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Contents

Federal Register

Vol. 79, No. 48

Wednesday, March 12, 2014

Agency for Healthcare Research and Quality
NOTICES
Meetings:
National Advisory Council for Healthcare Research and Quality, 14044
Requests for Nominations:
U.S. Preventive Services Task Force, 14044–14046
Requests for Scientific Information:
Radiotherapy Treatments for Head and Neck Cancer, 14046–14047

Agricultural Marketing Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13981–13982
Charter Renewals; Requests for Nominations:
National Organic Standards Board, 13982–13983

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Forest Service
NOTICES
Privacy Act; Systems of Records, 13977–13981

Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
South American Cactus Moth; Quarantine and Regulations, 13983–13984

Army Department
NOTICES
Privacy Act; Systems of Records, 14011–14012

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14047–14048
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 14048–14049
Requests for Nominations:
World Trade Center Health Program Scientific/Technical Advisory Committee, 14049

Centers for Medicare & Medicaid Services
RULES
Basic Health Program:
Federal Funding Methodology for Program Year 2015, 13887–13906
Basic Health Programs:
State Administration of Basic Health Programs, Eligibility and Enrollment in Standard Health Plans, etc.; Trust Fund and Financial Integrity, 14112–14151
NOTICES
Medicare and Medicaid Programs:
Approval of Joint Commission Home Health Agency Accreditation Program, 14049–14051
Requests for Information Regarding Provider Non-Discrimination, 14051–14052

Coast Guard
NOTICES
Meetings:
International Code for Ships Using Gases or Other Low-Flashpoint Fuels Workshop, 14063–14064

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Defense Department
See Army Department
NOTICES
Privacy Act; Computer Matching Program, 14008–14009
Privacy Act; Systems of Records, 14009–14011

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Middle Grades Longitudinal Study of 2016–2017 Field Test 2015 Recruitment, 14012
Applications for New Awards:
Elementary and Secondary School Counseling Programs, 14012–14017
Literacy Information and Communication System Regional Professional Development Centers:
Proposed Waivers and Extension of Project Period, 14017–14019

Employee Benefits Security Administration
PROPOSED RULES
Reasonable Contract or Arrangement Fee Disclosure, 13949–13962
NOTICES
Requests for Information Regarding Provider Non-Discrimination, 14051–14052

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Advanced Scientific Computing Advisory Committee, 14020
Environmental Management Site-Specific Advisory Board, Savannah River Site, 14019–14020
International Energy Agency Meetings, 14020–14021

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; 2012 Los Angeles County State Implementation Plan for 2008 Lead Standard, 13875–13877

National Oil and Hazardous Substances Pollution Contingency Plan:
National Priorities List; Deletion of the O'Connor Superfund Site, 13882–13887
Pesticide Tolerances:
Fenamidone, 13877–13882
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Texas; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard, 13963–13966
Air Quality State Implementation Plans; Revisions:
Texas; Flexible Permit Program, 13966–13967
National Oil and Hazardous Substances Pollution Contingency Plan:
National Priorities List; Deletion of the O'Connor Superfund Site, 13967–13968
Records Related to OSHA's Construction Standard for Lead and Renovations of Public and Commercial Buildings; etc., 13968–13970
NOTICES
Broadly Applicable Alternative Test Methods, 14033–14034
Cross-Media Electronic Reporting:
New Jersey; Authorized Program Revision Approval, 14034–14035
Draft Integrated Review Plans:
Primary National Ambient Air Quality Standard for Sulfur Dioxide, 14035–14036
Pesticide Registrations:
Product Cancellation Order; Correction, 14037

Federal Aviation Administration
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 13925–13931, 13938–13948
Continental Motors, Inc. Reciprocating Engines; Initial Regulatory Flexibility Analysis, 13924–13925
The Boeing Company Airplanes, 13931–13938
Amendment and Revocation of Jet Routes:
Northeast United States, 13948–13949
NOTICES
Passenger Facility Charges, 14100–14101
Passenger Facility Charges; Approvals and Disapprovals, 14101–14105

Federal Communications Commission
PROPOSED RULES
Petition for Reconsideration of Action in Rulemaking Proceeding, 13975–13976
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14037–14040

Federal Emergency Management Agency
PROPOSED RULES
Hazard Mitigation Grant Program:
Program Administration by States, 13970–13975
NOTICES
Changes in Flood Hazard Determinations, 14064–14077

Federal Energy Regulatory Commission
NOTICES
Applications:
Equitrans, LP, 14022–14023
Pacific Gas and Electric Co., 14021–14022
Authorization for Continued Project Operation:
Merced Irrigation District, 14024
Pacific Gas and Electric Co., 14023
Public Service Company of Colorado, 14023
Certificate of Public Convenience and Necessity Applications:
Southeast Supply Header, LLC, 14024–14025
Combined Filings, 14025–14028
Complaints:
Public Works Commission of Fayetteville, NC v. Duke Energy Progress, Inc., 14028
Environmental Assessments; Availability, etc.:
Newburgh Hydro, LLC; Uniontown Hydro, LLC, 14028–14029
Woodbridge Delivery Lateral Project, Transcontinental Gas Pipe Line Co., LLC, 14029–14030
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorization:
RockTenn CP, LLC, 14030
License Applications:
Mahoning Hydropower, LLC, 14031
Pasadena Water and Power Department, 14030–14031
Orders:
Deadlines to File Electric Quarterly Reports, 14031–14032
Requests under Blanket Authorization:
National Fuel Gas Supply Corp., 14032–14033

Federal Highway Administration
NOTICES
Requests for Information:
Connected Vehicle Pilot Deployment Program, 14105–14108

Federal Maritime Commission
NOTICES
Agreements Filed, 14040

Federal Trade Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14040–14041

Federal Transit Administration
NOTICES
Early Termination of Waiting Period under the Premerger Notification Rules, 14108–14110

Fish and Wildlife Service
NOTICES
Permit Applications:
Endangered and Threatened Wildlife and Plants Recovery, 14077–14078

Food and Drug Administration
NOTICES
Medical Devices:
Safety and Effectiveness Summaries for Premarket Approval Applications, 14053–14054
Safety and Effectiveness Summaries for Premarket Approval Applications; Availability, 14053
Meetings:
Public Workshop; Methods for Thrombogenicity Testing, 14054–14055
Priority Review Vouchers:
Rare Pediatric Disease Product, 14055–14056

Foreign-Trade Zones Board
NOTICES
Grant of Authority and Merger into One Zone; Reissuance:
Foreign-Trade Zone 66, Wilmington, NC; Foreign-Trade Zone 67, Morehead City, NC; Foreign-Trade Zone 214, Kinston, NC, 13987

Forest Service
NOTICES
Land Management Plans; Revisions:
Nantahala and Pisgah National Forests, 13984–13986
Meetings:
Idaho Panhandle Resource Advisory Committee, 13986

General Services Administration
NOTICES
Meetings:
Joint Working Group on Improving Cybersecurity and Resilience through Acquisition, 14042

Geological Survey
NOTICES
Meetings:
National Geospatial Advisory Committee, 14078

Government Printing Office
NOTICES
Meetings:
Depository Library Council to the Public Printer, 14042

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
RULES
Basic Health Programs:
State Administration of Basic Health Programs, Eligibility and Enrollment in Standard Health Plans, etc.; Trust Fund and Financial Integrity, 14112–14151
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14042–14044

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14056–14058
Requests for Nominations:
Advisory Committee on Organ Transplantation Voting Members, 14058–14059

Healthcare Research and Quality Agency
See Agency for Healthcare Research and Quality

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Customs and Border Protection

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Land Management Bureau
See National Park Service
See Ocean Energy Management Bureau

Internal Revenue Service
NOTICES
Requests for Information Regarding Provider Non-Discrimination, 14051–14052

International Trade Administration
NOTICES
Antidumping Duty Investigations; Results, Extensions, Amendments, etc.:
Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan, 13987

Labor Department
See Employee Benefits Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluating the Effectiveness of the 408(b)(2) Disclosure Requirements, 14085–14087

Land Management Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed Sevier Playa Project, Millard County, UT, 14078–14079

National Aeronautics and Space Administration
NOTICES
Meetings:
NASA Applied Sciences Advisory Committee, 14087

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
National Council on the Arts, 14087

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 14061–14062
National Cancer Institute, 14060
National Eye Institute, 14059
National Institute of Allergy and Infectious Diseases, 14059
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 14060–14061
National Institute of Environmental Health Sciences, 14063
National Institute of General Medical Sciences, 14059
National Institute of Mental Health, 14062–14063
National Institute on Aging, 14059–14060

National Oceanic and Atmospheric Administration
RULES
Pacific Halibut Fisheries:
Catch Sharing Plan, 13906–13923
NOTICES
Administrative Appeals:
Consistency Certification for Proposed Project in Sterling, NY, 13987–13988
Environmental Impact Statements; Availability, etc.:
Comprehensive Fishery Management Plan for the Exclusive Economic Zone of St. Thomas/St. John, 13988–13989
Federal Consistency Appeal:
Cangrejos Yacht Club, 13989–13990
Meetings:
New England Fishery Management Council, 13990–13991

Permit Applications:
Endangered Species, 13991
Takes of Marine Mammals:
Construction at Bremerton Ferry Terminal, 14003–14007
U.S. Coast Guard Station Monterey Waterfront Repairs, Monterey, CA, 13991–14003

National Park Service
NOTICES
Meetings:
Big Cypress National Preserve Off-Road Vehicle Advisory Committee, 14080
Cape Cod National Seashore Advisory Commission, 14080–14081
Gettysburg National Military Park Advisory Commission, 14083
Na Hoa Pili O Kaloko–Honokohau Advisory Commission, 14079–14080
Native American Graves Protection and Repatriation Review Committee, 14081–14083
Wekiva River System Advisory Management Committee, 14083
National Register of Historic Places; Pending Nominations and Related Actions, 14084

National Science Foundation
NOTICES
Meetings:
Advisory Committee for Social, Behavioral, and Economic Sciences, 14087–14088

Ocean Energy Management Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Use of Outer Continental Shelf Sand, Gravel, and Shell Resources in Construction Projects, 14084–14085

Overseas Private Investment Corporation
NOTICES
Meetings; Sunshine Act, 14088

Patent and Trademark Office
PROPOSED RULES
Required Identification of Attributable Owner:
Extension of Deadline for Requests to Testify at Public Hearings, 13962–13963

Postal Service
NOTICES
Product Changes; Standard Mail Negotiated Service Agreement, 14088

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14088–14092
Self-Regulatory Organizations; Proposed Rule Changes:
The NASDAQ Stock Market, LLC, 14092–14100

State Justice Institute
NOTICES
Meetings:
SJI Board of Directors, 14100

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Transit Administration

Treasury Department
See Internal Revenue Service
RULES
Extension of Import Restrictions:
Archaeological and Ecclesiastical Ethnological Materials from Honduras, 13873–13875

U.S. Customs and Border Protection
RULES
Extension of Import Restrictions:
Archaeological and Ecclesiastical Ethnological Materials from Honduras, 13873–13875

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Per Diem for Nursing Home Care of Veterans in State Homes and Per Diem for Adult Day Care of Veterans in State Homes, 14110

Separate Parts In This Issue

Part II
Health and Human Services Department, Centers for Medicare & Medicaid Services, 14112–14151
Health and Human Services Department, 14112–14151

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR

Proposed Rules:

39 (7 documents) 13924, 13925, 13929, 13931, 13934, 13938, 13944

71 13948

19 CFR

12 13873

29 CFR

Proposed Rules:

2550 13949

37 CFR

Proposed Rules:

1 13962

40 CFR

52 13875

180 13877

300 13882

Proposed Rules:

Ch. I 13968

52 (2 documents) 13963, 13966

300 13967

42 CFR

600 (2 documents) 13887, 14112

44 CFR

Proposed Rules:

206 13970

45 CFR

144 14112

47 CFR

Proposed Rules:

0 13975

4 13975

12 13975

50 CFR

300 13906

Rules and Regulations

Federal Register
Vol. 79, No. 48
Wednesday, March 12, 2014

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

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

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 14–03]

RIN 1515–AE00

Extension of Import Restrictions on Archaeological and Ecclesiastical Ethnological Materials from Honduras

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends U.S. Customs and Border Protection (CBP) regulations to reflect the extension of import restrictions on certain archaeological materials from Honduras. These restrictions, which were last extended by CBP Decision (Dec.) 09–05, are due to expire on March 12, 2014, unless extended. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State (Department of State), has determined that conditions continue to warrant the imposition of import restrictions on the archaeological materials from Honduras and to add restrictions on certain ethnological materials. The Designated List of cultural property described in CBP Dec. 04–08 is revised in this document to reflect the addition of the ethnological materials. The import restrictions imposed on the archaeological and ecclesiastical ethnological materials from Honduras will be in effect for a five year period, and the CBP regulations are being amended accordingly. These restrictions are being imposed pursuant to determinations of the Department of State made under the terms of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

DATES: *Effective:* March 12, 2014.

FOR FURTHER INFORMATION CONTACT: For legal aspects, Lisa Burley, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of International Trade, (202) 325–0215. For operational aspects, William R. Scopa, Chief, Partner Government Agencies Branch, Trade Policy and Programs, Office of International Trade, (202) 863–6554.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the provisions of the 1970 UNESCO Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (hereafter, the Cultural Property Implementation Act or the Act (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*), signatory nations (State Parties) may enter into bilateral or multilateral agreements to impose import restrictions on eligible archaeological and ethnological materials under procedures and requirements prescribed by the Act. Under the Act and applicable U.S. Customs and Border Protection (CBP) regulations (19 CFR 12.104g), the restrictions are effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each such period not to exceed five years, where it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On March 12, 2004, the United States entered into a bilateral agreement with the Republic of Honduras (Honduras), concerning the imposition of import restrictions on certain archaeological materials representing the Pre-Columbian cultures of Honduras and range in date from approximately 1200 B.C. to 1500 A.D. On March 16, 2004, CBP published CBP Decision (Dec.) 04–08 in the **Federal Register** (69 FR 12267), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions and included a list designating the types of archaeological material covered by the restrictions. The restrictions were subsequently extended in 2009 by CBP Dec. 09–05 (74 FR 10482), to March 12, 2014.

On September 24, 2013, by publication in the **Federal Register** (78 FR 58596), the Department of State proposed to extend the Agreement between the U.S. and Honduras concerning the imposition of import restrictions on archaeological material from the pre-Columbian cultures of Honduras. Pursuant to the statutory and decision-making process, the Designated List of materials covered by the restrictions is being amended to include certain ecclesiastical ethnological materials of the Colonial Period of Honduras, c. A.D. 1502 to 1821. Thus, the Agreement now covers both the previously covered archaeological materials, as set forth in the Designated List published in CBP Dec. 04–08, and the additional ethnological materials (*see* 19 U.S.C. 2604, authorizing the Secretary of the Treasury, by regulation, to promulgate and, when appropriate, revise the list of designated archaeological and/or ethnological materials covered by an agreement between State Parties).

The Department of State reviewed the findings and recommendations of the Cultural Property Advisory Committee, and on February 11, 2014, the Assistant Secretary for Educational and Cultural Affairs, Department of State, determined that the cultural heritage of Honduras continues to be in jeopardy from pillage of certain archaeological materials and is also in jeopardy from the pillage of certain ecclesiastical ethnological materials dating to the Colonial Period of Honduras, c. A.D. 1502 to 1821. The Assistant Secretary made the necessary determination to extend the import restrictions for an additional five-year period to March 12, 2019, and to include in their coverage these ecclesiastical ethnological materials. An exchange of diplomatic notes reflects the extension of the restrictions, as described in this document and as applicable to the revised Designated List set forth in this document.

Thus, CBP is amending 19 CFR 12.104g(a) accordingly. Importation of covered materials from Honduras will be restricted through March 12, 2019, in

accordance with the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c.

In this document, the Designated List of articles that was published in CBP Dec. 04–08 is amended to remove the reference citations following each archaeological category along with the corresponding bibliography; many of these materials are no longer available and such references are not commonly included in a Designated List. The Designated List is also amended to include ecclesiastical ethnological material dating to the Colonial Period of Honduras, c. A.D. 1502 to 1821. The articles described in the Designated List set forth below are protected pursuant to the Agreement.

Designated List

This Designated List, amended as set forth in this document, includes Pre-Columbian archaeological materials that originate in Honduras, ranging in date from approximately 1200 B.C. to approximately 1500 A.D. These materials include, but are not limited to, objects of ceramic, metal, stone, shell, and animal bone representing, among others, the Maya, Chorti Maya, Lenca, Jicaque, and Pipil cultures. The Designated List also includes certain categories of ethnological materials used in ecclesiastical contexts in Honduras dating to the Colonial Period (approximately A.D. 1502 to 1821), including sculptures in wood and other materials, objects of metal, and paintings on canvas, wood, or metal supports relating to ecclesiastical themes. The Designated List, and accompanying image database, may also be found online at: *http://eca.state.gov/cultural-heritage-center/international-cultural-property-protection/bilateral-agreements/honduras.*

The list set forth below is representative only. Any dimensions are approximate.

Pre-Columbian Archaeological Material (Dating From Approximately 1200 B.C. to 1500 A.D.)

I. *Ceramic*—Materials made from ceramic (*e.g.,* terracotta/fired clay) include a full range of surface treatments and appendages on various shapes of vessels, lids, figurines, and other ceramic objects (*e.g.,* tools). Decorative techniques used on these materials include, but are not limited to, fluting, dentate-stamping, incised designs, modeled sculpting, polishing/burning, differentially fired areas, and polychrome, bichrome and/or monochrome designs of human and animal figures, mythological scenes and/or geometric motifs. Vessels and figurines may include sculpted and/or applique appendages, such as handles, knobs, faces, fillets, and tripod, quadruped, or ring supports. Examples include, but are not limited to, polychromes (*e.g.,* Copador, lxcanrio, Gualpopa, Ejar, Cancique and other Copan styles, Ulu-Yojoa (*e.g.,* Red, Maroon, Black, and Tenampua groups), Chichicaste, Fiopo, Las Flores, Sulaco, Chameleon, Naco, and Bay Island), incised and punctuated designs (*e.g.,* Selin, Gualijoquito, and Escondido groups), Usulutan styles, Mammiform vessels, monochromes (*e.g.,* Cuymal, Limon, Higuerito, Talgua), incense burners (Coner ceramics), Yaba-ding-ding, Playa de los Muertos, Olmec style, and Formative period pottery. Ceramics may also have post-fire pigment and/or stucco.

A. *Ceremonial Vessels*
1. Cylinders
2. Bowls
3. Dishes and plates
4. Jars

B. *Common Vessels*
1. Cylindrical vessels
2. Bowls
3. Dishes and plates
4. Jars

C. *Special Forms*
1. Drums—polychrome painted and plain
2. Figurines—human and animal forms
3. Whistles—human and animal forms
4. Rattles—human and animal forms
5. Miniature vessels
6. Stamps and seals—engraved geometric designs, various sizes and shapes
7. Effigy vessels—in human or animal form
8. Incense burners—elaborate painted, applied and modeled decoration in form of human figures
9. Architectural elements

II. *Stone/Stucco (marble, jade, obsidian, flint, alabaster/calcite, limestone, slate, and other, including stucco materials)*—The range of stone materials includes, but is not limited to, sculpture, vessels, figurines, masks, jewelry, stelae, tools, and weapons.

