person does not exhibit a sleep/wake cycle, and is unable to perceive or respond to external stimuli. People who do not fully emerge from coma may progress into a persistent vegetative state (PVS). PVS is a condition of partial arousal in which a person may have a low level of consciousness but is still unable to react to external stimuli. In contrast to coma, a person in a PVS retains sleep/wake cycles and may exhibit some key lower brain functions, such as spontaneous movement, opening and moving eyes, and grimacing. Coma or PVS may result from TBI, a nontraumatic insult to the brain (such as a vascular insult, infection, or brain tumor), or a neurodegenerative or metabolic disorder.

S. *What are motor neuron disorders, other than ALS, and how do we evaluate them under 11.22?* Motor neuron disorders such as progressive bulbar palsy, primary lateral sclerosis (PLS), and spinal muscular atrophy (SMA) are progressive neurological disorders that

destroy the cells that control voluntary muscle activity, such as walking, breathing, swallowing, and speaking. We evaluate the effects of these disorders on motor functioning, bulbar and neuromuscular functioning, oral communication, or a combination of functional limitations.

T. *How do we consider your symptom of fatigue in these listings?* Fatigue is one of the most common and debilitating symptoms of some neurological disorders, such as multiple sclerosis, post-polio syndrome, and myasthenia gravis. These disorders may result in physical fatigue (lack of muscle strength) or mental fatigue (decreased awareness or attention). When we evaluate your fatigue, we will consider the intensity, persistence, and effects of fatigue on your functioning. This may include information such as the clinical and laboratory data and other objective evidence concerning your neurological deficit, a description of fatigue considered characteristic of your disorder, and information about your functioning. We consider the effects of physical fatigue on your ability to stand up, balance, walk, or perform fine and gross motor movements using the criteria described in 11.00D. We consider the effects of physical and mental fatigue when we evaluate your combination of functional limitations described in 11.00G.

U. *How do we evaluate your neurological disorder when it does not meet one of these listings?* If your neurological disorder does not meet the criteria of any of these listings, we must also consider whether your impairment(s) meets the criteria of a listing in another body system.

If you have a severe medically determinable impairment(s) that does not meet a listing, we will determine whether your impairment(s) medically equals a listing. See §§ 404.1526 and 416.926 of this chapter. If your impairment(s) does not meet or medically equal the criteria of a listing, you may or may not have the residual functional capacity to engage in substantial gainful activity, which we determine at the fourth, and if necessary, the fifth steps of the sequential evaluation process in §§ 404.1520 and 416.920 of this chapter. See also §§ 404.1545, 404.1560, 416.945, and 416.960 of this chapter. We use the rules in §§ 404.1594 and 416.994 of this chapter, as appropriate, when we decide whether you continue to be disabled.

11.01 Category of Impairments, Neurological Disorders

11.02 *Epilepsy,* documented by a detailed description of a typical seizure and characterized by A, B, C, or D:

A. Generalized tonic-clonic seizures (see 11.00H1a), occurring at least once a month for at least 3 consecutive months (see 11.00H4) despite adherence to prescribed treatment (see 11.00C).

OR

B. Dyscognitive seizures (see 11.00H1b), occurring at least once a week for at least 3 consecutive months (see 11.00H4) despite adherence to prescribed treatment (see 11.00C).

OR

C. Generalized tonic-clonic seizures (see 11.00H1a), occurring at least once every 2 months for at least 4 consecutive months (see 11.00H4) despite adherence to prescribed treatment (see 11.00C); and marked limitation in one of the following:

1. Physical functioning (see 11.00G3a); or
2. Activities of daily living (see 11.00G3b); or
3. Maintaining social functioning (see 11.00G3c); or
4. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00 G3d).

OR

D. Dyscognitive seizures (see 11.00H1b), occurring at least once every 2 weeks for at least 3 consecutive months (see 11.00H4) despite adherence to prescribed treatment (see 11.00C); and marked limitation in one of the following:

1. Physical functioning (see 11.00G3a); or
2. Activities of daily living (see 11.00G3b); or
3. Maintaining social functioning (see 11.00G3c); or
4. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.03 [Reserved]

11.04 *Vascular insult to the brain,* characterized by A, B, or C:

A. Sensory or motor aphasia resulting in ineffective speech or communication (see 11.00E1) persisting for at least 3 consecutive months after the insult.

OR

B. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements, persisting for at least 3 consecutive months after the insult.