A. *Figurines*—human and animal

B. *Masks*—incised decoration and inlaid with shell, human and animal faces

C. *Jewelry*—various shapes and sizes
1. Pendants
2. Ear spools
3. Necklaces
4. Pectoral

D. *Stelae, Ritual Objects, Architectural Elements, Petroglyphs*—Carved in low relief with scenes of war, ritual, or political events, portraits of rulers or nobles, often inscribed with glyphic texts. Sometimes covered with stucco and painted. The size of stelae and architectural elements, such as lintels, posts, steps, and decorative building blocks, range from .5 meters to 2.5 meters in height; hachas, yokes, and other carved ritual objects are under 1 meter in length or height but vary in size

E. *Tools and Weapons*
1. Arrowheads
2. Axes, adzes, celts
3. Blades
4. Chisels
5. Spearpoints
6. Eccentric shapes
7. Grinding stones (manos and metates)
8. Maceheads

F. *Vessels and Containers*
1. Bowls
2. Plates/Dishes
3. Vases

III. *Metal (gold, silver, or other)*—These objects are cast or beaten into the desired form, decorated with engraving, inlay, punctured design, or attachments. Often in human or stylized animal forms.

A. *Jewelry*—various shapes and sizes
1. Necklaces
2. Bracelets
3. Disks
4. Ear spools
5. Pendants
6. Pectorals

B. *Figurines*

C. *Masks*

D. *Disks*

E. *Axes*

F. *Bells*

IV. *Shell*—These objects are worked and unworked and include, but are not limited to, conch, snail, spiny oyster, sting-ray, and sea urchin spines. Shell may be decorated with cinnabar and incised lines, sometimes with inlaid jade.

A. *Figurines*—human and animal

B. *Jewelry*—various shapes and sizes
1. Necklaces
2. Bracelets
3. Disks
4. Ear spools
5. Pendants

C. *Natural Forms*—often with incised designs, various shapes and sizes

V. *Bone*—These objects are carved or incised with geometric and animal designs and glyphs.

A. *Tools*—various sizes
1. Needles
2. Scrapers

B. *Jewelry*—various shapes and sizes
1. Pendants
2. Beads
3. Ear spools

Ecclesiastical Ethnological Material (Dating From Approximately A.D. 1502 to 1821)

VI. *Sculpture*—Sculptural images of scenes or figures, carved in wood and usually painted, relating to ecclesiastical themes, such as the Virgin Mary, saints, angels, Christ, and others.

A. *Relief Sculptures*—circular-shaped, low-relief plaques, often polychrome wood, relating to ecclesiastical themes.

B. *Sculpted Figures*—wood carvings of figures relating to ecclesiastical themes, often with moveable limbs, usually with polychrome painting of skin and features; clothing might be sculpted and painted, or actual fabric clothing might be added.

C. *Life-Sized Sculptures*—full figure wood carvings of figures relating to ecclesiastical themes, often with polychrome painting using the estofado technique, and occasionally embellished with metal objects such as halos, aureoles, and staves.

VII. *Painting*—paintings illustrating figures, narratives, and events relating to ecclesiastical themes, usually done in oil on wood, metal, walls, or canvas (linen, jute, or cotton).

A. *Easel Paintings*—pictorial works relating to ecclesiastical themes on wood, metal, or cloth (framed or applied directly to structural walls).

B. *Mural Paintings*—pictorial works, executed directly on structural walls, relating to ecclesiastical themes.

VIII. *Metal*—ritual objects for ceremonial ecclesiastical use made of gold, silver, or other metal, including monstrances, lecterns, chalices, censers, candlesticks, crucifixes, crosses, and tabernacles; and objects used to dress sculptures, such as crowns, halos, and aureoles, among others.

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure or a delayed effective date (5 U.S.C. 553(a)(1)).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

Because this rule involves a foreign affairs function of the United States, it is not subject to Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1).

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

Amendment to CBP Regulations

For the reasons set forth above, part 12 of Title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below.

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general and specific authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

§ 12.104g [Amended]

■ 2. In § 12.104g, in paragraph (a), the table of the list of agreements imposing import restrictions on described articles of cultural property of State parties is amended in the entry for Honduras:

■ a. In the column headed ''Cultural Property,'' by adding to the end of the entry '', and ecclesiastical ethnological materials dating from the Colonial Period, c. A.D. 1502 to 1821.'', and

■ b. In the column headed ''Decision No.,'' by removing ''09–05'' and adding ''14–03''.in its place.

Dated: March 6, 2014.

Kevin K. McAleenan,

Acting Commissioner, U.S. Customs and Border Protection.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2014–05370 Filed 3–11–14; 8:45 am]

BILLING CODE 9111–14–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0687; FRL–9907–14–Region 9]

Approval and Promulgation of Implementation Plans; State of California; 2012 Los Angeles County State Implementation Plan for 2008 Lead Standard

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State implementation plan revision submitted by the State of California to provide for attainment of the 2008 lead national ambient air quality standard in the Los Angeles County nonattainment area. The submitted SIP revision is the *Final 2012 Lead State Implementation Plan—Los Angeles County.* Specifically, EPA is approving the emissions inventory, attainment demonstration, the reasonably available control measures/reasonably available control technology demonstration, reasonable further progress demonstration, and contingency measures as meeting the requirements of the Clean Air Act and EPA's implementing regulations for the lead NAAQS.

DATES: *Effective Date:* This rule is effective on April 11, 2014.

ADDRESSES: You may inspect the supporting information for this action, identified by docket number EPA–R09–OAR–2013–0687, by one of the following methods:

1. Federal eRulemaking portal, *http://www.regulations.gov,* please follow the online instructions; or,

2. Visit our regional office at, U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Docket: The index to the docket for this action is available electronically on the *www.regulations.gov* Web site and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., voluminous records, large maps, copyrighted material), and some may not be publicly available at either location (e.g., Confidential Business Information). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the

FOR FURTHER INFORMATION CONTACT: Wienke Tax, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 947–4192, *tax.wienke@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. Background
II. Public Comments and EPA's Response
III. EPA's Final Action
IV. Statutory and Executive Order Reviews

I. Background

A. The Lead NAAQS

Under the Clean Air Act (CAA), EPA must establish national ambient air quality standards (NAAQS) for six criteria pollutants, including lead. Lead is generally emitted in the form of particles, which end up being deposited in water, soil, and dust. People may be exposed to lead by inhaling it, or by ingesting lead-contaminated food, water, soil, or dust. Once in the body, lead is quickly absorbed into the bloodstream and can result in a broad range of adverse health effects. These include damage to the central nervous system, cardiovascular function, kidneys, immune system, and red blood cells. Children are particularly vulnerable to lead exposure, in part because they are more likely to ingest lead and in part because their still-developing bodies are more sensitive to the effects of lead. The harmful effects to children's developing nervous systems (including their brains) arising from lead exposure may include IQ loss, poor academic achievement, long-term learning disabilities, and an increased risk of delinquent behavior.

EPA first established a lead standard in 1978 at 1.5 micrograms per meter cubed (μg/m^3) as a quarterly average.[1] Based on new health and scientific data, EPA revised the federal lead standard to 0.15 μg/m^3 and revised the averaging time for the standard on October 15, 2008 (see 73 FR 66964, November 12, 2008). A violation of the standard occurs when ambient lead concentrations exceed 0.15 μg/m^3 averaged over a 3-month rolling period.

The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d) of the CAA. The CAA generally requires EPA to complete the initial area designations process within two years of promulgating a new or revised NAAQS. Sixteen areas were designated nonattainment for the 2008 lead NAAQS, effective December 31, 2010 (see 75 FR 71033). Based on ambient air quality data for the years 2007–2009, a portion of Los Angeles County (excluding the high desert areas, San Clemente and Santa Catalina Islands) was identified as an area that did not meet the 2008 lead NAAQS.[2]

Areas are required to attain the revised lead standard as expeditiously as practicable, but no later than five years from the date the nonattainment designation became effective. For the Los Angeles County lead nonattainment area, this date is December 31, 2015.

Attainment demonstration state implementation plans (SIPs) are due 18 months after the effective date of an area's designation. For the Los Angeles County lead nonattainment area, the SIP was due June 30, 2012. These SIPs should include emissions inventories, a reasonable further progress (RFP) demonstration, a reasonably available control measures/reasonably available control technology (RACM/RACT) demonstration, an attainment demonstration, and contingency measures. Control measures for the 2008 lead NAAQS need to be in place as expeditiously as practicable. In order for control measures to result in three years of monitored clean data by the attainment date, lead areas required to demonstrate attainment by December 31, 2015 should have had all necessary controls in place no later than November 1, 2012.[3] South Coast Rule 1420.1, ''Emissions Standard for Lead from Large Lead-Acid Battery Recycling Facilities,'' was adopted by the South Coast Air Quality Management District (SCAQMD or ''District'') on November 5, 2010.

The Lead Nonattainment Problem in Los Angeles County

Stationary sources of lead are generally large industrial sources, including metals processing, particularly primary and secondary lead smelters. Lead can also be emitted by iron and steel foundries; primary and secondary copper smelters; industrial, commercial and institutional boilers; waste incinerators; glass manufacturing; refineries; and cement manufacturing. The District determined that the primary causes of the nonattainment status of Los Angeles County are two large lead-acid battery recycling facilities, Exide Technologies located in the city of Vernon, and Quemetco, Inc. located in the City of Industry. These facilities receive used lead-acid batteries and other lead-bearing materials and recycle them, recovering the lead. Lead is recycled because of its value and to reduce toxic waste, and it is primarily used to manufacture new batteries.

Because regional ambient air lead concentrations indicate low ambient lead levels relative to the new lead NAAQS, and the only ambient levels exceeding the NAAQS were at sites near the lead-acid battery recyclers, SCAQMD's lead attainment strategy is focused on reducing directly-emitted lead from these two sources.

B. California's SIP Submittal and EPA Proposed Action

On December 11, 2013 (78 FR 75293), based on EPA's review of the *Final 2012 Lead State Implementation Plan—Los Angeles County* (May 2012) (''2012 Los Angeles County Lead SIP'') submitted by California, air quality monitoring data, and other relevant materials, EPA proposed to approve the State of California's attainment plan for the 2008 lead NAAQS, pursuant to CAA section 110(k)(3). The background for today's action is discussed in detail in EPA's December 11, 2013 proposed rulemaking and technical support document (TSD).

Our proposed approval of the attainment plan was based on EPA's finding that the area meets all lead NAAQS attainment plan requirements under CAA sections 172, 191, and 192. EPA's proposal to approve the State's attainment plan included SIP-approved control measures for secondary lead smelters. Implementation of these control measures has resulted in decreased emissions and the continued implementation of these control measures is expected to provide for attainment of the lead NAAQS by the applicable attainment date. EPA proposed to approve the attainment year emissions inventory submitted with the plan, as well as the RACM/RACT demonstration, the RFP demonstration, the attainment demonstration including modeling, and the contingency measures.

II. Public Comments and EPA's Response

We received one public comment on our proposed rule. We summarize the comment below and provide our response.

Comment: The commenter expressed concern over the closing of Doe Run in Missouri. (Doe Run was the last primary lead smelter in the United States, located in Herculaneum, Missouri, and ceased smelting operations at the end of December).

Response: Our proposed rule concerned lead nonattainment in the Los Angeles area. The facility referred to by the commenter is not the subject of our proposed action, and the comment has no relevance to our proposed action.

[1] See 43 FR 46246, October 5, 1978.

[2] For an exact description of the Los Angeles County lead nonattainment area, see 40 CFR 81.305.

[3] EPA will consider on a case-by-case basis the approvability of attainment demonstration SIPs where control measures are scheduled to be operational after November 1. An attainment SIP may be approvable even if the state does not anticipate having three full years of clean data by the attainment date. See *EDF* v. *EPA,* 369 F.3d 193 (2d Cir. 2004); *Sierra Club* v. *EPA,* 356 F3d 296 (D.C. Cir. 2004) amended 2004 WL 877850 (D.C. Cir. 2004).

III. EPA's Final Action

For the reasons discussed in our December 11, 2013 proposal see 78 FR 75293), EPA is approving California's attainment SIP for the Los Angeles County lead nonattainment area for the 2008 lead NAAQS. This SIP submittal addresses CAA requirements and EPA regulations for expeditious attainment of the 2008 lead NAAQS for the Los Angeles County lead nonattainment area.

For the reasons discussed in our proposed rulemaking, EPA is proposing to approve under CAA section 110(k)(3) the following elements of the South Coast lead attainment SIP:

1. The SIP's base year emissions inventory as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.117(e)(1);
2. the attainment demonstration, including air quality modeling, that demonstrates attainment as expeditiously as practicable, as meeting the requirements of CAA section 172(c)(1);
3. the RACM/RACT demonstration, as meeting the requirements of CAA section 172(c)(1);
4. the RFP demonstration, as meeting the requirements of CAA section 172(c)(2);
5. and contingency measures, as meeting the requirements of the CAA section 172(c)(9).

VI. Statutory and Executive Order Reviews

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

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

Dated: February 11, 2014.

Jared Blumenfeld,

Regional Administrator, EPA Region IX.

Part 52, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(433) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(433) The following plan was submitted on June 20, 2012, by the Governor's Designee.

(i) [Reserved]

(ii) Additional materials.

(A) South Coast Air Quality Management District.

(*1*) *Final 2012 Lead State Implementation Plan—Los Angeles County* (May 2012) (''2012 Los Angeles County Lead SIP''), adopted May 4, 2012.

(*2*) SCAQMD Board Resolution 12–11, dated May 4, 2012, adopting the 2012 Los Angeles County Lead SIP.

(B) State of California Air Resources Board.

(*1*) CARB Resolution 12–20, dated May 24, 2012, adopting the 2012 Los Angeles County Lead SIP.

[FR Doc. 2014–05227 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0161; FRL–9906–99]

Fenamidone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fenamidone in or on ginseng; bean, succulent, except cowpea; onion, blub, subgroup 3–07A; and onion, green, subgroup 3–07B. This regulation additionally removes several individual tolerances that are superseded by inclusion in crop subgroup tolerances. Interregional

Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 12, 2014. Objections and requests for hearings must be received on or before May 12, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0161, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0161 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 12, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0161, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL–9386–2), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E8150) by IR–4, 500 College Road East, Suite 201 W., Princeton, NJ 08540. The petition requested that 40 CFR 180.579 be amended by establishing tolerances for residues of the fungicide fenamidone, 4H-imidazol-4-one, 3,5-dihydro-5-methyl-2-(methylthio)-5-phenyl-3-(phenylamino)-,(S)-, in or on ginseng at 0.80 parts per million (ppm); bean, succulent at 0.80 ppm; onion, bulb, subgroup 03–07A at 0.20 ppm; and onion, green, subgroup 03–07B at 1.5 ppm. The petition additionally requested to remove the established tolerances in or on garlic at 0.20 ppm; garlic, great headed at 0.20 ppm; leek at 1.5 ppm; onion, bulb at 0.20 ppm; onion, green at 1.5 ppm; onion, welsh at 1.5 ppm; shallot, bulb at 0.20 ppm; and shallot, fresh leaves at 1.5 ppm, as they will be superseded by the tolerances described in this unit. That document referenced a summary of the petition prepared on behalf of IR–4 by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has determined that cowpea should not be included in the tolerance in or on bean, succulent. The reason for this change is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data

and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fenamidone including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fenamidone follows.

A. Toxicological Profile

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

The target organs in subchronic toxicity studies for fenamidone were generally the liver; rarely, the thyroid or spleen were also affected. Target organs for chronic toxicity studies were the liver in the mouse and dog, and the liver and thyroid in the rat. In the chronic toxicity rat study, diffuse C-cell hyperplasia of the thyroid in both sexes was the most sensitive indicator of toxicity, and at higher doses follicular cells and the liver were also affected. The similarity in the systemic no-observed-adverse-effect-levels (NOAELs) and the type of toxicity observed (primarily liver) for the subchronic rat studies with the parent and plant metabolites (RPA 412636, RPA 412708, and RPA 410193) demonstrated that, on a subchronic basis, plant metabolites were not more toxic than the parent.

In the acute neurotoxicity study in rats, clinical signs included staining of the anogenital region, mucous in the feces, hunched posture, and unsteady gait. In the subchronic neurotoxicity study in rats, marginal decreases in brain weights were observed only in high dose males. Additionally, decreased brain weight occurred in the rat reproduction study. In a developmental neurotoxicity study in Wistar rats, no neurobehavioral effects and no neuropathological changes were observed at any dose in the offspring, but decreased body weight was observed during pre- and post-weaning.

In prenatal developmental toxicity studies in rabbits and rats, there were no developmental effects up to the highest dose tested (HDT). Maternal toxicity in these studies was observed as increased liver weights in maternal rabbits and decreased body weight gains and food consumption in maternal rats. In the reproduction study in rats, decreased absolute brain weight in F2 female pups occurred at the same dose levels as decreased absolute brain weight in F1 parental females. There were no effects on fertility or other measured reproductive parameters conducted with fenamidone.

An immunotoxicity study in rats showed a potential immunosuppression at the HDT; however, the existing risk assessment points of departure are lower and are therefore protective of this potential effect. No carcinogenic potential was observed in chronic studies in rat, mice, and dog; therefore, EPA has determined that fenamidone is not likely to be a human carcinogen by all relevant routes of exposure. All mutagenicity studies were negative for both the parent and plant metabolites, except the parent induced mutant colonies at the *tk* locus and increased chromosomal aberrations in human peripheral blood.

Specific information on the studies received and the nature of the adverse effects caused by fenamidone as well as the NOAEL and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document: ''Fenamidone: Human Health Risk Assessment to Support the Section (3) Registration and the Establishment of Tolerances for Uses on Ginseng, Succulent Beans (Except Cowpea), Bulb Onion (Subgroup 3–07A), and Green Onion (Subgroup 3–07B).'' at pp. 30–34 in docket ID number EPA–HQ–OPP–2013–0161.

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for fenamidone used for human risk assessment is discussed in Unit III.B., Table 1 of the final rule published in the **Federal Register** of November 16, 2011 (76 FR 70890) (FRL–9325–4).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fenamidone, EPA considered exposure under the petitioned-for tolerances as well as all existing fenamidone tolerances in 40 CFR 180.579. EPA assessed dietary exposures from fenamidone in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for fenamidone. In estimating acute dietary exposure, EPA used Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 3.16, which uses food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, ''What We Eat in America'' (NHANES/WWEIA) from 2003 through 2008. As to residue levels in food, EPA used maximum field trial residues for plant commodities and residues at the limit of quantitation for livestock commodities, assumed 100 percent crop treated (PCT) estimates for all commodities, and incorporated DEEM™ default processing factors, when applicable.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the same dietary risk assessment assumptions as for the acute dietary risk assessment.