OR

C. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a) and in one of the following areas, both persisting for at least 3 consecutive months after the insult:

1. Activities of daily living (see 11.00G3b); or
2. Social functioning (see 11.00G3c); or
3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.05 *Benign brain tumors,* characterized by A or B:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or
2. Social functioning (see 11.00G3c); or
3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.06 *Parkinsonian syndrome,* characterized by A or B despite adherence to prescribed treatment for at least 3 consecutive months (see 11.00C):

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or
2. Social functioning (see 11.00G3c); or
3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.07 *Cerebral palsy,* characterized by A, B, or C:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or
2. Social functioning (see 11.00G3c); or
3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

OR

C. Significant interference in communication due to speech, hearing, or visual defect (see 11.00E2).

11.08 *Spinal cord insults,* characterized by A, B, or C:

A. Complete loss of function, as described in 11.00M2, persisting for 3 consecutive months after the insult (see 11.00M4).

OR

B. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements persisting for 3 consecutive months after the insult (see 11.00M4).

OR

C. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a) and in one of the following areas, both persisting for 3 consecutive months after the insult (see 11.00M4):

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.09 *Multiple sclerosis,* characterized by A or B:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.10 *Amyotrophic lateral sclerosis* established by clinical and laboratory findings.

11.11 *Post-polio syndrome,* characterized by A, B, C, or D:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Unintelligible speech.

OR

C. Bulbar and neuromuscular dysfunction (see 11.00F), resulting in:

1. Acute respiratory failure requiring mechanical ventilation; or

2. Need for supplemental enteral nutrition via a gastrostomy or parenteral nutrition via a central venous catheter.

OR

D. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.12 *Myasthenia gravis,* characterized by A, B, or C despite adherence to prescribed treatment for at least 3 months (see 11.00C):

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Bulbar and neuromuscular dysfunction (see 11.00F), resulting in:

1. One myasthenic crisis requiring mechanical ventilation; or

2. Need for supplemental enteral nutrition via a gastrostomy or parenteral nutrition via a central venous catheter.

OR

C. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.13 *Muscular dystrophy,* characterized by A or B:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.14 *Peripheral neuropathy,* characterized by A or B:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.15 [Reserved]

11.16 [Reserved]

11.17 *Neurodegenerative disorders of the central nervous system, such as Huntington disease, Friedreich ataxia, and spinocerebellar degeneration,* characterized by A or B:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.18 *Traumatic brain injury,* characterized by A or B:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements, persisting for at least 3 consecutive months after the injury.

OR

B. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following areas, persisting for at least 3 consecutive months after the injury:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

11.19 [Reserved]

11.20 *Coma or persistent vegetative state,* persisting for at least 1 month.

11.21 [Reserved]

11.22 *Motor neuron disorders other than ALS,* characterized by A, B, or C:

A. Disorganization of motor function (see 11.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Bulbar and neuromuscular dysfunction (see 11.00F), resulting in:

1. Acute respiratory failure requiring invasive mechanical ventilation; or

2. Need for supplemental enteral nutrition via a gastrostomy or parenteral nutrition via a central venous catheter.

OR

C. Marked limitation (see 11.00G2) in physical functioning (see 11.00G3a), and in one of the following:

1. Activities of daily living (see 11.00G3b); or

2. Social functioning (see 11.00G3c); or

3. Completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace (see 11.00G3d).

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12.00 MENTAL DISORDERS

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D. *Documentation.* * * *

10. *Traumatic brain injury (TBI).* In cases involving TBI, follow the documentation and evaluation guidelines in 11.00Q.

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12.01 Category of Impairments, Mental Disorders

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12.09 *Substance Addiction Disorders:* * * *

I. Seizures. Evaluate under 11.02.

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Part B

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111.00 Neurological Disorders.

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101.00 MUSCULOSKELETAL SYSTEM

* * * * *

B. *Loss of function.*

1. *General.* * * * Impairments with neurological causes are to be evaluated under 111.00ff, as appropriate.

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K. *Disorders of the spine,* listed in 101.04, result in limitations because of distortion of the bony and ligamentous architecture of the spine and associated impingement on nerve roots (including the cauda equina) or spinal cord. Such impingement on nerve tissue may result from a herniated nucleus pulposus, spinal stenosis, arachnoiditis, or other miscellaneous conditions.

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111.00 NEUROLOGICAL DISORDERS

A. Which neurological disorders do we evaluate under these listings?

We evaluate epilepsy, coma or persistent vegetative state, and neurological disorders that cause disorganization of motor function, or bulbar and neuromuscular dysfunction.