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

iv. *Anticipated residue and PCT information.* EPA did not use PCT information in the dietary assessment for fenamidone; 100 PCT were assumed for all food commodities. However, anticipated residues were used as maximum field trial residues for plant

commodities and residues at the limit of quantitation for livestock commodities. Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

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

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and PRZM Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of fenamidone for surface water are expected to be 41.7 parts per billion (ppb) for acute exposures and 11.9 ppb for chronic exposures for non-cancer assessments. For groundwater, the EDWC of 207 ppb is estimated for all acute and chronic exposures.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute and chronic dietary risk assessments, the water concentration value of 207 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Fenamidone is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found fenamidone to share a common mechanism of toxicity with any other substances, and fenamidone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fenamidone does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The pre- and postnatal toxicity database for fenamidone includes rat and rabbit developmental toxicity studies, a rat developmental neurotoxicity study (DNT), and a 2-generation reproduction toxicity study in rats. No evidence of increased quantitative or qualitative susceptibility of rat or rabbit fetuses to *in utero* exposure was observed in the developmental toxicity studies. There was no developmental toxicity in rabbit fetuses up to 100 milligrams/kilograms/day (mg/kg/day), the HDT; maternal toxicity was exhibited as an increase in absolute liver weight, observed at 30 and 100 mg/kg/day. In the rat developmental study, decreased fetal body weight and incomplete fetal ossification were observed, but were considered secondary to maternal toxicity observed as decreased body weight and food consumption at the limit dose (1,000 mg/kg/day). No quantitative or qualitative evidence of increased susceptibility was observed in the 2-generation reproduction study in rats. In that study, both the parental and offspring LOAELs were based on decreased absolute brain weight in female F1 adults and female F2 offspring at 89.2 mg/kg/day. Parental effects consisting of decreased body weight and food consumption and increased liver and spleen weights were noted at the same level as decreased pup body weight. There were no reproductive effects up to the HDT.

The results of the DNT study indicated an increased susceptibility of offspring. There was no maternal toxicity at the HDT (429 mg/kg/day). Effects in the offspring included decreased body weight (9–11%) and body weight gain (8–20%) during pre-weaning, and decreased body weight (4–6%) during post-weaning at 429 mg/kg/day (LOAEL). There were no neurobehavioral effects and no neuropathological changes at any dose in the offspring.

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

i. The toxicity database for fenamidone is complete.

ii. The concern for the increased susceptibility observed in the DNT is low because:

a. There were no neurobehavioral or neuropathological changes in the offspring at any dose;

b. A clear NOAEL for the adverse effects in the study was identified; and

c. The endpoints used for the various risk assessment scenarios are much more sensitive than that of the decreased bodyweight of the offspring.

Therefore, based on the information above, the available data and the selection of risk assessment endpoints, EPA has determined that all endpoints used in the risk assessment for fenamidone are protective of neurotoxic effects. Accordingly, additional uncertainty factors (UFs) to account for neurotoxicity are not necessary.

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

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT, maximum field trial residues for plant commodities, and residues at the limit of quantitation for livestock commodities. EPA made conservative

(protective) assumptions in the ground and surface water modeling used to assess exposure to fenamidone in drinking water. These assessments will not underestimate the exposures and risks posed by fenamidone.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fenamidone will occupy 4.8% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fenamidone from food and water will utilize 89% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for fenamidone.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposures take into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Short- and intermediate-term adverse effects were identified; however, fenamidone is not registered for any use patterns that would result in short- or intermediate-term residential exposures. Short- and intermediate-term risk is assessed based on short- or intermediate-term residential exposure plus chronic dietary exposure. Because there are no short- or intermediate-term residential exposures and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short- or intermediate-term risks are necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risks for fenamidone.

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

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, a liquid chromatography with tandem mass spectrometry detection (LC/MS/MS), is available to enforce the tolerance expression.

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

B. International Residue Limits

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

The Codex has not established a MRL for fenamidone.

C. Revisions to Petitioned-For Tolerances

Based on the data supporting the petition, EPA has determined that cowpea should not be included in the bean, succulent tolerance at 0.80 ppm, as was proposed. The bean, succulent definition includes cowpea, and cowpea has forage and hay associated uses that are considered significant livestock feedstuffs. Because of the significant livestock feedstuffs for cowpea, the Agency requires a feeding study in order to determine the dietary burden associated with cowpea. Because an appropriate feeding study has not been submitted for fenamidone, cowpea has been excluded from the tolerance in or on bean, succulent.

V. Conclusion

Therefore, tolerances are established for residues of fenamidone, 4H-Imidazol-4-one, 3,5-dihydro-5-methyl-2-(methylthio)-5-phenyl-3 (phenylamino)-,(S)-, in or on bean, succulent, except cowpea at 0.80 ppm; ginseng at 0.80 ppm; onion, bulb, subgroup 3–07A at 0.20 ppm; and onion, green, subgroup 3–07B at 1.5 ppm. This regulation additionally removes established tolerances at 0.20 ppm in or on garlic; garlic, great headed; onion, bulb; and shallot, bulb. Finally, this regulation removes established tolerances at 1.5 ppm in or on leek; onion, green; onion, welsh; and shallot, fresh leaves.

VI. Statutory and Executive Order Reviews

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

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes,

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 28, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.579:

■ a. Remove the commodities ''Garlic''; ''Garlic, great headed''; ''Leek''; ''Onion, bulb''; ''Onion, green''; ''Onion, welsh''; ''Shallot, bulb''; and ''Shallot, fresh leaves'' from the table in paragraph (a)(1).

■ b. Add alphabetically the following commodities to the table in paragraph (a)(1). The amendments read as follows:

§ 180.579 Fenamidone; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
Bean, succulent, except cowpea	0.80
* * * * *	
Ginseng	0.80
* * * * *	
Onion, bulb, subgroup 3–07A	0.20
Onion, green, subgroup 3–07B	1.5
* * * * *	

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[FR Doc. 2014–05399 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL 9907–66-Region 1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the O'Connor Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 1 is publishing a direct final Notice of Deletion of the O'Connor Superfund Site (Site), located in Augusta, Maine, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Maine, through the Maine Department of Environmental Protection, because EPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion is effective May 12, 2014 unless EPA receives adverse comments by April 11, 2014. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1983–0002, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- Email: *connelly.terry@epa.gov.*
- Fax: 617 918–0373.
- Mail: Terrence Connelly, US EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109—3919.
- Hand delivery: US EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109–3912. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1983–0002. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be

able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the 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 statue. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at:

EPA Records and Information Center, 5 Post Office Square, First Floor, Boston, MA 02109·3912, Monday–Friday 8:00 a.m.–5:00 p.m.

and

Lithgow Public Library, 45 Winthrop St., Augusta, Maine 04330, Mon–Thurs 9:00 a.m.–8 p.m., Friday 9:00 a.m.–5 p.m., Saturday 9:00 a.m.–12:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Terrence Connelly, Remedial Project Manager, U.S. Environmental Protection Agency, Region 1, Mailcode OSRR07–1, 5 Post Office Square, Suite 100, Boston, MA 02109–3919, (617) 918–1373, email: *connelly.terry@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region 1 is publishing this direct final Notice of Deletion of the O'Connor, also known as the F. O'Connor Company, Superfund Site (Site), from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 300.425(e) (3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Because EPA considers this action to be noncontroversial and routine, this action will be effective May 12, 2014 unless EPA receives adverse comments by April 11, 2014. Along with this direct final Notice of Deletion, EPA is co-publishing a Notice of Intent to Delete in the ''Proposed Rules'' section of the **Federal Register**. If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the O'Connor Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the State of Maine prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the State 30 working days for review of this notice and the parallel Notice of Intent to Delete prior to their publication today, and the State, through the Maine Department of Environmental Protection, has concurred on the deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, the Kennebec Journal. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Background and History

The Site CERCLIS ID is MED980731475. The Site consists of approximately 23 acres within a 28-acre property owned by Central Maine Power Company (CMP) and is located on Maine State Route 17 approximately three miles east of the Kennebec River in Augusta, in Kennebec County, Maine. The Maine Department of Environmental Protection (MEDEP) also designated the same 23-acre property as a Hazardous Substance Site. The surrounding area is generally rural. The property is bordered on the east and southeast by Riggs Brook, a small northerly flowing tributary of the Kennebec River, on the north and west by woodlands, and on the south by Route 17. The property south of Route 17 is primarily wooded. A residence abuts the CMP property along its western boundary. Automotive entry to the Site is limited to Route 17; there are trails which enter the Site from the north and west.

The land at the Site was used as farmland until the 1950s when the F. O'Connor Company established a salvage yard and transformer recycling operation on the property. The F. O'Connor Company operated until the late 1970s. This resulted in drippage and spillage of oil to the ground, principally in the three transformer work areas (TWAs).

In February 1972, an oil spill was found to have migrated toward Riggs Brook. In 1976, MEDEP began investigations through sampling and analysis of the soils, sediments, and surface waters for polychlorinated biphenyls (PCBs). Soil and groundwater contamination primarily consisted of PCBs with some volatile and semivolatile organic compounds (VOCs and SVOCs), and inorganics. Potential sources of contamination that were identified included the TWAs, scrap piles, oil storage tanks, and two lagoons installed to help control oil migration from the property. Concern for the potential impact on soils, surface water, and groundwater were the primary reasons the Site was proposed for the National Priorities List on December 30, 1982, (47 FR 58476). The Site was listed on September 8, 1983, (48 FR 40658).

Three removal actions were performed at the Site by the F. O'Connor Company and CMP. In 1977, at the request of MEDEP the F. O'Connor Company discontinued use of the lagoons, pumped the lagoon water into storage tanks and excavated the lagoon sediments which were then placed in an upland area upgradient of the TWAs. In 1984, EPA issued a Unilateral Administrative Order to the F. O'Connor Company to construct a fence encompassing approximately five acres of the Site. Under a 1986 Administrative Order by Consent between MEDEP and F. O'Connor Company and CMP, 20 storage tanks and 21 55-gallon drums were removed off the Site.

Remedial Investigation and Feasibility Study (RI/FS)

On May 13, 1986, EPA issued an Administrative Order by Consent to the F. O'Connor Company and CMP. This Order was entered into voluntarily by these parties in order to conduct a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of contamination, to evaluate alternatives, and to make recommendations for the appropriate remedial actions at the Site. The FS identified seven exposure scenarios posing potential risks to human health or the environment: Direct contact with soils by children; inhalation of vapors from surface soils; ingestion of fish caught in Riggs Brook; future direct contact with soils by on-site inhabitants; future direct contact with sediments in the lower lagoon by children; future inhalation of vapors by on-site inhabitants; and future ingestion of groundwater from within the bedrock.

In 1992 CMP acquired ownership of the property from the F. O'Connor Company.

Selected Remedy

A remedy was selected to meet the following Remedial Action Objectives (RAOs) identified for the Site in the 1989 Record of Decision (ROD):

- Reduce potential present and future public health and environmental risks from direct contact, ingestion, and/or dermal absorption with the PCB-, cPAH-, and lead-contaminated soils and sediments located on- and off-site;
- Reduce potential present and future public health risks from the inhalation of PCB vapors;
- Reduce potential present and future public health risks from the ingestion of PCB-contaminated fish from Riggs Brook;
- Reduce potential future public health risks from the ingestion of PCB-, benzene-, and 1,4 dichlorobenzene-contaminated groundwater found on the Site; and
- Reduce potential present and future environmental risks to aquatic and terrestrial wildlife from exposures to the PCB-, lead-, and aluminum-contaminated on-site surface water.

The major components of the Source Control (OU–1) remedy were:

- Excavation and on-site treatment by solvent extraction technology of all soil and sediment containing concentrations of PCBs and cPAHs greater than 1 ppm and lead greater than 248 ppm;
- Draining and off-site treatment of surface waters from the Upland Marsh, Upper Lagoon, and Lower Lagoon;
- Transportation and off-site disposal of soil and sediments should solvent extraction not achieve target cleanup levels;
- Establishment of compensatory wetlands; and
- Site restoration following excavation activities.

The major components of the Management of Migration (OU–2) remedy were:

- Establishment of temporary institutional controls until groundwater remediation goals were achieved;
- Installation of groundwater extraction and monitoring wells;
- Installation of an on-site groundwater treatment and recharge system; and
- Treatment and recharge system monitoring, operation, and maintenance.

The Management of Migration remedy also included response actions for Riggs Brook sediment. These included:

- Establishment and implementation of an extensive sediment and biota sampling and analysis program within Riggs Brook; and
- Implementation of public education programs.

In 1996, EPA designated Riggs Brook as OU–3. The remedy also included five-year reviews of site-wide conditions.

The 1989 ROD has been modified three times. On July 11, 1994, an Explanation of Significant Differences (ESD) was approved. This adjusted the soil target cleanup goals for all soils that would be located more than 12 inches below grade and within a three- to four-acre area (the Designated Area) to a maximum 10 ppm for PCBs and for cPAHs, and 248 ppm for lead. The target cleanup goals for soils outside the Designated Area remained at 1 ppm for PCBs and for cPAHs, and 248 ppm for lead. The ESD also included a contingency that allowed soils and sediments to be disposed offsite without solvent extraction treatment, upon approval by EPA.

On October 23, 1995, EPA approved the contingency based upon the determination that the solvent extraction treatment was not feasible to meet the target cleanup goals.

On September 26, 2002, EPA issued a ROD Amendment. The ROD Amendment for OU–2 required permanent institutional controls, active oil recovery, long-term monitoring of groundwater, and five-year reviews. The ROD Amendment also recognized the technical impracticability of achieving the cleanup levels required by the 1989 ROD in groundwater found on the Site (third RAO of 1989 ROD) within a reasonable timeframe. As a result, the ROD Amendment established a Technical Impracticability Zone (TI Zone) for a portion of the Site (including TWA II Area) where state and federal drinking water standards are waived. The ROD Amendment did not substantially alter the Source Control or Riggs Brook remedies.

Response Actions

The Source Control Remedial Action (SCRA) was conducted in two phases. Phase I was completed in 1996. A subset of the soils were remediated, the barn was decontaminated, demolished and disposed of offsite, non-native debris was collected and disposed offsite, and the Support Area for Phase II was constructed. Phase II activities were conducted in 1997. During Phase II, surface water from the Upper Lagoon, Lower Lagoon, and Upland Marsh was collected and disposed of offsite, the remaining soils and sediments were remediated, the lagoons and marsh were reconstructed, and the Site re-graded and vegetated.

All soils and sediments within OU–1 containing greater than 10 ppm PCBs, 10 ppm cPAHs, and 248 ppm total lead were excavated and disposed of at approved disposal facilities offsite. A total of 19,357 tons of soil and sediment were excavated and disposed of: 8,010 tons characterized as Special Waste (a State of Maine designation) were transported to two facilities in Maine; 11,222 tons characterized as TSCA and/or RCRA wastes to a facility in New York; and 125 tons characterized as RCRA waste to a facility in Quebec.

Soils and sediments within the Designated Area containing less than or equal to 10 ppm PCBs or cPAHs and less than 248 ppm total lead were not excavated. Approximately 3,000 to 4,000 tons of soil and sediments located outside the Designated Area and containing between 1 and 10 ppm PCBs or cPAHs and less than 248 ppm total lead were excavated and placed within the Designated Area.

The Management of Migration Remedial Action, as amended in 2002, included active and passive oil recovery and monitoring of water quality at the TI boundary and downgradient of it. Investigations completed following the 1989 ROD determined that the migration of contaminants in the shallow groundwater in the downgradient direction was limited; the bedrock aquifer had low groundwater storage and therefore a relatively small volume of water. It was also concluded that the 1992 pump test had mobilized the PCB transformer oil and other contaminants vertically downward into the bedrock flow regime.

Seepage of the transformer oil with elevated PCB concentrations into the TWA II wells had been observed since it was first induced into the wells during the 1992 pump test. The total amount of transformer oil recovered from the five TWA II wells since their installation using a combination of vacuum enhanced recovery (VER) and passive oil recovery is about 125 gallons. Approximately 79 gallons of oil (about 63%) were recovered prior to the completion of the source control work, and approximately 35 gallons (about 28%) after the completion of source control through the summer of 2002. Approximately 7.4 gallons of oil were recovered by the VER system in 2002, 2.5 gallons in 2003, and about 0.3 gallons in both 2004 and 2006. The system was not operated in 2005 because of equipment failure. Significantly there was not any increase in the amount recovered passively nor was any increase observed when the active recovery resumed in August 2006. The amount of oil removed from the wells using the VER system decreased steadily over time to minimal amounts. In December 2006, the VER system was decommissioned because the rate of oil recovery using passive recovery was equal to or greater than with the VER system. Prior to 2005, the passive oil recovery program was conducted monthly. Since 2005, passive oil recovery has continued on a quarterly basis.

Groundwater cleanup standards defined in the 2002 ROD Amendment for VOCs have been met at all wells at the TI boundary and beyond the TI Zone since Spring 2002, and the cleanup standard for PCBs has been met at all wells at the TI boundary and beyond the TI Zone since Spring 2006.

The 1989 ROD selected yearly sediment sampling for ten years for Riggs Brook and its associated wetlands. In addition, biota sampling was to be performed at least once, after five years of sediment sampling. CMP conducted annual sediment monitoring of Riggs Brook for ten years (1996–2005) as required by the ROD. At EPA's request, the 2000 annual sediment sampling program was supplemented with a sampling grid with 51 locations adjacent to Riggs Brook in adjacent source control areas. Biota sampling was first conducted in 1997 with the collection of twenty samples. Following a recalculation of the data from mg/kg dry weight to mg/kg wet weight, it was determined that all samples were below the target level of 2 mg/kg (or ppm) of PCBs. A second biota sampling occurred in September 2000, when a total of twenty biota samples were collected from Riggs Brook and analyzed for PCBs. As was the case in 1997, all samples were below the target level of 2 mg/kg wet weight. A comparison to the 1997 data indicated that the biota PCB concentrations had decreased.

Following review of the results from the 2000 sediment and biota sampling, EPA and MEDEP agreed that with the decrease of PCBs in the biota samples as well as the scattered locations of the sediment exceedances, remedial efforts to address the scattered sediment exceedances were not required at that time. Instead, the 2001 sampling (year six of the ROD-required ten) was to be expanded to monitor the locations identified in the supplemental sampling grid. The 2001 sediment sampling had one exceedance above the 5 ppm trigger level of the thirty-six samples. This one location (location 3018, at 6.1 ppm) is located near the wetland/upland boundary and within the area excavated during the SCRA.

Cleanup Levels

The 1994 ESD changed the cleanup levels from 1 ppm PCBS and 1 ppm PAHs to less than 10 ppm PCBs and 10 ppm cPAHs within the Designated Area, while affirming the 1989 ROD cleanup levels of 1 ppm outside the Designated Area. The total lead cleanup level remained the same at 248 ppm total. All soils and sediment within OU–1 above 10 ppm PCBs or 10 ppm cPAHs were disposed of at offsite facilities. The limits of excavation within and outside the Designated Area were based on analytical results, isopachs, and visual examination of the contamination. Following excavation, confirmation samples were collected at the base of the excavation to determine if the concentrations of PCBs, cPAHs, and total lead were below the respective cleanup goals. If a sample exceeded the target cleanup goal, excavation continued. If the target cleanup goals were met, the sample was used as a confirmation sample, and the area represented by the sample node was confirmed as closed. Pre-excavation and most confirmation samples were collected at specified locations on a sampling grid that was developed to

provide a statistically valid approach for confirming that the soils and sediments had meet the target cleanup goals. Additional random samples were collected as determined necessary in the field to confirm attainment of target cleanup goals.

The Site was divided into five sample areas in the 100% Remedial Design, based on contaminants, target cleanup goals, Site history, geology, and a review of the Remedial Investigation data. Based on all this information, a work plan was developed, approved, and implemented. Areas 1, 2, and 3 were sampled for PCBs, Area 4 for lead, and Area 5 for cPAHs. All five areas were further divided into subareas. Statistical analysis of the sampling concluded that the cleanup levels were met in all Sample Areas except Subarea 5B.

Subarea 5B underwent two rounds of excavation and three rounds of sampling. Analyses of the third round of samples collected at 1.4 to 3.3 feet below ground surface found cPAHs concentrations ranging between 1.2 to 6.6 ppm. In a letter dated October 27, 1997, MEDEP approved no further excavation was warranted in subarea 5B after calculating toxicity equivalence factors for the individual cPAH concentrations remaining in subarea 5B. The total toxicological equivalency value was found to be 1 ppm, which was less than the applicable worker standard of 7 ppm and less than the residential scenario of 2 ppm. EPA provided approval for no further action at subarea 5B.

Groundwater has been monitored at the Site since 1986. Beginning in Spring 2008, the sampling frequency was changed from semi-annual to annual. The monitoring program currently consists of nine wells, four outside the TI Zone and five within the TI Zone and downgradient of the TWA II area. Based on steady improvements in groundwater, and that groundwater had met target cleanup goals for the Site in all wells outside the TI Zone since 2006, 28 monitoring wells and piezometers at the Site were decommissioned in September 2008. Groundwater monitoring reports have been prepared by CMP's consultant Woodard & Curran and the data demonstrate the attainment of the cleanup levels for the Site.

The results of the ten-year sampling program showed the sediments in Riggs Brook to be stable, with no indication that PCBs were migrating or increasing in concentration. Over 95% of the samples were below the PCB action trigger level of 5 ppm with the annual mean varying between 0.38 to 1.93 ppm. With one location, sediment 3018, having the maximum PCB concentration from 2001 through 2005, CMP proposed to excavate a ten-foot square centered on that sediment location. EPA, after opportunity for review and comment by MEDEP, approved this approach. Approximately three tons of material were excavated and disposed offsite at a Special Waste landfill in Maine.

Operation and Maintenance

The O&M activities associated with the SCRA and long-term monitoring at the Site were initiated in 1998 upon completion of the SCRA. Inspections of the Site have been conducted semi-annually. The O&M Plan for the Site was last updated in October 2009 and describes the long-term activities for OU–1 and OU–2 at the Site, including inspections, soil cover sampling, routine maintenance, and repairs as necessary. Sediment and biota sampling have been completed for OU–3, and therefore, there are no O&M activities associated with OU–3. Inspections have been conducted at the Site and have documented that the vegetation is well developed and minor ruts in the access road have been repaired. There has been no significant erosion of the soil cover over the Designated Area or on the slope leading down to the Riggs Brook since the completion of the SCRA. Because contamination remains that prevents unlimited exposure and unrestricted use of the Site, it is anticipated that maintenance and inspections will continue for an extended period of time.

In 1994, CMP and MEDEP signed an agreement in the form of a Declaration of Restrictive Covenant. This covenant includes the following: Any use of the groundwater beneath the Site is prohibited without the written approval of MEDEP; any activity which might disrupt remedial or monitoring measures is prohibited without the written approval of MEDEP; and CMP or any subsequent owner shall maintain the Site in a condition adequate to ensure the continued compliance with all applicable standards and to ensure the ongoing adequacy of the remediation. On September 13, 2002, the Declaration of Restrictive Covenant was recorded in the Kennebec County Registry of Deeds.

Additionally, the restrictive covenant provides that CMP and all subsequent owners shall maintain the Site property in a condition adequate to ensure the continued compliance with all applicable cleanup standards and to ensure the ongoing adequacy of the remedial action implemented under the Consent Decree. Specific examples of required ongoing activities include, but are not limited to maintenance of ''all drainage ways, berms, monitoring wells, permeable or impervious caps or covers (including paved portions of the property and areas covered by topsoil or other clean fill), piping, pumps and electrical equipment constructed or installed under the Consent Decree.'' By its terms, the restrictive covenant is enforceable only by MEDEP. Compliance with this covenant is confirmed at the same time as the spring Site inspection.

Five-Year Review

Statutory five-year reviews are required at the O'Connor Superfund Site since hazardous substances remain at the Site above levels that allow for unlimited use and unrestricted exposure. Five-year reviews were completed for the Site in 2002, 2007, and 2012. The 2012 Five-Year Review stated that remedial actions at all OUs are protective, and therefore the Site is protective of human health and the environment. The 2012 Five-Year Review made the following protectiveness statements for each operable unit and sitewide:

OU–1: The remedial action for OU–1 has been completed and is protective of human health and the environment. Exposure pathways that could result in unacceptable risk are being controlled through a clean soil cap that covers remaining contamination and institutional controls that have been placed on the Site. The O&M plan was updated and approved in 2009 and its implementation will ensure that the OU–1 remedy remains protective.

OU–2: The remedy for OU–2 is protective of human health and the environment. Exposure pathways that could result in unacceptable risk are being controlled with institutional controls covering the entire Site. Outside the TI Zone, groundwater has met the performance standards for VOCs since Spring 2002 and for PCBs since Spring 2006. Long-term monitoring will continue to ensure that the performance standards continue to be met.

OU–3: The remedy at OU–3 is protective of human health and the environment. Annual sampling of sediments for ten years resulted in over 95% of the samples being below the 5 ppm trigger level with the annual mean PCB concentration varying between 0.38 and 1.72 ppm. Results from the two biota sampling events were below the threshold level of 2 ppm for all samples, with the overall average being below 1 ppm. Site inspections have documented functioning habitat in both the uplands and wetlands.

Sitewide: Because the remedial actions at all OUs are protective, the Site is protective of human health and the environment.

The 2012 Five-Year Review did not identify any issues in any of the operable units. The Final Remedial Action Report for OU–1 was signed in 1998 and the Final Remedial Action Report for OU–3 was signed in 2007. EPA signed the Superfund Property Reuse Evaluation Checklist for Reporting the Sitewide Ready for Anticipated Use Government Performance and Results Act Measure in 2009.

The next Five-Year Review is scheduled to be completed in September 2017.

Community Involvement

Leading up to the 1989 ROD, EPA kept the community and other interested parties apprised of the Site activities through informational meetings, fact sheets, press releases and public meetings. On July 19, 1989, EPA held a public informational meeting to discuss the results of the Remedial Investigation and the cleanup alternatives presented in the Feasibility Study, and to present the Agency's Proposed Plan. On August 10, 1989, the Agency held a public hearing to accept any oral comments about the Site.

Since the 1989 ROD, community involvement has been low. In June 2002 EPA published a Proposed Plan to amend the 1989 ROD. EPA held a public information meeting on June 24, 2002, and a formal public hearing on July 9, 2002. Only a few community members attended the informational meeting and none attended the public hearing. No comments from the community were received on the June 2002 Proposed Plan.

EPA issued a press release on May 8, 2002, that was published in the Kennebec Journal announcing EPA's first five-year review of the O'Connor Site cleanup. The press release encouraged public participation. Similarly, EPA issued public notices announcing EPA's second and third five-year reviews that were published in the Kennebec Journal on May 24, 2007, and May 25, 2012, respectively. These notices encouraged public participation and provided EPA contact information.

EPA will follow the procedures for community involvement activities associated with deletion described in the 2011 guidance document ''Close Out Procedures for National Priorities List Sites.'' These include preparing a public notice for publication in the local paper and notification to the Natural Resource Trustees of EPA's plan to delete the Site from the NPL.

Determination That the Site Meets the Criteria for Deletion in the NCP

EPA Region 1 has followed the deletion procedures required by 40 CFR 300.425(e). The implemented remedy has achieved the degree of cleanup or protection specified in the 1989 ROD, 1994 ESD, and 2002 ROD Amendment for all pathways of exposure. The activities for OU–1 remedy were successfully completed in 1997 and the activities for OU–3 remedy were successfully completed in 2006. With the 2002 Technical Impracticability waiver, groundwater (OU–2) beyond the TI Zone has met all cleanup standards since 2006. Therefore, EPA has determined, in consultation with MEDEP, all appropriate response actions have been implemented, and thus a criterion for deletion has been met.

V. Deletion Action

The EPA, with concurrence of the State of Maine through the Maine Department of Environmental Protection, has determined that all appropriate response actions under CERCLA, other than operation, maintenance, monitoring and five-year reviews have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective May 12, 2014 unless EPA receives adverse comments by April 11, 2014. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 27, 2014.

H. Curtis Spalding,

Regional Administrator, Region 1.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300 [Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry for ''ME,'' ''O'Connor Co'', ''Augusta''.

[FR Doc. 2014–05224 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 600

[CMS–2380–FN]

RIN 0938–ZB12

Basic Health Program; Federal Funding Methodology for Program Year 2015

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final methodology.

SUMMARY: This document provides the methodology and data sources to determine the federal payment amounts made to states in program year 2015 that elect to establish a Basic Health Program certified by the Secretary under section 1331 of the Patient Protection and Affordable Care Act to offer health benefits coverage to low-income individuals otherwise eligible to purchase coverage through Affordable Insurance Exchanges.

DATES: *Effective Date:* January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Christopher Truffer, (410) 786–1264; or Jessica Schubel, (410) 786–3032.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. Summary of Proposed Provisions and Analysis of and Responses to Public Comments on the Proposed Methodology

A. Background
B. Overview of the Funding Methodology and Calculation of the Payment Amount
C. Required Rate Cells
D. Sources and State Data Considerations
E. Discussion of Specific Variables Used in Payment Equations
F. Adjustments for American Indians and Alaska Natives
G. Example Application of the BHP Funding Methodology
H. General/Miscellaneous Comments
III. Provisions of the Final Methodology
A. Overview of the Funding Methodology and Calculation of the Payment Amount
B. Federal BHP Payment Rate Cells
C. Sources and State Data Considerations
D. Discussion of Specific Variables Used in Payment Equations
E. Adjustments for American Indians and Alaska Natives
F. State Option to Use 2014 QHP Premiums for BHP Payments
G. State Option to Include Retrospective State-specific Health Risk Adjustment in Certified Methodology
IV. Collection of Information Requirements
V. Regulatory Impact Statement
A. Overall Impact
B. Unfunded Mandates Reform Act
C. Regulatory Flexibility Act
D. Federalism

I. Background

The Patient Protection and Affordable Care Act (Pub. L. 111–148, enacted on March 23, 2010), together with the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152), enacted on March 30, 2010 are collectively referred as the Affordable Care Act. The Affordable Care Act provides for the establishment of state Affordable Insurance Exchanges (Exchanges, also called the Health Insurance Marketplace) that provide access to affordable health insurance coverage offered by qualified health plans (QHPs) for most individuals under age 65 who are not eligible for health coverage under other federally supported health benefits programs or through affordable employer-sponsored insurance coverage, and who have incomes above 100 percent of the federal poverty line (FPL), or whose income is below that level but are lawfully present non-citizens ineligible for Medicaid because of immigration status. Individuals enrolled through Exchanges in coverage offered by QHPs with incomes below 400 percent of the FPL may qualify for the federal premium tax credit (PTC) and federally-funded cost-sharing reductions (CSRs) based on their household income, to ensure that such coverage meets certain standards for affordability.

In the states that elect to operate a Basic Health Program (BHP), BHP will make affordable health benefits coverage available for individuals under age 65 with household incomes between 133 percent and 200 percent of the FPL who are not otherwise eligible for Medicaid, the Children's Health Insurance Program (CHIP), or affordable employer sponsored coverage. (For those states that have expanded Medicaid coverage under section 1902(a)(10)(A)(i)(VIII) of the Act, the lower income threshold for BHP eligibility is effectively 138 percent due to the application of a required 5 percent income disregard in determining the upper limits of Medicaid income eligibility.) Federal funding will be available for BHP based on the amount of PTC and CSRs that BHP enrollees would have received had they been enrolled in QHPs through Exchanges.

We are publishing, concurrently with this final methodology, a final rule entitled the ''Basic Health Program: State Administration of Basic Health Programs; Eligibility and Enrollment in Standard Health Plans; Essential Health Benefits in Standard Health Plans; Performance Standards for Basic Health Programs; Premium and Cost Sharing for Basic Health Programs; Federal Funding Process; Trust Fund and Financial Integrity'' (hereinafter referred to as the BHP final rule) implementing section 1331 of the Affordable Care Act, which requires the establishment of BHP. The BHP final rule establishes the requirements for state and federal administration of BHP, including provisions regarding eligibility and enrollment, benefits, cost-sharing requirements and oversight activities. While the BHP final rule codifies the overall statutory requirements and basic procedural framework for the funding methodology, it does not contain the specific information necessary to determine federal payments. We anticipated that the methodology would be based on data and assumptions that would reflect ongoing operations and experience of BHP programs as well as the operation of the Exchanges. For this reason, the BHP final rule specifies that the development and publication of the funding methodology, including any data sources, will be addressed in a separate annual Payment Notice process. The BHP final rule also specifies that the BHP Payment Notice process will include the annual publication of both a proposed and final BHP Payment Notice.

II. Summary of Proposed Provisions and Analysis of and Responses to Public Comments on the Proposed Methodology

The following sections, arranged by subject area, include a summary of the public comments that we received, and our responses. For a complete and full description of the BHP proposed funding methodology, see the ''Basic Health Program; Proposed Federal Funding Methodology for Program Year 2015'' proposed document published in the December 23, 2013 **Federal Register** (78 FR 77399).

We received a total of 32 timely comments from state agencies, groups advocating on behalf of consumers, health care providers, health insurers, health care associations, Tribes, and tribal organizations. The public comments received ranged from general support or opposition to the proposed methodology to very specific questions or comments regarding the proposed methodological factors. In addition, we held a consultation session on December 19, 2013 that was open to all interested parties, to provide an overview of the BHP proposed funding methodology where interested parties were afforded an opportunity to ask questions and make comments. At the consultation session, participating parties were reminded to submit written comments before the close of the public comment period that was specified in the BHP proposed methodology.

A. Background

In the December 23, 2013 (78 FR 77399) proposed methodology, as background and for contextual purposes, we discussed the proposed provisions from the September 25, 2013 BHP proposed rule (78 FR 77401). The proposed document also specified the methodology of how the federal BHP payments would be calculated. For specific discussions, please refer to the December 23, 2013 proposed methodology (78 FR 77401).

We received the following comments on the background information included in the proposed methodology:

Comment: One commenter expressed support for publishing the final Payment Notice annually in February.

Response: We thank the commenter for their support.

Comment: Several commenters requested that CMS provide an option for states to have BHP payments retrospectively reconciled for the factors specified in statute. Specifically, commenters requested that such a reconciliation process use actual, state-specific data by taking into account the state's actual health insurance market experience for the program year, measure the data and payment factors in manner agreed upon by both CMS and the state, and perform the reconciliation using a methodology that is generally consistent with the methodology of the proposed payment document.

Response: We understand the commenters' concern regarding the market uncertainties in 2014 and appreciate the recommendations to refine the methodology to account for such uncertainties. However, based on initial feedback we received from interested states, we developed the BHP funding methodology on a prospective basis to provide states with a level of fiscal certainty as they consider implementing BHP in a given program year. Except for the population health factor, which is discussed further below in section III.G in this final methodology, we have determined not to retrospectively adjust or reconcile the various factors that comprise the methodology because we believe that states operating a BHP will need to have budget certainty in order to plan and operate their programs.

In addition, as also discussed below, we are revising our methodology to use actual 2015 premium amounts to calculate BHP funding for 2015. While this would be part of the prospective methodology and not a retrospective adjustment, it would further address some of the issues raised in these comments.

Comment: Many commenters noted that state-specific market conditions, such as in Minnesota where the state's high-risk pool will continue to operate in 2014, will not be reflected in the 2014 Exchange premiums but will affect the premium rates in 2015. As such, commenters recommended that CMS use actual 2015 Exchange premiums to improve the accuracy of the federal BHP payment rates for program year 2015.

Response: In response to these comments, and in particular because of the various issues in the first year of BHP implementation, we have adopted the commenters' recommendation and will use actual 2015 Exchange premiums to determine the final 2015 federal BHP payment rates in states. Given the fact that the Exchanges are new in 2014 and the potential for changes in 2015, we believe that it is appropriate to make this adjustment in the methodology for the first year of BHP implementation as it will improve the accuracy of the rates. For additional information on the process we will use to determine the final 2015 federal BHP payment rates, please see the additional discussion included in section III.D.1 (reference premium) of this final methodology.

While using actual 2015 Exchange premiums will improve the accuracy of the federal BHP payment rates by taking into account certain market conditions, we understand that, for decision making purposes, some states may need to establish budgets based on final 2015 federal BHP payment rates before actual 2015 premium information becomes available. In such an event, we will provide the state with the option to have us use 2014 premium data (projected forward to 2015) to calculate its final 2015 federal BHP payment rates. As specified in this payment notice, a state must notify CMS by May 15, 2014 that it is electing this option. Upon completing the calculation process, we will publish the final rates for such states in a subsequent **Federal Register** notice, and use these final rates to determine the state's aggregate 2015 BHP federal payments, which will be deposited into the state's BHP trust fund on a quarterly basis. We have amended this final methodology by adding section III.F to discuss this process in further detail. If a state does not elect this option to use 2014 Exchange premiums for calculating final 2015 BHP federal payments, we will calculate the payments using the 2015 premiums and also publish those rates in the **Federal Register**. Before publication, we are available to provide technical assistance to help the state better estimate the potential range of 2015 BHP federal payments. Finally, as we gain more experience in the Exchanges, and as data becomes more readily available, we will continue to review the methodology, including the data elements and other factors to further refine future BHP funding methodologies and improve the accuracy of the overall result.

Comment: Several commenters requested that CMS consider adjusting the funding methodology during the annual program year to ensure the accuracy of the methodology in the event new data becomes available. The commenters also requested that CMS consider adjusting the methodology and recalculate the federal BHP payment rates in the event that the payment rates are determined to be inadequate and negatively affect the participation of standard health plan offerors.

Response: We appreciate the commenters' concern with respect to the accuracy of the funding methodology as well as their interest in ensuring robust standard health plan offeror participation. While the statute directs the Secretary to adjust the payment for any fiscal year to reflect any *error* in the determination of the payment amount in the preceding fiscal year, the statute generally does not contemplate retrospective adjustment to amounts properly calculated under the certified methodology. Instead, the statute provides that adjustments are only made prospectively, and only to reflect errors. We read that term ''errors'' to mean mathematical errors or erroneous enrollment numbers (which are multiplied by the per enrollee amount determined by the certified methodology). While the statute does not expressly provide for retrospective adjustments to a certified methodology, as discussed below we are providing an optional process for states to propose to include in the certified methodology a state-specific retrospective adjustment to reflect any disparity in BHP population health status (a risk adjustment) in each rate cell in comparison to the Exchange population that would affect the federal payment for that population. Permitting retrospective adjustment on this one factor (the population health factor) given the difficulty in arriving at a national approach to accurately determine this factor prospectively, in particular due to the lack of data and experience from the exchanges available at the beginning of 2014.