B. What evidence do we need to document your neurological disorder?

1. We need medical evidence to assess the effects of your neurological disorder. Medical evidence should include your medical history, examination findings, relevant laboratory tests, and the results of imaging. Imaging refers to medical imaging techniques, such as x-ray, computerized tomography (CT), magnetic resonance imaging (MRI), and electroencephalography (EEG). The imaging must be consistent with the prevailing state of medical knowledge and clinical practice as the proper technique to support the evaluation of the disorder. In addition, the medical evidence may include descriptions of any prescribed treatment and your response to it. We consider statements you or others make about your impairments, your restrictions, your daily activities, or, if you are an adolescent, your efforts to work.

2. We will make every reasonable effort to obtain the results of your laboratory and imaging evidence. We will not purchase imaging or laboratory tests that are complex, costly, or invasive.

C. How do we consider adherence to prescribed treatment in neurological disorders?

In 111.02 and 111.12, we require that findings occur despite adherence to prescribed treatment. ''Despite adherence to prescribed treatment'' means that you have taken medication(s) or followed other treatment procedures as prescribed by a physician for 3 consecutive months. You may receive your treatment at a health care facility that you visit regularly, even if you do not see the same physician on each visit.

D. What do we mean by disorganization of motor function?

1. *Disorganization of motor function* means interference with movement of the trunk or lower extremities, or upper extremities (including arms, hands, and fingers). All listings in this body system, except for 111.02 and 111.20, include a requirement for disorganization of motor function that results in extreme limitation in your ability to stand up, balance, walk, or use arms, hands, and fingers to perform fine and gross motor movements.

2. *Extreme limitation* is the inability to stand up from a seated position, the inability to maintain balance in a standing position and while walking, or the inability to use your upper extremities.

a. Inability to stand up from a seated position means that once seated you are unable to stand and maintain an upright position without the assistance of another person or an assistive device, such as a walker, a crutch, or a cane.

b. Inability to maintain balance in a standing position means that you are unable to maintain an upright position while standing or walking without the assistance of another person or an assistive device, such as a walker, two crutches, or two canes.

c. Inability to use your upper extremities means that you have an extreme loss of function of both upper extremities that interferes very seriously with your ability to perform fine and gross motor movements. Inability to perform fine and gross motor movements could include inability to feed oneself, inability to pick up small objects, inability to control a pencil or crayon, or inability to throw a ball.

3. We will find you disabled under these listings if you have disorganization of motor function that limits both lower extremities, or both upper extremities, or the trunk and one upper or lower extremity, or one upper extremity and one lower extremity. Examples of extreme limitation that meet this criterion include, but are not limited to, very serious limitation in the ability to:

a. Stand upright without the risk of falling;

b. Balance in a seated position without the risk of falling;

c. Walk without the assistance of a device or person without the risk of falling; and

d. Use your fingers, hands, and arms to manipulate, grasp, lift, and carry objects.

4. For children who are not yet able to balance, stand up, or walk independently, we consider their function based on assessments of limitations in the ability to perform comparable age-appropriate activities with the lower and upper extremities, given normal developmental expectations. For such children, an extreme level of limitation means developmental expectations at no more

than one-half (½) of the child's chronological age.

E. What do we mean by bulbar and neuromuscular dysfunction?

Listings 111.12 and 111.22 include criteria for evaluating bulbar and neuromuscular dysfunction. Some neuromuscular disorders affect functions of the bulbar region of the brain, which controls vital functions such as breathing, swallowing, and speaking.

F. What is epilepsy, and how do we evaluate it under 111.02?

1. *Epilepsy* is a pattern of recurrent and unprovoked seizures that are manifestations of abnormal electrical activity in the brain. There are various types of generalized and ''focal'' or partial seizures. In children, the most common potentially disabling seizure types are *generalized tonic-clonic seizures, dyscognitive seizures (formerly complex partial seizures), and absence seizures.*

a. *Generalized tonic-clonic seizures* are characterized by loss of consciousness accompanied by a tonic phase (sudden muscle tensing causing the child to lose postural control) followed by a clonic phase (rapid cycles of muscle contraction and relaxation, also called convulsions). Tongue biting and incontinence commonly occur during generalized tonic-clonic seizures, and injuries may result from falling.

b. *Dyscognitive seizures* are characterized by alteration of consciousness without convulsions or loss of muscle control. During the seizure, blank staring, change of facial expression, and automatisms (such as lip smacking, chewing or swallowing, or repetitive simple actions, such as gestures or verbal utterances) may occur. During the course of the seizure, a dyscognitive seizure may progress into a generalized tonic-clonic seizure (see 111.00F1a).

c. *Absence seizures (petit mal)* are also characterized by an alteration in consciousness, but are shorter than other generalized seizures (e.g., tonic-clonic and dyscognitive) seizures, generally lasting for only a few seconds rather than minutes. They may present with blank staring, change of facial expression, lack of awareness and responsiveness, and a sense of lost time after the seizure. They are never preceded by an aura. Although absence seizures are brief, frequent occurrence may limit functioning. This type of seizure usually does not occur after adolescence.