With respect to other commenters' concern that the federal BHP payment rates could be so low that they would negatively affect standard health plan offeror participation, the federal BHP payment is not necessarily determinative of the contract costs for standard health plans. The statute provides states that elect to operate a BHP with considerable flexibility to control costs through a competitive contracting process and other measures, and to supplement federal funding with additional state or local funding. The state may negotiate with its standard health plan offerors on the amount of capitation payments, the benefits in excess of the required essential health benefits, and the premiums consistent with the BHP enrollee protections. A state does not need to structure its standard health plan offeror payments to align with the federal BHP payment rate cells. A state has the flexibility to use the same rate cell structure, mimic the same structure that is used in other insurance affordability programs, or develop a new structure specifically for BHP.

Comment: We received one comment requesting that CMS develop state-specific BHP funding methodologies to more accurately account for the health status of a state's BHP population relative to consumers in the state's Exchange.

Response: We appreciate the commenter's interest in ensuring the development of the most accurate population health factor, and as such, are revising our methodology from what was proposed to include in the certified methodology a temporary state-specific

adjustment to retrospectively adjust this factor for 2015. This retrospective adjustment, which would be subject to CMS review and approval, would be conducted to determine whether the difference in health status between the state's BHP population and consumers in the Exchange in 2015 would affect PTC, CSRs, risk adjustment and reinsurance payments that would have been made had BHP enrollees been enrolled in coverage through the Exchange. For additional information on this option, please refer to section III.G.

Comment: One commenter requested that CMS clarify when the actual reconciliation of BHP payment amounts will occur, including the timeframes in each quarter.

Response: We appreciate the commenter's interest in the payment reconciliation process, and anticipate providing future guidance on BHP payment operations.

Comment: We received one comment requesting clarification on when a state must submit both projected and actual enrollment data in order for CMS to determine the prospective quarterly federal BHP payment.

Response: For a state to receive a prospective federal BHP payment, the state must submit its projected BHP enrollment 60 days before the start of the fiscal quarter. Actual enrollment is required no later than 60 days after a fiscal quarter has ended. Once a state's BHP has been in operation for a few fiscal quarters, we anticipate using the state's actual enrollment in the previous quarter to determine the upcoming quarter's federal BHP payment thereby eliminating the need for the state to submit projected enrollment data.

B. Overview of the Funding Methodology and Calculation of the Payment Amount

We proposed in the overview of the funding methodology to calculate the PTC and CSRs as consistently as possible and in general alignment with the methodology used by Exchanges to calculate the advance payments of the PTC and CSRs, and by the Internal Revenue Service (IRS) to calculate the final PTC. We proposed in this section four equations that comprise the overall BHP funding methodology. For specific discussions, please refer to the December 23, 2013 proposed methodology (78 FR 77401).

We received the following comments regarding the equations proposed to calculate the PTC and CSR components of the BHP funding methodology:

Comment: While we received support for the two-step process to calculate the federal BHP payment rate, one commenter requested that CMS release the data requirements states need to provide information related to the BHP risk profile so that rates are properly set to account for risk. The commenter also requested that CMS provide data alternatives in the event that states encounter difficulties in collecting the data needed to risk adjust.

Response: We appreciate the support for the two-step process and are finalizing this approach as proposed in this final methodology. As explained further in section III.D.2 of this final methodology, we are not requiring any data from the states on the risk of these populations unless a state elects to notify CMS that it will conduct a retrospective risk adjustment analysis in accordance with the process set forth in section III.G of this methodology. If the state decides to conduct such an analysis, it has discretion when determining the data requirements and any necessary alternatives; however, the state must submit to CMS such information as well as the proposed methodology it intends to use during the reconciliation process for approval and certification. Regardless of whether or not states elect this option, we will continue to review this factor as we gain more experience in the Exchanges, and as data becomes more readily available, to refine future BHP funding methodologies.

Comment: One commenter requested clarification on Equation 1. Specifically, the commenter asked whether the average expected PTC that all persons in the rate cell would receive is an average for people within a certain region, or if this is a statewide average.

Response: The average expected PTC that all persons in the rate cell would receive is an average for persons within a state's geographic rating area, which in most instances would be a county or county-equivalent entity. These would not be statewide rates.

Comment: One commenter requested that CMS revise Equation 1 to account for the impact of induced utilization on the base premiums used to calculate the advanced payment of the premium tax credit (APTC). Such an adjustment would account for a greater APTC value due to the increase in health care service utilization. The commenter proposed such an adjustment to equal 1.12 divided by the average assumed induced utilization adjustment inherent in commercial premiums absent BHP.

Response: We do not believe that this adjustment is appropriate. This adjustment would be inconsistent with how the PTC is calculated and with the statute. In addition, we would note that only accounting for how the presence of the CSR may increase the average costs for enrollees would not be appropriate, as the CSR may also have an effect of lowering the average costs as well (for example, the provision of the CSR may encourage persons with lower expected health care costs to enroll).

Comment: Several commenters expressed support for the PTC calculation as it takes into account the CSRs that are particular to American Indians and Alaska Natives.

Response: We thank the commenters for their support and are finalizing the proposed provision.

Comment: Several commenters requested that CMS reconsider applying 100 percent of the CSR that would have been available in the Exchange to the BHP payment methodology, as opposed to 95 percent. Many commenters stated that the statute provides for this interpretation given the placement of the comma in section 1331(d)(3)(i) of the Affordable Care Act.

Response: We appreciate the commenters' concern regarding this issue, and we have carefully considered and reviewed the commenters' suggestions. We have interpreted the 95 percent specified in statute to refer to both the PTC and CSR components of the BHP payment methodology. We believe that applying the 95 percent to both components of the methodology represents the best reading of the statute and the intent of the drafters, and we are therefore finalizing the proposed provision.

Comment: We received one comment identifying a potential error in Equation 2. Specifically, the commenter believes that the equation should read ''FRAC × AV'' rather ''FRAC + AV.''

Response: We appreciate the identification of a potential error; however, the equation, as written in the proposed methodology, is correct. The symbol in the proposed methodology is the division symbol, not the addition symbol. We have revised the display of the formula for the sake of clarity, as shown below.

$$\textbf{Equation (2)}: CSR_{a,g,c,h,i} = \frac{ARP_{a,g,c} \times TRAF \times FRAC}{AV} \times IUF_{h,i} \times \Delta AV_{h,i} \times 95\%$$

Comment: We received a comment with respect to the premium trend factor included in the equations. Specifically, the commenter expressed concern that it will not capture changes in premiums due to non-claim issues such as increases in premium taxes, assessment, and Exchange user fees. The commenter recommended that non-claim issues be included in the equations, and that the equations should be calculated using only individual membership and vary by state.

Response: The methodology does take into account non-claim issues, as the National Health Expenditure projections include all plan expenses (including administrative costs and plan taxes and fees). We recognize that the methodology does not use a factor specific to individual private health insurance premiums, but we believe this is a reasonable estimate of future growth of all private health insurance premiums. We believe that the equation reflects a consistent approach for calculating this portion of the federal BHP payment for all states, and note that it incorporates state-specific values for the adjusted reference premium and the tobacco rating factor adjustment.

We also note that the federal 2015 BHP payment will be calculated using the actual 2015 Exchange premiums instead of the projected 2015 Exchange premiums (unless a state elects to use its 2014 premium as the basis for the 2015 calculation). We believe that this addresses the concerns raised by the commenters that there may be differences in the premium growth rates across states because the calculation will use actual Exchange premiums in effect for the year.

C. Required Rate Cells

In this section, we proposed that a state implementing BHP provide us with an estimate of the number of BHP enrollees it will enroll in the upcoming BHP program, by applicable rate cell, to determine the federal BHP payment amounts. For each state, we proposed using rate cells that separate the BHP population into separate cells based on the following five factors: age; geographic rating area; coverage status; household size; and income. For specific discussions, please refer to the December 23, 2013 proposed methodology (78 FR 77403).

We received the following comments on the proposed rate cells:

Comment: One commenter expressed support in using rate cells organized by income range to determine the aggregate federal BHP payment. The commenter believes that the variation in available PTC is minimal between the high and low points in each of the rates cells, and the proposed approach provides for an administratively simple way to calculate the federal BHP payment amount. The commenter believes that it was unclear in the proposed methodology how the averages in each rate cell will be calculated, and recommended that CMS provide states with the flexibility to determine the average PTC within each rate cell depending on the distribution of its BHP population.

Response: We thank the commenter for their support; however, we believe that applying a uniform distribution across income ranges within each rate cell to determine the average PTC is the most appropriate approach. This approach will allow for timely calculation of the rates, will eliminate the risk that rate cells with a small number of persons projected to enroll would see the BHP payment rates skewed, and will not require any estimation of BHP enrollment for each rate cell prospectively. Furthermore, we do not believe that determining the average PTC based on the distribution of the BHP population would materially change the final BHP payment.

Comment: Several commenters expressed concern that the age bands included in the proposed methodology were too broad, and recommended that CMS consider narrowing the age bands, particularly the 21–44 age band.

Response: We appreciate these comments, and the final BHP payment methodology will split the proposed age band into two separate age bands: 21–34 and 35–44.

Comment: One commenter requested that CMS offer as an option to states a smaller number of rate categories, actuarially rolled up from the population cells, to better align with the rate categories states already have established in their Medicaid information systems. The commenter believes that such an approach would reduce administrative burden on states implementing BHP.

Response: We appreciate and share the commenter's interest in reducing the administrative burden on states implementing BHP. The use of distinct rate cells is necessary to accurately reflect the different costs of the PTCs and CSRs for subcomponent population groups that would be paid if the individuals had been enrolled in coverage through the Exchange. This approach is necessary to ensure an accurate and precise determination of available federal funding in the absence of reliable data on the composition of the BHP population. At some future point in time, when reliable data is available about the BHP population, it might be possible to reduce the number of rate cells based on actuarial projections.

These rate cells will likely differ from the rate cells that the state uses to pay standard health plans (to the extent that a state uses rate cells at all), because they are based on a different underlying purpose. The BHP federal payment rate cells are to determine the PTCs and CSRs that would be paid in the absence of a BHP, while rate cells that a state may use for purpose of payment to standard health plans need to reflect the relative overall covered health care costs of each segment of the population. States have considerable flexibility in determining how to pay standard health plan offerors, and are not required to use rate cells at all. A state may elect to use the BHP federal payment rate cells, may use a payment structure borrowed from other insurance affordability programs, or may use a payment structure specifically designed for BHP.

D. Sources and State Data Considerations

We proposed in this section to use, to the extent possible, data submitted to the federal government by QHP issuers seeking to offer coverage through an Exchange to determine the federal BHP payment cell rates. However, in states operating a State Based Exchange (SBE), we proposed that such states submit required data for CMS to calculate the federal BHP payment rates in those states. For specific discussions, please refer to the December 23, 2013 proposed methodology (78 FR 77404).

We received the following comments on the data needed from SBEs to determine the federal BHP payment rates:

Comment: One commenter requested that CMS permit states operating SBEs to submit data after the January 20, 2014 deadline on a technical assistance basis.

Response: We will review 2014 premium data that is submitted on a technical assistance basis after the January 20, 2014 deadline to help

provide interested states determine preliminary 2015 federal BHP payment rates. Because final 2015 federal BHP payment rates will be determined using actual 2015 premium data, states do not need to submit 2014 premium data unless they are interested in working with CMS to develop preliminary estimates of the federal BHP payments using the 2014 data. Finally, we are also available to provide technical assistance to states as they collect the information needed to complete the premium collection tool.

E. Discussion of Specific Variables Used in Payment Equations

In this section, we proposed 11 specific variables to use in the payment equations that comprise the overall BHP funding methodology. For each proposed variable, we include a discussion on the assumptions and data sources used in developing the variables. For specific discussions, please refer to the December 23, 2013 proposed methodology (78 FR 77404).

We received the following comments on the specific variables used in the payment equations:

1. Variable 1—Reference Premium

Comment: Several commenters supported the assumptions used in developing the funding methodology, including the use of the second lowest cost silver plan premium and lowest cost bronze premium.

Response: We thank the commenters for their support and are finalizing the proposed assumptions.

Comment: While one commenter expressed support for using the second lowest cost silver plan as the methodology's reference premium, the commenter recommended that CMS permit the value of the second lowest cost silver plan change in the event that the QHP leaves the Exchange, or enrollment in the QHP closes.

Response: While we appreciate the commenter's interest in ensuring that the reference premium is reflective of the actual second lowest cost silver plan at a given point, we are not revising the final methodology to incorporate the commenter's recommendation. We believe that such a recommendation would prove inconsistent with the policy set forth in 26 CFR 1.36B–3(f)(6) to update the payment methodology, and subsequently the federal BHP payment rates, in the event that the second lowest cost silver plan used as the reference premium changes (that is terminates or closes enrollment during the year).

Comment: Several commenters requested that CMS consider using a national average premium as the reference premium in the methodology in the event that CMS does not adjust the methodology to use actual premiums rather than use a reference premium trended forward by the premium trend factor.

Response: While we appreciate the commenters' recommendation, we are not adopting the use of a national average premium as the methodology's reference premium as we believe this would be inconsistent with the requirements in statute. Unless otherwise notified by a state, we intend to use the actual 2015 second lowest cost silver plan premiums to determine the final 2015 federal BHP payment rates, which we believe addresses the commenters' concerns.

Comment: Several commenters requested that, when calculating the CSR component of the federal BHP payment, CMS account for the likelihood that American Indians and Alaska Natives will elect to enroll in a bronze-level QHP that would utilize the entire PTC that would have otherwise been available to the enrollees rather than assuming the enrollees will select the lowest cost bronze level QHP. The commenter noted that while American Indians and Alaska Natives purchasing coverage in the Exchange will likely select a bronze level QHP, they may not always select the lowest cost bronze plan.

Response: We appreciate the commenters' concerns about the level of funding related to American Indians and Alaska Natives enrolled in BHP. With regard to comments that the methodology assume that American Indians and Alaska Natives who enroll through the Exchange would choose a QHP with a premium that is at least equal to the value of the PTC, the payment methodology is consistent with this assumption.

With regard to the comments that American Indians and Alaska Natives who would enroll through the Exchange may select other bronze level QHPs than the lowest cost plan, we acknowledge the likelihood of the selection of different bronze level QHPs, but we believe it is not possible to project how these enrollees would select different plans for 2015 (similar to the limitations regarding the assumption of how enrollees would select plans other than the second lowest cost silver plan). In addition, while there may be instances where the value of PTC would exceed the value of some bronze QHP premiums, this may vary by age, household size, household income, and other factors; we believe this further limits the ability to project how enrollees would select different plans. Thus, we have selected what we believe to be an assumption that is reasonable and results in the correct level of funding for BHP.

2. Variable 2—Premium Trend Factor

Comment: Several commenters requested that CMS reconsider removing the premium trend factor from the methodology and simply reconcile the BHP federal payment rates using actual 2015 second lowest cost silver premiums. In the event that CMS will not use actual premiums, the commenters recommended, as an alternative, that CMS not use the proposed premium trend factor, but rather develop a factor that sufficiently offsets the artificially low 2014 Exchange premiums, or provide the state with the option to submit a state-specific trend factor that is based on other reliable cost and experience data. Commenters also expressed interest in using actual Exchange premium data to develop the premium trend factor in future program years.

Response: As noted in an earlier response, and discussed further in section III.D.1 of this final methodology, we will determine final 2015 federal BHP payment rates using actual 2015 premiums unless notified by a state to calculate its payment rates with 2014 premium data. We believe that this approach is appropriate in the first year of BHP implementation given the uncertainties in market conditions in the Exchanges.

Given that we are using actual 2015 premiums, we are not adopting the commenters' recommendation to apply a different premium trend factor other than the National Health Expenditure projection with an adjustment for the impact of the reinsurance pool on QHP premiums between 2014 and 2015. With respect to commenters' interest in the premium trend factor that will be used in future BHP program years, we will use actual Exchange and BHP experience to develop this factor for future funding methodologies, which will follow the Payment document process specified in the BHP final regulation. Publishing an annual proposed and final Payment document will help refine the BHP funding methodology as we gain more experience from the Exchanges as well as better data that is based on actual market conditions.

Comment: One commenter requested that CMS provide additional clarification on the transitional reinsurance adjustment. The commenter believes that the adjustment would include a component that would be

equal to the percentage of costs not covered by reinsurance recoveries in 2015 over the percentage of costs not covered by reinsurance recoveries in 2014.

Response: We provide additional clarification on the reinsurance adjustment in section III.F of this final methodology.

3. Variable 3—Population Health Factor

Comment: Several commenters disagreed with our proposed value for the population health factor. Specifically, commenters believe that the 1.00 value did not accurately reflect the health status of potential BHP eligible individuals in certain states. As such, commenters requested that CMS retrospectively adjust this factor using either a state-specific methodology, or the same methodology that is used to risk adjust in the individual market.

Response: We understand the commenters' interest in ensuring that the population health factor accurately reflects the health status of BHP individuals relative to consumers in the Exchange. In light of the comments we received on this issue, and, in particular, because of the lack of currently available data, we are providing states with an option to propose a methodology, as discussed further in section III.G of this final methodology, for CMS approval that would retrospectively adjust for risk. We understand that such an assessment may be necessary to determine whether the difference in health status between the state's BHP population and consumers in the Exchange would affect PTC, CSRs, risk adjustment and reinsurance payments that would have been made had BHP enrollees been enrolled in coverage through the Exchange.

While we are finalizing the proposed value of the population health factor, we would note that as additional experience is gained in the Exchange and more data becomes available, we believe that this factor will be reviewed to ensure it accurately reflects the health status of BHP enrollees relative to consumers in the Exchange.

Comment: While we received several comments in support of the proposed provision to exclude BHP from the individual market's risk pool, other commenters requested that CMS consider providing states with the option to include BHP in its individual market's risk pool. Commenters also requested that CMS permit states to have the ability to apply aspects of the reinsurance, risk adjustment, and risk corridor program to BHP. Several commenters noted that the existence of the reinsurance program has likely reduced individual market premiums, and further emphasized the importance of making a reinsurance payment in BHP using the same mechanism and conditions in the individual market.

Response: We have carefully considered this issue and have determined that BHP should be excluded from the individual market because the market reform rules under the Public Health Service Act that were added by Title I, Subtitles A and B of the Affordable Care Act, such as the requirements for guaranteed issue, and premium rating do not apply to standard health plans participating in BHP. Moreover, in accordance with 45 CFR 153.234 and 45 CFR 153.20, standard health plans operating under a BHP are not eligible to participate in the reinsurance program and the federally-operated risk adjustment program. With respect to the risk corridor program, the statute, under section 1342 of the Affordable Care Act, precludes standard health plans from participation. To the extent that a state operating a BHP determines that, because of the risk-profile of its BHP population, standard health plans should be included in mechanisms that share risk, the state would need to use other methods for achieving this goal, such as electing to submit a proposed methodology to retrospectively risk adjust.

Comment: One commenter requested that CMS consider, when developing risk formulas, to adequately capture risk associated with chronic and behavioral health conditions.

Response: We appreciate the comment, but as we are not developing a risk adjustment between the BHP and individual market populations for 2015, the issue of risk associated with chronic and behavioral health conditions does not affect the federal BHP payment. In the event that a state elects to propose a risk adjustment reconciliation methodology, we encourage the commenter to engage with the state as it develops such a methodology.

Comment: One commenter requested clarification on whether the population health factor will be based on a certain region, or if it will be a statewide adjustment.

Response: The population health factor will be a state-wide adjustment unless a state utilizes a different approach approved by CMS in its risk adjustment reconciliation methodology.

4. Variable 6—Income Reconciliation Factor

Comment: Several commenters recommended that CMS explicitly state that the PTC repayment caps specified in the Affordable Care Act will be applied to income reconciliation process in BHP.

Response: We appreciate the commenters' interest in ensuring that BHP enrollees are not subject to PTC repayments in excess of what would have otherwise occurred had they enrolled in the Exchange, but want to assure the commenters that BHP enrollees are not subject to PTC repayments. Repayments were considered as we developed the income reconciliation factor. While the repayment caps were included in the development of this factor, they do not apply to BHP enrollees as there is no individual income reconciliation process in BHP. BHP enrollees are not eligible to receive an advance payment of the PTC (APTC), and as such, they are not subject to the same income reconciliation process as Exchange consumers.

Comment: One commenter requested that CMS consider the differences in the income distribution of state BHP populations in estimating the reconciliation effect.

Response: We appreciate the comment, but we believe that a national factor is appropriate and we are maintaining it for this year's payment notice. We note that there is a relatively narrow range of incomes for BHP-eligible consumers, and thus state-specific income distributions are unlikely to have a significant impact on the BHP payment.

Comment: Several commenters recommended that CMS adjust the income reconciliation factor to account for certain eligibility and enrollment processes. For example, the commenters noted that if a state reviews databases and/or requires reporting of changes in enrollees' income and household composition, it would be unfair to apply a full reconciliation factor to this state since the income reconciliation factor assumes no income changes in the course of the payment year will affect eligibility. Commenters did note that a full reconciliation factor could be applied if a state elected to implement a 12-month continuous eligibility policy.

Response: The income reconciliation factor has been developed consistent with the assumption that states will adopt a continuous eligibility policy. We do not have a basis to develop a prospective factor if a state does not do so, because state review and redetermination processes will vary. We will consider revisiting this assumption in future years for such states, based on available data on the effectiveness of

state review and redetermination processes.

5. Variable 7—Tobacco Rating Adjustment Factor

Comment: Based on available state data, one commenter expressed concern that the BHP population may have higher rates of smoking relative to the state average. As such, the commenter requested that CMS apply an adjustment based on state average smoking rates.

Response: We appreciate the comment, and intend to use state-specific tobacco usage rates by age, based on data available from the Center for Disease Control and Prevention, which is described in more detail in section III.D.6 of this final methodology. We do not intend to make an adjustment based on different rates of tobacco usage by income level.

Comment: One commenter requested that CMS provide additional detail on how it will calculate the estimated adjustment when calculating the CSR and whether the tobacco adjustment factor will be the same factor statewide, or vary by region.

Response: The tobacco usage rates that are a component of the tobacco rating adjustment factor are statewide. To the extent that the difference between the non-tobacco and tobacco premiums varies by geographic rating area within the state, the tobacco rating adjustment factor may also vary as well.

6. Variable 8—Factor to Remove Administrative Costs

Comment: Several commenters requested that CMS either provide states the option to provide a state-specific factor, or to retrospectively reconcile using the actual medical loss ratio in the Exchange in a given BHP program year.

Response: We appreciate the comments, but we believe that using the factor that we proposed to remove administrative costs is the most appropriate and consistent methodology to calculate the federal BHP payment. We would clarify that the factor to remove administrative costs is not precisely the same as the medical loss ratio; the factor to remove administrative costs also excludes certain plan costs (such as taxes, fees, and quality improvement activities) that are not counted towards the total plan revenue when calculating the medical loss ratio. Thus, the factor to remove administrative costs would likely be less than the actual or target medical loss ratios.

Comment: Several commenters expressed concern that because states cannot expend BHP trust funds to cover administrative costs associated with BHP operations, including this factor in the methodology would only further reduce the state resources needed to support the operation of BHP.

Response: While we understand the commenters' concerns regarding the availability of funding for administrative costs, the statute does not permit states to use BHP trust funds for any activity beyond the expenditures related to the provision of the standard health plan except for lowering premiums and cost sharing and/or providing additional benefits. We believe that it is appropriate to include this factor in the funding methodology as it is necessary to remove costs such as taxes, fees and administrative expenses from the reference premium in order to determine the costs associated with allowed health benefits.

7. Variable 10—Induced Utilization Factor

Comment: Several commenters requested that CMS provide a state with the option to use a different induced utilization factor if it can demonstrate that utilization is more or less than 12 percent as a result of the CSRs.

Response: While we appreciate the commenters' interest in ensuring that the methodology is developed using the most accurate data available, we are not adopting the commenters' recommendation to permit such an option to states as we believe that using the factors developed for the 2015 HHS Payment Notice is the most appropriate methodology for calculating the federal BHP payment until more experience in BHP and the Exchange is gained and more data become available.

8. Variable 11—Changes in Actuarial Value

Comment: One commenter requested that CMS allow states to adjust for the actuarial value difference based on empirical evidence of the utilization for a typical BHP eligible population in that state.

Response: While we appreciate the commenter's interest in ensuring that the methodology is developed using the most accurate data available that is based on market experience, we are not adopting the commenter's recommendation to permit such an option to states as it is not consistent with statute. The change in actuarial value, which determines the value of the CSR, is specified in statute. As such, there is no basis to make such an adjustment based on state experience.

F. Adjustments for American Indians and Alaska Natives

We proposed to make several adjustments for American Indians and Alaska Natives when calculating the CSR portion of the federal BHP payment rate to be consistent with the Exchange rules. For specific discussions, please refer to the December 23, 2013 proposed methodology (78 FR 77409).

We received the following comments on the proposed adjustments when calculating the CSR component for American Indians and Alaska Natives:

Comment: Several commenters supported our proposal to make several adjustments for American Indians and Alaska Natives when calculating the CSR portion of the federal BHP payment rate.

Response: We thank the commenters for their support and are finalizing the proposed provision.

Comment: Consistent with their comments regarding the reference premium, many commenters requested that CMS provide states with the option to retrospectively reconcile their federal BHP payments using actual premiums for the lowest cost bronze plans in the CSR calculation for American Indians and Alaska Natives.

Response: As discussed further in section III.D.1 of this final methodology, and elsewhere, we believe that it is appropriate for the first year of BHP implementation to determine final 2015 federal BHP payments using actual 2015 premiums, unless otherwise notified by the state, given the market uncertainties and the infancy of the Exchanges. Given this, we will also use actual 2015 lowest cost bronze plan premiums to calculate the CSR component for American Indians and Alaska Natives.

G. Example Application of the BHP Funding Methodology

In this section, we included an example of the proposed approach described in the proposed methodology. For specific discussions, please refer to the December 23, 2013 proposed methodology (78 FR 77410).

We received the following comment on the example application of the BHP funding methodology:

Comment: One commenter requested clarification with respect to column 2 in Table 2 of the proposed methodology (78 FR 77411). Specifically, the commenter believes that the percentages included in the column were incorrect and requested that the correct values be included in the final methodology.

Response: We thank the commenter for identifying the incorrect percentages in Table 2 of the proposed methodology.

Because the table was simply illustrative, we are not republishing the table in this final methodology. The incorrect percentages did not affect the illustrative purpose of the Table, but the correct values should have ranged from 3.29 to 4.00 percent, instead of 2.29 to 3.00 percent.

H. General/Miscellaneous Comments

We received the following general comments on the proposed federal BHP funding methodology, as well as comments related to the BHP proposed rule:

Comment: One commenter expressed support for the proposed methodology stating that CMS had struck the right balance without making the methodology unduly complex.

Response: We thank the commenter for their support.

Comment: Several commenters expressed concern that the proposed BHP funding methodology will not provide sufficient funding to sustain existing state coverage programs that provide affordable coverage to individuals enrolled in such programs.

Response: We appreciate the commenters' concerns with respect to ensuring the availability of affordable coverage and continuing existing programs to prevent disruptions in care; however, the statute specifies that the Secretary will determine the BHP funding amount such that it equals 95 percent of the PTC and CSRs that would have otherwise been available had BHP enrollees received QHP coverage in an Exchange.

Comment: Several commenters requested that CMS consider offering states the option of implementing risk corridors as a means of sharing risk.

Response: We appreciate the commenters' interest in the implementation of risk corridors in BHP; to the extent that a state operating a BHP determines that, because of the risk-profile of its BHP population, standard health plans should be included in mechanisms that share risk, the state would need to establish state-specific methods for achieving this goal, such as proposing a risk adjustment reconciliation methodology. Because section 1342 of the Affordable Care Act specifically limits the risk corridor program to QHPs, standard health plans operating under BHP are not eligible to participate. As such, we are not revising the final methodology to adopt the commenters' recommendation as the document provides state flexibility in using other methods to implement mechanisms that share risk.

Comment: Several commenters urged CMS to permit states to use BHP trust funds to cover the administrative costs associated with implementing BHP.

Response: This comment is outside the scope of this final methodology; however, we received an identical comment on the BHP proposed rule. The statute only permits the expenditure of BHP trust funds to further reduce premiums and cost sharing and provide additional benefits to individuals eligible for BHP; more detail is provided in the BHP final rule.

Comment: One commenter requested that CMS clarify whether BHP trust funds can be used to provide benefits beyond Essential Health Benefits (EHBs) and to make supplemental payments to FQHCs if such payments are not equal to the PPS rate. The commenter also recommended that CMS require states to use excess funds to lower premiums and cost sharing.

Response: This comment is outside the scope of this final methodology; however, we received an identical comment on the BHP proposed rule. The statute does provide states with the flexibility to expend BHP trust funds to further reduce premiums and cost sharing and provide additional benefits to individuals eligible for BHP; more detail is provided in the BHP final rule.

Comment: One commenter requested that CMS require states to align their BHPs with existing Medicaid regulations and program requirements to prevent ''churn'' (that is, the temporary shifting of low-income individuals from one insurance affordability program to another).

Response: This comment is outside the scope of this final methodology; however, please refer to specific discussions in the BHP final rule regarding the insurance affordability program coordination requirements.

Comment: One commenter requested specific guidance on the premiums and cost sharing imposed on BHP enrollees, including whether these amounts can vary by income consistent with the premiums and cost sharing imposed in the Exchange.

Response: This comment is outside the scope of this final methodology; however, we received an identical comment on the BHP proposed rule, which is addressed further in the BHP final rule.

Comment: One commenter requested that CMS require states, as a condition of payment, assure that the BHP cost-sharing protections applicable to American Indians and Alaska Natives are equivalent to those these individuals would receive through the Exchange.

Response: This comment is outside the scope of this final methodology; however, we received an identical comment on the BHP proposed rule, which is addressed further in the BHP final rule.

Comment: One commenter expressed concern that the federal regulations and informal guidance implementing the Exchange's network adequacy standards do not sufficiently acknowledge FQHC's importance as safety-net providers, and recommended that CMS require the availability of FQHC services to each enrollee.

Response: This comment is outside the scope of this final methodology; however, we received an identical comment on the BHP proposed rule, which is addressed further in the BHP final rule.

Comment: Several commenters recommended that CMS require states to include FQHCs in their standard health plan contracts and ensure that FQHCs receive the PPS rate for services rendered.

Response: This comment is outside the scope of this final methodology; however, we received an identical comment on the BHP proposed rule, which is addressed further in the BHP final rule.

III. Provisions of the Final Methodology

A. Overview of the Funding Methodology and Calculation of the Payment Amount

Section 1331(d)(3) of the Affordable Care Act directs the Secretary to consider several factors when determining the federal BHP payment amount, which, as specified in the statute, must equal 95 percent of the value of the PTC and CSRs that BHP enrollees would have been provided had they enrolled in a QHP through an Exchange. Thus, the BHP funding methodology is designed to calculate the PTC and CSRs as consistently as possible and in general alignment with the methodology used by Exchanges to calculate the advance payments of the PTC and CSRs, and by the IRS to calculate final PTCs. In general, we rely on values for factors in the payment methodology specified in statute or other regulations as available, and we have developed values for other factors not otherwise specified in statute, or previously calculated in other regulations, to simulate the values of the PTC and CSRs that BHP enrollees would have received if they had enrolled in QHPs offered through an Exchange. In accordance with section 1331(d)(3)(A)(iii) of the Affordable Care Act, the final funding methodology must be certified by the Chief Actuary of CMS, in consultation with the Office of Tax Analysis of the Department of the

Treasury, as having met the requirements of section 1331(d)(3)(A)(ii) of the Affordable Care Act.

Section 1331(d)(3)(A)(ii) of the Affordable Care Act specifies that the payment determination ''shall take into account all relevant factors necessary to determine the value of the premium tax credits and cost-sharing reductions that would have been provided to eligible individuals . . . including the age and income of the enrollee, whether the enrollment is for self-only or family coverage, geographic differences in average spending for health care across rating areas, the health status of the enrollee for purposes of determining risk adjustment payments and reinsurance payments that would have been made if the enrollee had enrolled in a qualified health plan through an Exchange, and whether any reconciliation of the credit or cost-sharing reductions would have occurred if the enrollee had been so enrolled.'' The payment methodology takes each of these factors into account.

We have developed a methodology such that the total federal BHP payment amount will be based on multiple ''rate cells'' in each state. Each ''rate cell'' represents a unique combination of age range, geographic rating area, coverage category (for example, self-only or two-adult coverage through BHP), household size, and income range as a percentage of FPL. Thus, there are distinct rate cells for individuals in each coverage category within a particular age range who reside in a specific geographic rating area and are in households of the same size and income range. We note that for states that do not use age as a rating factor in the individual market, we will develop BHP payment rates to be consistent with those states' rating rules. Thus, in the case of a state that does not use age as a rating factor, the BHP payment rates would not vary by age.

The federal BHP payment rate for each rate cell will be calculated in two parts. The first part will equal 95 percent of the estimated PTC that would have been paid if a BHP enrollee in that rate cell had instead enrolled in a QHP in the Exchange. The second part will equal 95 percent of the estimated CSR payment that would have been made if a BHP enrollee in that rate cell had instead enrolled in a QHP in the Exchange. These two parts will be added together and the total rate for that rate cell will equal the sum of the PTC and CSR rates.

To calculate the total federal BHP payment, Equation (1) will be used to calculate the estimated PTC for individuals in each rate cell and Equation (2) will be used to calculate the estimated CSR payments for individuals in each rate cell. By applying the equations separately to rate cells based on age, income and other factors, we will have taken those factors into account in the calculation. In addition, the equations incorporate the estimated experience of individuals in each rate cell if enrolled in coverage through the Exchange, taking into account additional relevant variables. Each of the variables in the equations is defined in the following sections, and further detail is provided later in this section of the payment methodology.

In addition, we describe how we will calculate the adjusted reference premium (described later in this section of the payment methodology) that is used in Equations (1) and (2). This is defined in Equation (3a) and Equation (3b).

1. Equation 1: Estimated PTC by Rate Cell

The estimated PTC, on a per enrollee basis, will be calculated for each rate cell for each state based on age range, geographic rating area, coverage category, household size, and income range. The PTC portion of the rate will be calculated in a manner consistent with the methodology used to calculate the PTC for persons enrolled in a QHP, with three adjustments. First, the PTC portion of the rate for each rate cell will represent the mean, or average, expected PTC that all persons in the rate cell would receive, rather than being calculated for each individual enrollee. Second, the reference premium used to calculate the PTC (described in more detail later in the section) will be adjusted for BHP population health status (and, in the case of a state that elects to use 2014 premiums for the basis of the BHP federal payment, for the projected change in the premium from the current year (that is, the year of the final payment methodology) to the following year, to which the rates announced in the final payment methodology would apply.) These adjustments are described in Equation (3a) and Equation (3b). Third, the PTC will be adjusted prospectively to reflect the mean, or average, net expected impact of income reconciliation on the combination of all persons enrolled in BHP; this adjustment, as described further below, will account for the estimated impact on the PTC that would have occurred had such reconciliation been performed. Finally, the rate will be multiplied by 95 percent, consistent with section 1331(d)(3)(A)(i) of the Affordable Care Act. We note that in the situation where the average income contribution of an enrollee would exceed the adjusted reference premium, we will calculate the PTC to be equal to 0 and not let the PTC be negative. Equation (1) is defined as:

$$\textbf{Equation (1)}:\ PTC_{a,g,c,h,i} = \left[ARP_{a,g,c} - \frac{\sum_j I_{h,i,j} \times PTCF_{h,i,j}}{n} \right] \times IRF \times 95\%$$

$PTC_{a,g,c,h,i}$ = Premium tax credit portion of BHP payment rate
a = Age range
g = Geographic rating area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)
$ARP_{a,g,c}$ = Adjusted reference premium
$I_{h,i,j}$ = Income (in dollars per month) at each 1 percentage-point increment of FPL
j = j^{th} percentage-point increment FPL
n = Number of income increments used to calculate the mean PTC
$PTCF_{h,i,j}$ = Premium Tax Credit Formula percentage
IRF = Income reconciliation factor

2. Equation 2: Estimated CSR Payment by Rate Cell

The CSR portion of the rate will be calculated for each rate cell for each state based on age range, geographic rating area, coverage category, household size, and income range defined as a percentage of FPL. The CSR portion of the rate will be calculated in a manner consistent with the methodology used to calculate the CSR advance payments for persons enrolled in a QHP, as described in the HHS Notice of Benefit and Payment Parameters for 2015 proposed rule, with three principal adjustments. (We will make separate calculations that include different adjustments for American Indian Alaska Native BHP enrollees, as described in section III.E of this final

methodology.) For the first adjustment, the CSR rate, like the PTC rate, will represent the mean, or average, expected CSR subsidy that would be paid on behalf of all persons in the rate cell, instead of the CSR subsidy being calculated for each individual enrollee. Second, this calculation will be based on the adjusted reference premium, as described below. Third, as explained earlier, this equation uses an adjusted reference premium that reflects premiums charged to non-tobacco users, rather than the actual premium that is charged to tobacco users to calculate CSR advance payments for tobacco users enrolled in a QHP. Accordingly, the equation includes a tobacco rating adjustment factor that will account for BHP enrollees' estimated tobacco-related health costs that are outside the premium charged to non-tobacco-users. Finally, the rate will be multiplied by 95 percent, as provided in section 1331(d)(3)(A)(i) of the Affordable Care Act.