2. We require at least one detailed description of your seizures from someone, preferably a medical professional, who has observed at least one of your typical seizures. If you experience more than one type of seizure, we require a description of each type.

3. *Serum drug levels.* We do not require serum drug levels; therefore, we will not purchase them. However, if serum drug levels are available in your medical records, we will evaluate them in the context of the other evidence in your case record.

4. *Counting seizures.* The period specified in 111.02A or B cannot begin earlier than one month after you began prescribed treatment. The required number of seizures must occur within the period we are considering in connection with your application or continuing disability review. When we evaluate the frequency of your seizures, we also consider your adherence to prescribed treatment (see 111.00C). When we determine the number of seizures you have had in the specified period, we will:

a. Count multiple seizures occurring in a 24-hour period as one seizure.

b. Count status epilepticus (a continuous series of seizures without return to consciousness between seizures) as one seizure.

c. Count a dyscognitive seizure that progresses into a generalized tonic-clonic seizure as one generalized tonic-clonic seizure.

d. We do not count seizures that occur during a period when you are not adhering to prescribed treatment without good reason. When we determine that you had a good reason for not adhering to prescribed treatment, we will consider your physical, mental, educational, and communicative limitations (including any lack of facility with the English language). We will consider you to have good reason for not following prescribed treatment if the treatment is very risky for you due to its magnitude or unusual nature, or if you are unable to afford prescribed treatment that you are willing to accept, but for which no free community resources are available. We will not follow guidelines in our policy that are not relevant to the number of seizures that you experience. For example, we will not consider amputation of an extremity or cataract surgery in one eye when there is a severe visual impairment not expected to improve with treatment in the other eye to be good reasons to not follow prescribed treatment for your seizures. We will follow guidelines found in our policy, such as § 416.930(c) of this chapter, when we determine whether you have a good reason for not adhering to prescribed treatment.

5. *Electroencephalography (EEG) testing.* We do not require EEG test results; therefore, we will not purchase them. However, if EEG test results are available in your medical records, we will evaluate them in the context of the other evidence in your case record.

G. What is vascular insult to the brain, and how do we evaluate it under 111.04?

1. *Vascular insult to the brain* (cerebrum, cerebellum, or brainstem), commonly referred to as stroke or cerebrovascular accident, is brain cell death caused by an interruption of blood flow within or leading to the brain, or by a hemorrhage from a ruptured blood vessel or aneurysm.

2. We generally need evidence from at least 3 months after the vascular insult to evaluate your physical limitations under 111.04. In some cases, evidence of your vascular insult is sufficient to determine disability within 3 months post-vascular insult. If we are unable to determine disability within 3 months after your vascular insult, we will defer adjudication of the claim until we obtain evidence of your neurological disorder at least 3 months post-vascular insult.

H. What are benign brain tumors, and how do we evaluate them under 111.05?

Benign brain tumors are noncancerous (nonmalignant) abnormal growths of tissue in or on the brain that invade healthy brain tissue or apply pressure on the brain or cranial nerves. We evaluate their effects on your motor functioning or oral communication. We evaluate malignant brain tumors under the malignant neoplastic diseases body system in 113.00.

I. What is cerebral palsy, and how do we evaluate it under 111.07?

1. *Cerebral palsy (CP)* is a term that describes a group of static, nonprogressive disorders caused by abnormalities within the brain that disrupt the brain's ability to control movement, muscle coordination, and posture. The resulting motor deficits manifest very early in a person's development, with delayed or abnormal progress in attaining developmental milestones; deficits may become more obvious as the person grows and matures over time.

2. We evaluate your signs and symptoms, such as ataxia, spasticity, flaccidity, athetosis, chorea, and difficulty with precise movements when we determine your ability to stand up,

balance, walk, or perform fine and gross motor movements. We will also evaluate your signs, such as dysarthria and apraxia of speech, and receptive and expressive language problems when we determine your ability to communicate. We will consider your other impairments or signs and symptoms that develop secondary to the disorder, such as post-impairment syndrome (a combination of pain, fatigue, and weakness due to muscle abnormalities); overuse syndromes (repetitive motion injuries); arthritis; abnormalities of proprioception (perception of the movements and position of the body); abnormalities of stereognosis (perception and identification of objects by touch); learning problems; anxiety; and depression.