Equation (2) is defined as:

$$\textbf{Equation (2)}: \; CSR_{a,g,c,h,i} = \frac{ARP_{a,g,c} \times TRAF \times FRAC}{AV} \times IUF_{h,i} \times \Delta AV_{h,i} \times 95\%$$

$CSR_{a,g,c,h,i}$ = Cost-sharing reduction subsidy portion of BHP payment rate
a = Age range
g = Geographic rating area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)
$ARP_{a,g,c}$ = Adjusted reference premium
$TRAF$ = Tobacco rating adjustment factor
$FRAC$ = Factor removing administrative costs
AV = Actuarial value of plan (as percentage of allowed benefits covered by the applicable QHP without a cost-sharing reduction subsidy)
$IUF_{h,i}$ = Induced utilization factor
$\Delta AV_{h,i}$ = Change in actuarial value (as percentage of allowed benefits)

3. Equation 3a and Equation 3b: Adjusted Reference Premium Variable (Used in Equations 1 and 2)

As part of these calculations for both the PTC and CSR components, the value of the adjusted reference premium is described, as specified in Equation (3a) (except in the case of a state that elects to use the 2014 premiums as the basis for the federal BHP payment, as described in section III.F of this final methodology, and in which case Equation (3b) will be used). The adjusted reference premium will be equal to the reference premium, which will be based on the second lowest cost silver plan premium in 2015, multiplied by the BHP population health factor (described in section III.D of this final methodology), which will reflect the projected impact that enrolling BHP-eligible individuals in QHPs on an Exchange would have had on the average QHP premium.

$$\textbf{Equation (3a)}: \; ARP_{a,g,c} = RP_{a,g,c} \times PHF$$

$ARP_{a,g,c}$ = Adjusted reference premium
a = Age range
g = Geographic rating area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
$RP_{a,g,c}$ = Reference premium
PHF = Population health factor

In the case of a state that elects to use the reference premium based off of the 2014 premiums (as described in section III.F of this final methodology), the value of the adjusted reference premium will be calculated using Equation (3b). The adjusted reference premium will be equal to the reference premium, which would be based on the second lowest cost silver plan premium in 2014, multiplied by the BHP population health factor (described in section III.D of this final methodology), which will reflect the projected impact that enrolling BHP-eligible individuals in QHPs on an Exchange would have had on the average QHP premium, and by the premium trend factor, which will reflect the projected change in the premium level between 2014 and 2015 (including the estimated impact of changes resulting from the transitional reinsurance program established in section 1341 of the Affordable Care Act).

$$\textbf{Equation (3b)}: \; ARP_{a,g,c} = RP_{a,g,c} \times PHF \times PTF$$

$ARP_{a,g,c}$ = Adjusted reference premium
a = Age range
g = Geographic rating area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
$RP_{a,g,c}$ = Reference premium
PHF = Population health factor
PTF = Premium trend factor

4. Equation 4: Determination of Total Monthly Payment for BHP Enrollees in Each Rate Cell

In general, the rate for each rate cell will be multiplied by the number of BHP enrollees in that cell (that is, the number of enrollees that meet the criteria for each rate cell) to calculate the total monthly BHP payment. This calculation is shown in Equation 4.

$$\textbf{Equation (4)}: PMT = \sum \left[\left(PTC_{a,g,c,h,i} + CSR_{a,g,c,h,i} \right) \times E_{a,g,c,h,i} \right]$$

PMT = Total monthly BHP payment
$PTC_{a,g,c,h,i}$ = Premium tax credit portion of BHP payment rate
$CSR_{a,g,c,h,i}$ = Cost-sharing reduction subsidy portion of BHP payment rate
$E_{a,g,c,h,i}$ = Number of BHP enrollees
a = Age range
g = Geographic rating area
c = Coverage status (self-only or applicable category of family coverage) obtained through BHP
h = Household size
i = Income range (as percentage of FPL)

B. Federal BHP Payment Rate Cells

We will require that a state implementing BHP provide us an estimate of the number of BHP enrollees it projects will enroll in the upcoming BHP program year, by applicable rate cell, prior to the first quarter of program operations. Upon our approval of such estimates as reasonable, the estimates will be used to calculate the prospective payment for the first and subsequent quarters of program operation until the state has provided us actual enrollment data. These data will be required to calculate the final BHP payment amount, and make any necessary reconciliation adjustments to the prior quarters' prospective payment amounts due to differences between projected and actual enrollment. Subsequent quarterly deposits to the state's trust fund will be based on the most recent actual enrollment data submitted to us. Procedures will ensure that federal payments to a state reflect actual BHP enrollment during a year, within each applicable category, and prospectively determined federal payment rates for each category of BHP enrollment, with such categories defined in terms of age range, geographic rating area, coverage status, household size, and income range, as explained above.

We will require the use of certain rate cells as part of the federal BHP payment methodology. For each state, we will use rate cells that separate the BHP population into separate cells based on the following five factors:

Factor 1—Age: We will separate enrollees into rate cells by age, using the following age ranges that capture the widest variations in premiums under HHS's Default Age Curve: [1]

- Ages 0–20.
- Ages 21–34.
- Ages 35–44.
- Ages 45–54.
- Ages 55–64.

Factor 2—Geographic rating area: For each state, we will separate enrollees into rate cells by geographic rating areas within which a single reference premium is charged by QHPs offered through the state's Exchange. Multiple, non-contiguous geographic rating areas may be incorporated within a single cell, so long as those areas share a common reference premium.[2]

Factor 3—Coverage status: We will separate enrollees into rate cells by coverage status, reflecting whether an individual is enrolled in self-only coverage or persons are enrolled in family coverage through BHP, as provided in section 1331(d)(3)(A)(ii) of the Affordable Care Act. Among recipients of family coverage through BHP, separate rate cells, as explained below, will apply based on whether such coverage involves two adults alone or whether it involves children.

Factor 4—Household size: We will separate enrollees into rate cells by household size that states use to determine BHP enrollees' income as a percentage of the FPL under proposed 42 CFR 600.320. We will require separate rate cells for several specific household sizes. For each additional member above the largest specified size, we will publish instructions on how we will calculate the appropriate payment rate based on data for the rate cell with the closest specified household size. We will publish rates for separate rate cells for household sizes 1, 2, 3, 4, and 5, as unpublished analyses of American Community Survey data conducted by the Urban Institute (which take into account unaccepted offers of employer-sponsored insurance, as well as income, Medicaid and CHIP eligibility, citizenship and immigration status, and current health coverage status) find that less than 1 percent of all BHP-eligible persons live in households of size 5 or greater.

Factor 5—Income: For households of each applicable size, we will create separate rate cells by income range, as a percentage of FPL. The PTC that a person would receive if enrolled in a QHP varies by income, both in level and as a ratio to the FPL, and the CSR varies by income as a percentage of FPL. Thus, separate rate cells will be used to calculate federal BHP payment rates to reflect different bands of income measured as a percentage of FPL. We will use the following income ranges, measured as a ratio to the FPL:

- 0 to 50 percent of the FPL.
- 51 to 100 percent of the FPL.
- 101 to 138 percent of the FPL.[3]
- 139 to 150 percent of the FPL.
- 151 to 175 percent of the FPL.
- 176 to 200 percent of the FPL.

These rate cells will only be used to calculate the federal BHP payment amount. A state implementing BHP is not be required to use these rate cells or any of the factors in these rate cells as part of the state payment to the standard health plans participating in BHP or to help define BHP enrollees' covered benefits, premium costs, or out-of-pocket cost-sharing levels.

We will use the calculated rate for each rate cell to determine the federal BHP payment, rather than varying such rates to correspond to each individual BHP enrollee's age and income level. We believe that the proposed approach will increase the administrative feasibility of making federal BHP payments and provide an accurate and reasonable methodology for calculating the total federal BHP payment. We believe that this approach should not significantly change federal payment amounts, as within applicable ranges, the BHP-eligible population is distributed relatively evenly.

C. Sources and State Data Considerations

To the extent possible, we will use data submitted to the federal government by QHP issuers seeking to offer coverage through an Exchange to perform the calculations that determine federal BHP payment cell rates.

States operating a State Based Exchange (SBE) in the individual market, however, must provide certain data, including premiums for second lowest cost silver plans, by geographic rating area, in order for CMS to calculate the federal BHP payment rates in those states. An SBE state interested in obtaining the applicable federal BHP payment rates for its state must submit such data accurately, completely, and as specified by CMS, by no later than November 1, 2014, in order for CMS to calculate the applicable rates for 2015. If additional state data (that is, in addition to the second lowest cost silver plan premium data) are needed to determine the federal BHP payment

[1] This curve is used to implement the Affordable Care Act's 3:1 limit on age-rating in states that do not create an alternative rate structure to comply with that limit. The curve applies to all individual market plans, both within and outside the Exchange. The age bands capture the principal allowed age-based variations in premiums as permitted by this curve. More information can be found at *http://www.cms.gov/CCIIO/Resources/Files/Downloads/market-reforms-guidance-2-25-2013.pdf.* Both children and adults under age 21 are charged the same premium. For adults age 21–64, the age bands in this methodology divide the total age-based premium variation into the three most equally-sized ranges (defining size by the ratio between the highest and lowest premiums within the band) that are consistent with the age-bands used for risk-adjustment purposes in the HHS-Developed Risk Adjustment Model. For such age bands, see Table 5, ''Age-Sex Variables,'' in HHS-Developed Risk Adjustment Model Algorithm Software, May 7, 2013, *http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/ra_tables_04_16_2013xlsx.xlsx.*

[2] For example, a cell within a particular state might refer to ''County Group 1,'' ''County Group 2,'' etc., and a table for the state would list all the counties included in each such group. These geographic areas are consistent with the geographic rating areas established under the 2014 Market Reform Rules. They also reflect the service area requirements applicable to qualified health plans, as described in 45 CFR § 155.1055, except that service areas smaller than counties are addressed as explained below.

[3] The three lowest income ranges would be limited to lawfully present immigrants who are ineligible for Medicaid because of immigration status.

rate, such data must be submitted in a timely manner, and in a format specified by CMS to support the development and timely release of annual BHP payment notices. The specifications for data collection to support the development of BHP payment rates for 2015 will be published in a separate CMS notice.

If a state operating a SBE provides the necessary data accurately, completely, and as specified by CMS, but after the date specified above, we anticipate publishing federal payment rates for such a state in a subsequent Payment Notice. As noted in the BHP proposed rule, a state may elect to implement its BHP after a program year has begun. In such an instance, we propose that the state, if operating a SBE, submit its data no later than 30 days after the Blueprint submission for CMS to calculate the applicable federal payment rates. We further propose that the BHP Blueprint itself must be submitted for Secretarial certification with an effective date of no sooner than 120 days after submission of the BHP Blueprint. In addition, the state must ensure that its Blueprint include a detailed description of how the state will coordinate with other insurance affordability programs to transition and transfer BHP-eligible individuals out of their existing QHP coverage, consistent with the requirements set forth in proposed in 42 CFR 600.330 and 600.425. We believe that this 120-day period is necessary to establish the requisite administrative structures and ensure that all statutory and regulatory requirements are satisfied.

D. Discussion of Specific Variables Used in Payment Equations

1. Reference Premium (RP)

To calculate the estimated PTC that would be paid if individuals enrolled in QHPs through the Exchange, we must calculate a reference premium (RP) because the PTC is based, in part, on the premiums for the second lowest cost silver plan as explained in section II.C.5 of this final methodology regarding the Premium Tax Credit Formula (PTCF). Accordingly, for the purposes of calculating the BHP payment rates, the reference premium, in accordance with 26 U.S.C. 36B(b)(3)(C), is defined as the adjusted monthly premium for an applicable second lowest cost silver plan. The applicable second lowest cost silver plan is defined in 26 U.S.C. 36B(b)(3)(B) as the second lowest cost silver plan of the individual market in the rating area in which the taxpayer resides, which is offered through the same Exchange. We will use the adjusted monthly premium for an applicable second lowest cost silver plan in 2015 as the reference premium (except in the case of a state that elects to use the 2014 premium as the basis for the federal BHP payment, as described in section III.F of this final methodology).

The reference premium will be the premium applicable to non-tobacco users. This is consistent with the provision in 26 U.S.C. 36B(b)(3)(C) that bases the PTC on premiums that are adjusted for age alone, without regard to tobacco use, even for states that allow insurers to vary premiums based on tobacco use pursuant to 42 U.S.C. 300gg(a)(1)(A)(iv).

Consistent with the policy set forth in 26 CFR 1.36B–3(f)(6) to calculate the PTC for those enrolled in a QHP through an Exchange, we will not update the payment methodology, and subsequently the federal BHP payment rates, in the event that the second lowest cost silver plan used as the reference premium changes (that is, terminates or closes enrollment during the year).

The applicable second lowest cost silver plan premium will be included in the BHP payment methodology by age range, geographic area, and self-only or applicable category of family coverage obtained through BHP.

American Indians and Alaska Natives are eligible for a full cost sharing subsidy regardless of the plan they select. We assume that American Indians and Alaska Natives would be more likely to enroll in bronze plans as a result; thus, for American Indian/Alaska Native BHP enrollees, we will use the lowest cost bronze plan as the basis for the reference premium for the purposes of calculating the CSR portion of the federal BHP payment as described further in section III.E of this final methodology.

The applicable age bracket will be one dimension of each rate cell. We have assumed a uniform distribution of ages and will estimate the average premium amount within each rate cell. We believe that assuming a uniform distribution of ages within these ranges is a reasonable approach and would produce a reliable determination of the PTC and CSR components. We also believe this approach would avoid potential inaccuracies that could otherwise occur in relatively small payment cells if age distribution were measured by the number of persons eligible or enrolled. We will also use the same geographic rating areas as specified for the Exchanges in each state within which the same second lowest cost silver level premium is charged. Although plans are allowed to serve geographic rating areas smaller than counties after obtaining our approval, for purposes of defining BHP payment rate cells, no geographic area will be smaller than a county. We do not believe that this assumption will have a significant impact on federal payment levels and it would likely simplify both the calculation of BHP payment rates and the operation of BHP.

Finally, in terms of the coverage category, federal payment rates will only recognize self-only and two-adult coverage, with exceptions that account for children who are potentially eligible for BHP. First, in states that set the upper income threshold for children's Medicaid and CHIP eligibility below 200 percent of FPL (based on modified adjusted gross income), children in households with incomes between that threshold and 200 percent of FPL would be potentially eligible for BHP. Currently, the only states in this category are Arizona, Idaho, and North Dakota.[4] Second, BHP would include lawfully present immigrant children with incomes at or below 200 percent of FPL in states that have not exercised the option under the sections 1903(v)(4)(A)(ii) and 2107(e)(1)(E) of the Social Security Act (the Act) to qualify all otherwise eligible, lawfully present immigrant children for Medicaid and CHIP. States that fall within these exceptions would be identified based on their Medicaid and CHIP State Plans, and the rate cells would include appropriate categories of BHP family coverage for children. In other states, BHP eligibility will generally be restricted to adults, since children who are citizens or lawfully present immigrants and who live in households with incomes at or below 200 percent of FPL will qualify for Medicaid or CHIP and thus be ineligible for BHP under section 1331 (e)(1)(C) of the Affordable Care Act, which limits BHP to individuals who are ineligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986).

2. Population Health Factor (PHF)

We considered including an explicit population health factor in each rate cell that varies based on the characteristics of BHP enrollees within that cell, but we are not proposing such a variable, for several reasons. We believe that because BHP-eligible consumers' are eligible to enroll in QHPs in 2014, the 2014 QHP premiums already account for the health status of BHP-eligible consumers, as

[4] CMCS. ''State Medicaid and CHIP Income Eligibility Standards Effective January 1, 2014.''

explained in further detail below. Also, the function of this factor is to provide a reference premium amount that reflects the premiums that QHPs would have charged without the implementation of BHP, taking into account both the risk profile of BHP-eligible consumers in the state and the operation of risk-adjustment and reinsurance mechanisms in the Exchanges. Our proposed approach to the population health factor seeks to achieve this goal based on the characteristics of the state's BHP-eligible consumers as a whole.

In the BHP proposed rule, we described in preamble what we believe to be the most appropriate approach to account for potential differences in health status between BHP enrollees and consumers in the individual market, including those obtaining coverage through the Exchange—that is, including a risk adjustment factor in the BHP funding methodology. We believe that it is appropriate to consider whether or not to develop a population health adjustment to account for potential differences in health status between persons eligible for BHP and those enrolled in the individual market, as the two populations may not have the same average health status.

Accordingly, we have considered applying a population-wide adjustment for health status in the BHP payment calculation to account for the impact on a state's Exchange premiums, hence the PTC and the value of CSRs, of changes to average risk levels in the state's individual market that result from BHP implementation. Our proposed approach to the adjustment for population health status seeks to have the federal BHP payment reflect the premium that would have been charged if BHP-eligible consumers were allowed to purchase QHPs in their state's Exchange, rather than the premium that is being charged in the Exchange without the inclusion of BHP consumers. This factor would be greater than 1.00 if BHP enrollees in a state are, on average, in poorer health status than those covered through the state's individual market, and thus Exchange premiums would have been higher had the state not implemented BHP. This factor would be less than 1.00 if BHP enrollees in a state are, on average, in better health status than those covered through the state's individual market, and thus Exchange premiums would have been lower if the state had not implemented BHP.

We proposed that the population health adjustment for the 2015 BHP program year would equal 1.00. Most BHP-eligible consumers will be able to purchase coverage in the individual market during 2014, or the ''measurement year''—that is, the year that precedes implementation of BHP and that provides the basis for estimating unadjusted reference premiums; thus, making no adjustment to the premiums for differences in BHP-eligible enrollees' health would be appropriate. As a result, BHP-eligible consumers' health status is already included in the premiums that would be used to calculate the federal BHP payment rates.

In states where significant numbers of BHP-eligible persons are covered outside of the individual market in 2014, it may be possible to estimate differences in expected health status between persons who are eligible for BHP and persons otherwise eligible for coverage in the individual market. However, we believe that the different levels of federal subsidies based on household income for coverage for persons enrolled in a QHP through an Exchange may have a substantial influence on the participation rate of enrollees. This may result in relatively healthier persons with higher levels of subsidies enrolling in coverage, and this effect may partially or entirely offset some other differences in the health status between BHP-eligible persons and those otherwise covered in the individual market.

On the Exchanges, premiums in most states will vary based on age, which research has shown is directly correlated to average health cost. Because the reference premium used to calculate BHP federal payment rates will vary by age, some of the difference in average health costs would be addressed by this approach to calculating the BHP payment. However, this does not further simplify the task of estimating the remaining adjustment needed to compensate for any impact of BHP implementation on average risk levels in the state's individual market. Given these analytic challenges, the existing role played by age-rated premiums in compensating for risk, and the limited data about Exchange coverage and the characteristics of BHP-eligible consumers that will available by the time we establish federal payment rates for 2015, we believe that the most appropriate adjustment for 2015 would be 1.00, including in states that cover BHP-eligible persons outside the individual market in 2014. In the event that states believe this adjustment is not reflective of the health status of their BHP populations, we are providing states with the option, as described further in section III.G, to include a retrospective population health status adjustment in the certified methodology, which is subject to CMS review and approval. Regardless of whether a state elects to include a retrospective population health status adjustment, we anticipate that, in future years, when additional data become available about Exchange coverage and the characteristics of BHP enrollees, we may estimate this factor differently.

Finally, while the statute requires consideration of risk adjustment payments and reinsurance payments insofar as they would have affected the PTC and CSRs that would have been provided to BHP-eligible individuals had they enrolled in QHPs, this does not mean that a BHP program's standard health plans receive such payments. As explained in the BHP final rule, BHP standard health plans are not included in the risk adjustment program operated by HHS on behalf of states. Further, standard health plans do not qualify for payments from the transitional reinsurance program established under section 1341 of the Affordable Care Act.[5] To the extent that a state operating a BHP determines that, because of the distinctive risk profile of BHP-eligible consumers, BHP standard health plans should be included in mechanisms that share risk with other plans in the state's individual market, the state would need to use other methods for achieving this goal.