J. What are spinal cord insults, and how do we evaluate them under 111.08?

1. *Spinal cord insults* are lesions that transect or contuse the spinal cord. Motor signs and symptoms of spinal cord insults include paralysis, flaccidity, spasticity, and weakness.

2. *Spinal cord insults with complete loss of function* (111.08A) addresses spinal cord insults that result in complete lack of motor, sensory, and autonomic function of the affected part(s) of the body.

3. *Spinal cord insults with disorganization of motor function* (111.08B) addresses spinal cord insults that result in less than complete loss of function of the affected part(s) of the body, reducing, but not eliminating, motor, sensory, and autonomic function.

4. When we evaluate your spinal cord insult, we generally need evidence from at least 3 months after the spinal cord insult to evaluate your disorganization of motor function. In some cases, evidence of your spinal cord insult may be sufficient to determine disability within 3 months after the spinal cord insult.

K. What are communication impairments associated with neurological disorders, and how do we evaluate them under 111.09?

Communication impairments result from medically determinable neurological disorders that cause dysfunction in the parts of the brain responsible for speech and language. Under 111.09, we must have a description of a recent comprehensive evaluation including all areas of affective and effective communication, performed by a qualified professional, to document a communication impairment associated with a neurological disorder.

1. Under 111.09A, we need documentation from a qualified professional that your neurological disorder has resulted in a speech deficit which significantly affects your ability to communicate. *Significantly affects* means that you demonstrate serious limitation in communicating, and you are not easily understood or interpreted by individuals who are unfamiliar to you.

2. Under 111.09B, we need documentation from a qualified professional that shows that your neurological disorder has resulted in a comprehension deficit that results in ineffective verbal communication for your age. Ineffective verbal communication means that you demonstrate serious limitation in your ability to communicate orally on the same level as other children of the same age and level of development.

3. Under 111.09C, we need documentation of a neurological disorder that has resulted in hearing loss. Your hearing loss will be evaluated under listing 102.10 or 102.111.

4. We evaluate speech deficits due to non-neurological disorders under 2.09.

L. What are neurodegenerative disorders of the central nervous system, such as Juvenile Huntington disease and Friedreich ataxia, and how do we evaluate them under 111.17?

Neurodegenerative disorders of the central nervous system are disorders characterized by progressive and irreversible degeneration of neurons or their supporting cells. Over time, these disorders impair many of the body's motor or cognitive and other mental functions. Under 111.17, we consider neurodegenerative disorders of the central nervous system that we do not evaluate elsewhere in section 111.00, such as juvenile onset Huntington disease (HD) and Friedreich ataxia. When these disorders result in solely cognitive and other mental function effects, we will evaluate the disorder under 112.02.

M. What is traumatic brain injury, and how do we evaluate it under 111.18?

1. *Traumatic brain injury (TBI)* is damage to the brain resulting from skull fracture, collision with an external force leading to a closed head injury, or penetration by an object that enters the skull and makes contact with brain tissue. We evaluate TBI that results in coma or persistent vegetative state under 111.20.

2. We generally need evidence from at least 3 months after the TBI to evaluate your physical limitations under 111.18A. In some cases, evidence of your TBI is sufficient to determine disability within 3 months post-TBI. If we are unable to determine disability within 3 months post-TBI, we will defer adjudication of the claim until we obtain evidence of your neurological disorder at least 3 months post-TBI. If a finding of disability still is not possible at that time, we will again defer adjudication of the claim until we obtain evidence at least 6 months after your TBI.

N. What are coma and persistent vegetative state, and how do we evaluate them under 111.20?

Coma is a state of unconsciousness in which a child does not exhibit a sleep/wake cycle, and is unable to perceive or respond to external stimuli. Children who do not fully emerge from coma may progress into persistent vegetative state (PVS). PVS is a condition of partial arousal in which a child may have a low level of consciousness but is still unable to react to external stimuli. In contrast to coma, a child in a PVS retains sleep/wake cycles and may exhibit some key lower brain functions, such as spontaneous movement, opening and moving eyes, and grimacing. Coma or PVS may result from TBI, a nontraumatic insult to the brain (such as a vascular insult, infection, or brain tumor), or a neurodegenerative or metabolic disorder.

O. What is multiple sclerosis, and how do we evaluate it under 111.21?

1. *Multiple sclerosis (MS)* is a chronic, inflammatory, degenerative disorder of the brain and spinal cord that damages the myelin sheath surrounding the nerve fibers in the brain and spinal cord. The damage disrupts the normal transmission of nerve impulses within the brain and between the brain and other parts of the body causing impairment in muscle coordination, strength, balance, sensation, and vision. There are several forms of MS, ranging from slightly to highly aggressive. Milder forms generally involve acute attacks (exacerbations) with partial or complete recovery from signs and symptoms (remissions). Aggressive forms generally exhibit a steady progression of signs and symptoms with few or no remissions. The effects of all forms vary from child to child.

2. We evaluate your signs and symptoms, such as flaccidity, spasticity, spasms, in-coordination, imbalance, tremor, physical fatigue, muscle weakness, dizziness, tingling, and numbness when we determine your ability to stand up, balance, walk, or perform fine and gross motor

movements, such as using your arms, hands, and fingers.

P. What are motor neuron disorders, and how do we evaluate them under 111.22?

Motor neuron disorders are progressive neurological disorders that destroy the cells that control voluntary muscle activity, such as walking, breathing, swallowing, and speaking. The most common motor neuron disorders in children are progressive bulbar palsy and spinal muscular dystrophy syndromes. We evaluate the effects of these disorders on motor functioning, bulbar and neuromuscular functioning, or a combination of functional limitations.

Q. How do we consider your symptom of fatigue in these listings?

Fatigue is one of the most common and debilitating symptoms of some neurological disorders, such as multiple sclerosis and myasthenia gravis. These disorders may result in physical fatigue (lack of muscle strength) or mental fatigue (decreased awareness or attention). When we evaluate your fatigue, we will consider the intensity, persistence, and effects of fatigue on your functioning. This may include information such as the clinical and laboratory data and other objective evidence concerning your neurological deficit, a description of fatigue considered characteristic of your disorder, and information about your functioning. We consider the effects of physical fatigue on your ability to stand up, balance, walk, or perform fine and gross motor movements using the criteria described in 111.00D.

R. How do we evaluate your neurological disorder when it does not meet one of these listings?

If your neurological disorder does not meet the criteria of any of these listings, we must also consider whether your impairment(s) meets the criteria of a listing in another body system.

If you have a severe medically determinable impairment(s) that does not meet a listing, we will determine whether your impairment(s) medically equals a listing. See §§ 404.1526 and 416.926 of this chapter. If your impairment(s) does not meet or medically equal a listing, we will consider whether your impairment(s) functionally equals the listings. See §§ 416.924(a) and 416.926(a) of this chapter. We use the rules in § 416.994(a) of this chapter when we decide whether you continue to be disabled.

111.01 Category of Impairments, Neurological Disorders

111.02 *Epilepsy,* documented by a detailed description of a typical seizure and characterized by A or B:

A. Generalized tonic-clonic seizures (see 111.00F1a), occurring at least once a month for at least 3 consecutive months (see 111.00F4) despite adherence to prescribed treatment (see 111.00C).

OR

B. Dyscognitive seizures (see 111.00F1b) or absence seizures (see 111.00F1c), occurring at least once a week for at least 3 consecutive months (see 111.00F4) despite adherence to prescribed treatment (see 111.00C).

111.03 [Reserved]

111.04 *Vascular insult to the brain,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements, persisting for at least 3 consecutive months after the insult.

111.05 *Benign brain tumors,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

111.06 [Reserved]

111.07 *Cerebral palsy,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

111.08 *Spinal cord insults,* characterized by A or B:

A. Complete loss of function, as described in 111.00J2, persisting for 3 consecutive months after insult (see 111.00J4).

OR

B. Disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements persisting for 3 consecutive months after the insult (see 111.00J4).

111.09 *Communication impairment,* associated with documented neurological disorder. And one of the following:

A. Documented speech deficit which significantly affects (see 111.00K1) the clarity and content of the speech.

OR

B. Documented comprehension deficit resulting in ineffective verbal communication (see 111.00K2) for age.

OR

C. Impairment of hearing as described under the criteria in 102.10 or 102.11.

111.10 [Reserved]

111.11 [Reserved]

111.12 *Myasthenia gravis,* characterized by A or B despite adherence to prescribed treatment for at least 3 months (see 111.00C):

A. Disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Bulbar and neuromuscular dysfunction (see 111.00E), resulting in:

1. One myasthenic crisis requiring mechanical ventilation; or

2. Need for supplemental enteral nutrition via a gastrostomy or parenteral nutrition via a central venous catheter.

111.13 *Muscular dystrophy,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

111.14 *Peripheral neuropathy,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 11.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

111.15 [Reserved]

111.16 [Reserved]

111.17 *Neurodegenerative disorders of the central nervous system, such as Juvenile Huntington disease and Friedreich ataxia,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

111.18 *Traumatic brain injury,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements, persisting for at least 3 consecutive months after the injury.

111.19 [Reserved]

111.20 *Coma or persistent vegetative state,* persisting for at least 1 month.

111.21 *Multiple sclerosis,* characterized by disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

111.22 *Motor neuron disorders,* characterized by A or B:

A. Disorganization of motor function (see 111.00D1), resulting in extreme limitation (see 111.00D2) in the ability to stand up, balance, walk, or perform fine and gross motor movements.

OR

B. Bulbar and neuromuscular dysfunction (see 111.00E), resulting in:

1. Acute respiratory failure requiring invasive mechanical ventilation; or

2. Need for supplemental enteral nutrition via a gastrostomy or parenteral nutrition via a central venous catheter.

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Part III

The President

Executive Order 13659—Streamlining the Export/Import Process for America's Businesses

Federal Register
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Tuesday, February 25, 2014

Presidential Documents

Title 3—

The President

Executive Order 13659 of February 19, 2014

Streamlining the Export/Import Process for America's Businesses

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce supply chain barriers to commerce while continuing to protect our national security, public health and safety, the environment, and natural resources, it is hereby ordered as follows:

Section 1. *Policy.* The United States is the world's largest economy and the largest trading Nation. Trade is critical to the Nation's prosperity—fueling economic growth, supporting good jobs at home, raising living standards, and helping Americans provide for their families with affordable goods and services. It is the policy of the United States to promote commerce through the effective implementation of an ambitious 21st century trade agenda and vigorous enforcement of our Nation's laws relating to trade, security, public health and safety, the environment, and natural resources. In support of these goals, and to ensure that our Nation is well-positioned to compete in an open, fair, and growing world economy, the Federal Government must increase efforts to improve the technologies, policies, and other controls governing the movement of goods across our national borders.

In particular, we must increase efforts to complete the development of efficient and cost-effective trade processing infrastructure, such as the International Trade Data System (ITDS), to modernize and simplify the way that executive departments and agencies (agencies) interact with traders. We must also improve the broader trade environment through the development of innovative policies and operational processes that promote effective application of regulatory controls, collaborative arrangements with stakeholders, and a reduction of unnecessary procedural requirements that add costs to both agencies and industry and undermine our Nation's economic competitiveness. By demonstrating our commitment to utilizing technology, coordinating government processes, fulfilling international obligations, and embracing innovative approaches to promote new opportunities for trade facilitation in the 21st century, we can lead by example and partner with other countries willing to adopt similar programs. This will encourage compliance with applicable laws and, more broadly, result in a more prosperous, safe, secure, and sustainable trading environment for all.

Sec. 2. *Policy Coordination.* Policy coordination, guidance, dispute resolution, and periodic reviews for the functions and programs set forth in this order shall be provided through the interagency process established in Presidential Policy Directive–1 of February 13, 2009 (Organization of the National Security Council System), or any successor.

Sec. 3. *International Trade Data System.* The ITDS, as described in section 405 of the Security and Accountability for Every Port Act of 2006 (the ''SAFE Port Act'') (Public Law 109–347), is an electronic information exchange capability, or ''single window,'' through which businesses will transmit data required by participating agencies for the importation or exportation of cargo. To enhance Federal coordination associated with the development of the ITDS and to provide necessary transparency to businesses, agencies, and other potential users:

(a) by December 31, 2016, participating agencies shall have capabilities, agreements, and other requirements in place to utilize the ITDS and supporting systems, such as the Automated Commercial Environment, as the primary means of receiving from users the standard set of data and other relevant documentation (exclusive of applications for permits, licenses, or certifications) required for the release of imported cargo and clearance of cargo for export;

(b) by December 31, 2016, the Department of Homeland Security shall confirm to the Secretary of the Treasury and the ITDS Board of Directors (Board), which serves as the Interagency Steering Committee established under section 405 of the SAFE Port Act, that the ITDS has the operational capabilities to enable users to:

(i) transmit a harmonized set of import and export data elements, to be collected, stored, and shared, via a secure single window, to fulfill U.S. Government requirements for the release and clearance of goods; and

(ii) transition from paper-based requirements and procedures to faster and more cost-effective electronic submissions to, and communications with, agencies;

(c) the Board shall, in consultation with ITDS participating agencies, define the standard set of data elements to be collected, stored, and shared in the ITDS; and continue to periodically review those data elements in order to update the standard set of data elements, as necessary;

(d) the Board shall continue to assist the Secretary of the Treasury in overseeing the implementation of, and participation in, the ITDS, including the establishment of the ITDS capabilities and requirements associated with the collection from users and distribution to relevant agencies of standard electronic import and export data; and

(e) the Board shall make publicly available a timeline outlining the development and delivery of the secure ITDS capabilities, as well as agency implementation plans and schedules. Agencies shall take such steps as are necessary to meet the timeline, including timely completion of all appropriate agreements, including memoranda of understanding, and other required documents that establish procedures and guidelines for the secure exchange and safeguarding of data among agencies and, as appropriate, with other Federal Government entities.

Sec. 4. *Establishment of the Border Interagency Executive Council.* (a) There is established the Border Interagency Executive Council (BIEC), an interagency working group to be chaired by the Secretary of Homeland Security or a senior-level designee from the Department. The BIEC shall also have a Vice Chair, selected every 2 years from among the members of the BIEC by a process determined by the members. The BIEC shall develop policies and processes to enhance coordination across customs, transport security, health and safety, sanitary, conservation, trade, and phytosanitary agencies with border management authorities and responsibilities to measurably improve supply chain processes and improve identification of illicit shipments.

(b) The Department of Homeland Security shall provide funding and administrative support for the BIEC, to the extent permitted by law.

(c) In addition to the Chair and Vice Chair, the BIEC shall include designated senior-level representatives from agencies that provide approval before goods can be imported and exported, including the Departments of State, the Treasury, Defense, the Interior, Agriculture, Commerce, Health and Human Services, Transportation, and Homeland Security, the Environmental Protection Agency, and other agencies with border management interests or authorities, as determined by the Chair and Vice Chair. The BIEC shall also include appropriate representatives from the Executive Office of the President.

Sec. 5. *Functions of the BIEC.* The BIEC shall:

(a) develop common risk management principles and methods to inform agency operations associated with the review and release of cargo at the border and encourage compliance with applicable law;

(b) develop policies and processes to orchestrate, improve, and accelerate agency review of electronic trade data transmitted through relevant systems and provide coordinated and streamlined responses back to users to facilitate trade and support and advance compliance with applicable laws and international agreements, including (in coordination with, and as recommendations to, the Board) policies and processes designed to assist the Secretary of the Treasury, as appropriate, with activities related to the ITDS;

(c) identify opportunities to streamline Federal Government systems and reduce costs through the elimination of redundant capabilities or through enhanced utilization of the Automated Commercial Environment capabilities as a means of improving supply chain management processes;

(d) assess, in collaboration with the Board, the business need, feasibility, and potential benefits of developing or encouraging the private-sector development of web-based interfaces to electronic data systems, including the ITDS, for individuals and small businesses;

(e) engage with and consider the advice of industry and other relevant stakeholders regarding opportunities to improve supply chain management processes, with the goal of promoting economic competitiveness through enhanced trade facilitation and enforcement;

(f) encourage other countries to develop similar single window systems to facilitate the sharing of relevant data, as appropriate, across governmental systems and with trading partners; and

(g) assess, in consultation with the Department of the Treasury, opportunities to facilitate electronic payment of duties, taxes, fees, and charges due at importation. The Federal Government endorses electronic payment of duties, taxes, fees, and charges due at importation, and currently allows payment electronically through various systems.

Sec. 6. *Regulatory Review.* To support the Federal Government's rapid development of the ITDS that, to the greatest extent possible, relies upon the collection, exchange, and processing of electronic data, each agency that utilizes the ITDS shall:

(a) as part of the retrospective review report due to the Office of Information and Regulatory Affairs (OIRA) on July 14, 2014, pursuant to Executive Order 13610 of May 10, 2012 (Identifying and Reducing Regulatory Burdens), unless directed otherwise through subsequent guidance from OIRA, determine whether any regulations should be modified to achieve the requirements set forth in this order; and

(b) promptly initiate rulemaking proceedings to implement necessary regulatory modifications identified pursuant to subsection (a) of this section.

Sec. 7. *Reports.* (a) Within 180 days of the date of this order, agencies with border management interests or authorities shall report to the Board on their anticipated use of international standards for product classification and identification.

(b) By July 1, 2014, and every year thereafter until July 2016, the BIEC, in consultation with the Board, shall provide to the President, through the Assistant to the President for Homeland Security and Counterterrorism, a report on the implementation of section 5 of this order.

Sec. 8. *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 shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(c) 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.

(d) Independent agencies are strongly encouraged to comply with the requirements of this order.

THE WHITE HOUSE,
February 19, 2014.

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