3. Income (I)

Household income is a significant determinant of the amount of the PTC and CSRs that are provided for persons enrolled in a QHP through the Exchange. Accordingly, the BHP payment methodology incorporates income into the calculations of the payment rates through the use of income-based rate cells. We are defining income in accordance with the definition of modified adjusted gross income in 26 U.S.C. 36B(d)(2)(B) and consistent with the definition in 45 CFR 155.300. Income will be measured relative to the FPL, which is updated periodically in the **Federal Register** by the Secretary of Health and Human Services under the authority of 42 U.S.C. 9902(2), based on annual changes in the consumer price index for all urban consumers (CPI–U). In this methodology, household size and income as a percentage of FPL would be

[5] See 45 CFR 153.400(a)(2)(iv) (BHP standard health plans are not required to submit reinsurance contributions), 153.20 (definition of ''Reinsurance-eligible plan'' as not including ''health insurance coverage not required to submit reinsurance contributions''), § 153.230(a) (reinsurance payments under the national reinsurance parameters are available only for ''Reinsurance-eligible plans'').

used as factors in developing the rate cells. We will use the following income ranges measured as a percentage of FPL:[6]

- 0–50 percent.
- 51–100 percent.
- 101–138 percent.
- 139–150 percent.
- 151–175 percent.
- 176–200 percent.

We will assume a uniform income distribution for each federal BHP payment cell. We believe that assuming a uniform income distribution for the income ranges proposed would be reasonably accurate for the purposes of calculating the PTC and CSR components of the BHP payment and would avoid potential errors that could result if other sources of data were used to estimate the specific income distribution of persons who are eligible for or enrolled in BHP within rate cells that may be relatively small. Thus, when calculating the mean, or average, PTC for a rate cell, we will calculate the value of the PTC at each one percentage point interval of the income range for each federal BHP payment cell and then calculate the average of the PTC across all intervals. This calculation will rely on the PTC formula described below.

As the PTC for persons enrolled in QHPs would be calculated based on their income during the open enrollment period, and that income would be measured against the FPL at that time, we will adjust the FPL by multiplying the FPL by a projected increase in the CPI–U between the time that the BHP payment rates are published and the QHP open enrollment period, if the FPL is expected to be updated during that time. In that case, the projected increase in the CPI–U would be based on the intermediate inflation forecasts from the most recent OASDI and Medicare Trustees Reports.[7]

4. Premium Tax Credit Formula (PTCF)

In Equation 1, we will use the formula described in 26 U.S.C. 36B(b) to calculate the estimated PTC that would be paid on behalf of a person enrolled in a QHP on an Exchange as part of the BHP payment methodology. This formula is used to determine the amount of premium that an individual or household would be required to pay if they had enrolled in the SLCSP on an Exchange, which is based on (A) the household income; (B) the household income measured as a percentage of FPL; and (C) the schedule specified in 26 U.S.C. 36B(b)(3)(A) and shown below. The difference between the amount of premium a person or a household is required to pay and the adjusted monthly premium for the applicable second lowest cost silver plan is the amount of the PTC that would be allowed to the enrollee.

The PTC amount provided for a person enrolled in a QHP through an Exchange is calculated in accordance with the methodology described in 26 U.S.C. 36B(b)(2) as the amount equal to the lesser of: (A) The monthly premiums for such month of one or more QHPs offered in the individual market within a state that cover the taxpayer, the taxpayer's spouse, or any dependent (as defined in 26 U.S.C. 152) of the taxpayer and that the taxpayer and spouse or dependents were enrolled in through an Exchange; or (B) the excess (if any) of (i) the adjusted monthly premium for such month for the applicable second lowest cost silver plan for the taxpayer over (ii) an amount equal to 1/12 of the product of the applicable percentage (described below) and the taxpayer's household income for the taxable year.

The applicable percentage is defined in 26 U.S.C. 36B(b)(3)(A) and 26 CFR 1.36B–3(g) as the percentage that applies to a taxpayer's household income that is within an income tier specified in the table, increasing on a sliding scale in a linear manner from an initial premium percentage to a final premium percentage specified in the table (see Table 1):

TABLE 1—HOUSEHOLD'S CONTRIBUTION TO HEALTH INSURANCE PREMIUM AS A PERCENTAGE OF INCOME

In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Up to 133%	2.0	2.0
133% but less than 150%	3.0	4.0
150% but less than 200%	4.0	6.3
200% but less than 250%	6.3	8.05
250% but less than 300%	8.05	9.5
300% but not more than 400%	9.5	9.5

These are the applicable percentages for CY 2015. The applicable percentages will be updated in future years in accordance with 26 U.S.C. 36B(b)(3)(A)(ii).

5. Income Reconciliation Factor (IRF)

For persons enrolled in a QHP through an Exchange who receive APTC, there will be an annual reconciliation following the end of the year to compare such payment to the correct amount of PTC based on household circumstances shown on the federal income tax return. Any difference between the latter amounts and the credit received during the year would either be paid to the taxpayer (if the taxpayer received less in APTC than her or she was entitled to receive) or charged to the taxpayer as additional tax (if the taxpayer received more in APTC than he or she was entitled to receive, subject to any limitations in statute or regulation), as provided in 26 U.S.C. 36B(f).

Section 1331(e)(2) of the Affordable Care Act specifies that individuals enrolled in BHP may not be treated as a qualified individual under section 1312 eligible for enrollment in a QHP offered through an Exchange. Therefore, BHP enrollees are not eligible to receive an APTC to purchase coverage in the Exchange. Because they do not receive APTC, BHP enrollees are not subject to the same income reconciliation as Exchange consumers. Nonetheless, there may still be differences between a BHP enrollee's household income reported at the beginning of the year and the actual income over the year. These may include small changes (reflecting changes in hourly wage rates, hours worked per week, and other fluctuations in income during the year) and large

[6] These income ranges and this analysis of income apply to the calculation of the PTC. Many fewer income ranges and a much simpler analysis apply in determining the value of CSRs, as specified below.

[7] See Table IV A1 from the 2013 reports in *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/ReportsTrustFunds/Downloads/TR2013.pdf.*

changes (reflecting significant changes in employment status, hourly wage rates, or substantial fluctuations in income). There may also be changes in household composition. Thus, we believe that using unadjusted income as reported prior to the BHP program year may result in calculations of estimated PTC that are inconsistent with the actual incomes of BHP enrollees during the year. Even if the BHP program adjusts household income determinations and corresponding claims of federal payment amounts based on household reports during the year or data from third-party sources, such adjustments may not fully capture the effects of tax reconciliation that BHP enrollees would have experienced had they been enrolled in a QHP through an Exchange and received APTC.

Therefore, we are including an income adjustment factor in Equation 1 that would account for the difference between calculating estimated PTC using: (a) Income relative to FPL as determined at initial application and potentially revised mid-year, under proposed 42 CFR 600.320, for purposes of determining BHP eligibility and claiming federal BHP payments; and (b) actual income relative to FPL received during the plan year, as it would be reflected on individual federal income tax returns. This adjustment will prospectively estimate the average effect of income reconciliation aggregated across the BHP population had those BHP enrollees been subject to tax reconciliation after receiving APTC for coverage provided through QHPs. For 2015, the reconciliation effects are based on tax data for 2 years, reflecting income and tax unit composition changes over time among BHP-eligible individuals. This estimate has been developed by the Office of Tax Analysis (OTA) at the Department of the Treasury.

The OTA maintains a model that combines detailed tax and other data, including Exchange enrollment and PTC claimed, to project Exchange premiums, enrollment, and tax credits. For each enrollee, this model compares the APTC estimated at the point of enrollment with the PTC based on household income and family size reported at the end of the tax year. The former reflects the determination using enrollee information furnished by the applicant. The latter would reflect the PTC eligibility based on information on the tax return, which would have been determined if the individual had not enrolled in BHP. The ratio of the reconciled PTC to the initial determination of PTC will be used as the income reconciliation factor in Equation (1) for estimating the PTC portion of the BHP payment rate.

For 2015, OTA has estimated that the income reconciliation factor for states that have implemented the Medicaid eligibility expansion to cover adults up to 133 percent of the FPL will be 94.52 percent, and for states that have not implemented the Medicaid eligibility expansion and do not cover adults up to 133 percent of the FPL will be 95.32 percent. Given that a state may implement the Medicaid eligibility expansion at any time during the year, and potentially after BHP payment rates have been developed, we will use the average of these two factors (94.92 percent) for 2015.

6. Tobacco Rating Adjustment Factor (TRAF)

As described above, the reference premium is estimated, for purposes of determining both the PTC and related federal BHP payments, based on premiums charged for non-tobacco users, including in states that allow premium variations based on tobacco use, as provided in 42 U.S.C. 300gg(a)(1)(A)(iv). In contrast, as proposed in the HHS Notice of Benefit and Payment Parameters for 2015, the CSR advance payments are based on the total premium for a policy, including any adjustment for tobacco use. Accordingly, we will incorporate a tobacco rating adjustment factor into Equation 2 that reflects the average percentage increase in health care costs that results from tobacco use among the BHP-eligible population and that would not be reflected in the premium charged to non-users, subject to the tobacco rating factor adjustments allowed by each state. This factor will also take into account the estimated proportion of tobacco users among BHP-eligible consumers.

To estimate the average effect of tobacco use on health care costs (not reflected in the premium charged to non-users), we will calculate the ratio between premiums that silver level QHPs charge for tobacco users to the premiums they charge for non-tobacco users at selected ages. To calculate estimated proportions of tobacco users, we will use data from the Centers for Disease Control and Prevention (CDC) to estimate tobacco utilization rates by state and relevant population characteristic.[8] For BHP program year 2015, we will compare these tobacco utilization rates to the characteristics of BHP-eligible consumers, as shown by national and state survey data. Specifically, for each state, we will calculate the tobacco usage rate based on the percentage of persons by age who use cigarettes and the percentage of persons by age that use smokeless tobacco, and calculate the utilization rate by adding the two rates together. The data is available for 3 age intervals: 18–24; 25–44; and 45–64. For the BHP payment rate cell for persons ages 21–34, we would calculate the factor as (4/14 * the utilization rate of 18–24 year olds) plus (10/14 * the utilization rate of 25–44 year olds), which would be the weighted average of tobacco usage for persons 21–34 assuming a uniform distribution of ages; for all other age ranges used for the rate cells, we would use the age range in the CDC data in which the BHP payment rate cell age range is contained.

We will provide tobacco rating factors that may vary by age and by geographic area within each state. To the extent that the second lowest cost silver plans have a different ratio of tobacco user rates to non tobacco user rates in different geographic areas, the tobacco rating adjustment factor may differ across geographic areas within a state. In addition, to the extent that the second lowest cost silver plan has a different ratio of tobacco user rates to non tobacco user rates by age, or that there is a different prevalence of tobacco use by age, the tobacco rating adjustment factor may differ by age.

7. Factor for Removing Administrative Costs (FRAC)

The Factor for Removing Administrative Costs (FRAC) represents the average proportion of the total premium that covers allowed health benefits, and we include this factor in our calculation of estimated CSRs in Equation 2. The product of the reference premium and the FRAC would approximate the estimated amount of EHB claims that would be expected to be paid by the plan. This step is needed because the premium also covers such costs as taxes, fees, and QHP administrative expenses. We have set this factor equal to 0.80, which is proposed for calculating CSR advance payments for 2015 in the HHS Notice of Benefit and Payment Parameters for 2015.

8. Actuarial Value (AV)

The actuarial value is defined as the percentage paid by a health plan of the total allowed costs of benefits, as defined under 45 CFR § 156.20. (For example, if the average health care costs for enrollees in a health insurance plan were $1,000 and that plan has an

[8] See *http://www.cdc.gov/nchs/nhis/tobacco.htm; http://apps.nccd.cdc.gov/statesystem/default/DataSource.aspx.*

actuarial value of 70 percent, the plan would be expected to pay $700 ($1,000 × 0.70) for health care costs per enrollee, on average.) By dividing such estimated costs by the actuarial value in the proposed methodology, we would calculate the estimated amount of total EHB-allowed claims, including both the portion of such claims paid by the plan and the portion paid by the consumer for in-network care. (To continue with that same example, we would divide the plan's expected $700 payment of the person's EHB-allowed claims by the plan's 70 percent actuarial value to ascertain that the total amount of EHB-allowed claims, including amounts paid by the consumer, is $1,000.)

For the purposes of calculating the CSR rate in Equation 2, we will use the standard actuarial value of the silver level plans in the individual market, which is equal to 70 percent.

9. Induced Utilization Factor (IUF)

The induced utilization factor is proposed as a factor in calculating estimated CSRs in Equation 2 to account for the increase in health care service utilization associated with a reduction in the level of cost sharing a QHP enrollee would have to pay, based on the cost-sharing reduction subsidies provided to enrollees.

In the HHS Notice of Benefit and Payment Parameters for 2015 proposed rule, we proposed induced utilization factors for the purposes of calculating cost-sharing reduction advance payments for 2015. The induced utilization factor for all persons who would enroll in a silver plan and qualify for BHP based on their household income as a percentage of FPL is 1.12; this would include persons with household income between 100 percent and 200 percent of FPL, lawfully present non-citizens below 100 percent of FPL who are ineligible for Medicaid because of immigration status, and persons with household income under 300 percent of FPL, not subject to any cost-sharing. Thus, we will use the induced utilization factor equal to 1.12 for the BHP payment methodology.

10. Change in Actuarial Value (ΔAV)

The increase in actuarial value would account for the impact of the cost-sharing reduction subsidies on the relative amount of EHB claims that would be covered for or paid by eligible persons, and we include it as a factor in calculating estimated CSRs in Equation 2.

The actuarial values of QHPs for persons eligible for cost-sharing reduction subsidies are defined in 45 CFR 156.420(a), and eligibility for such subsidies is defined in 45 CFR 155.305(g)(2)(i) through (iii). For QHP enrollees with household incomes between 100 percent and 150 percent of FPL, and those below 100 percent of FPL who are ineligible for Medicaid because of their immigration status, CSRs increase the actuarial value of a QHP silver plan from 70 percent to 94 percent. For QHP enrollees with household incomes between 150 percent and 200 percent of FPL, CSRs increase the actuarial value of a QHP silver plan from 70 percent to 87 percent.

We will apply this factor by subtracting the standard AV from the higher AV allowed by the applicable cost-sharing reduction. For BHP enrollees with household incomes at or below 150 percent of FPL, this factor is 0.24 (94 percent minus 70 percent); for BHP enrollees with household incomes more than 150 percent but not more than 200 percent of FPL, this factor is 0.17 (87 percent minus 70 percent).

E. Adjustments for American Indians and Alaska Natives

There are several exceptions made for American Indians and Alaska Natives enrolled in QHPs through an Exchange to calculate the PTC and CSRs. Thus, we will make adjustments to the payment methodology described above to be consistent with the Exchange rules.

We will make the following adjustments:

1. The adjusted reference premium for use in the CSR portion of the rate will be the lowest cost bronze plan instead of the second lowest cost silver plan, with the same adjustment for the population health factor (and in the case of a state that elects to use the 2014 premiums as the basis of the federal BHP payment, the same adjustment for the premium trend factor). American Indians and Alaska Natives are eligible for CSRs with any metal level plan, and thus we believe that eligible persons would be more likely to select a bronze level plan instead of a silver level plan. (It is important to note that this would not change the PTC, as that is the maximum possible PTC payment, which is always based on the second lowest cost silver plan.)

2. The actuarial value for use in the CSR portion of the rate is 0.60 instead of 0.70, which is consistent with the actuarial value of a bronze level plan.

3. The induced utilization factor for use in the CSR portion of the rate is 1.15, which is consistent with the proposed HHS Notice of Benefit and Payment Parameters for 2015 induced utilization factor for calculating advance CSR payments for persons enrolled in bronze level plans and eligible for CSRs up to 100 percent of actuarial value.

4. The change in the actuarial value for use in the CSR portion of the rate is 0.40. This reflects the increase from 60 percent actuarial value of the bronze plan to 100 percent actuarial value, as American Indians and Alaska Natives are eligible to receive CSRs up to 100 percent of actuarial value.

F. State Option To Use 2014 QHP Premiums for BHP Payments

In the interest of allowing states greater certainty in the total BHP federal payments for 2015, we will provide states the option to have their final 2015 federal BHP payment rates to be calculated using the projected 2015 adjusted reference premium (that is, using 2014 premium data multiplied by the premium trend factor defined below), as described in Equation (3b).

For a state that elects to use the 2014 premium as the basis for the 2015 BHP federal payment, the state must inform CMS no later than May 15, 2014.

For Equation (3b), we define the premium trend factor as follows:

Premium Trend Factor (PTF)

In Equation (3b), we calculate an adjusted reference premium (ARP) based on the application of certain relevant variables to the reference premium (RP), including a premium trend factor (PTF). In the case of a state that elects to use the 2014 premiums as the basis for determining the BHP payment, it is appropriate to apply a factor that would account for the change in health care costs between the year of the premium data and the BHP plan year. We are defining this as the premium trend factor in the BHP payment methodology. This factor approximates the change in health care costs per enrollee, which would include, but is not limited to, changes in the price of health care services and changes in the utilization of health care services. This provides an estimate of the adjusted monthly premium for the applicable second lowest cost silver plan that would be more accurate and reflective of health care costs in the BHP program year, which will be the year following issuance of the final federal payment notice. In addition, we believe that it is appropriate to adjust the trend factor for the estimated impact of changes to the transitional reinsurance program on the average QHP premium.

We will use the annual growth rate in private health insurance expenditures per enrollee from the National Health Expenditure projections, developed by the Office of the Actuary in CMS (citation, *http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-*

Trends-and-Reports/NationalHealthExpendData/Downloads/Proj2012.pdf). For 2015, the projected increase in private health insurance premiums per enrollee is 3.55 percent.

The adjustment for changes in the transitional reinsurance program is developed from analysis by CMS' Center for Consumer Information and Insurance Oversight (CCIIO). In the 2014 notice (78 FR 15519), CCIIO estimated that the transitional reinsurance program reduced QHP premiums on average by 10 to 15 percent. In unpublished analysis, CCIIO estimated that the transitional reinsurance program would reduce QHP premiums in 2015 on average by 6 percent, as the amount of funding in the reinsurance program decreases. Based on these analyses, we estimate that the changes in the transitional reinsurance program would lead to an increase of 4.44 percent in average QHP premiums between 2014 and 2015; assuming that the 2014 QHP premiums are reduced by 10 percent due to the reinsurance program, we calculate the adjustment as $(1-0.06)/(1-0.10)-1 = 0.0444$.

Combining these two factors together, we calculate that the premium trend factor for 2015 would be 8.15 percent: $(1+0.0355) * (1+0.0444)-1 = 0.0815$.

G. State Option To Include Retrospective State-specific Health Risk Adjustment in Certified Methodology

In order to determine whether the potential difference in health status between BHP enrollees and consumers in the Exchange would affect the PTC, CSRs, risk adjustment and reinsurance payments that would have otherwise been made had BHP enrollees been enrolled in coverage on the Exchange, we will provide states implementing the BHP the option to propose and to implement, as part of the certified methodology, a retrospective adjustment to the federal BHP payments to reflect the actual value that would be assigned to the population health factor (or risk adjustment) based on data accumulated during program year 2015 for each rate cell.

We acknowledge that there is notable uncertainty with respect to this factor due to the lack of experience of QHPs on the Exchange and other payments related to the Exchange, which is why, absent a state election, we will use a value for the population health factor to determine a prospective payment rate which assumes no difference in the health status of BHP enrollees and QHP enrollees. There is considerable uncertainty regarding whether the BHP enrollees will pose a greater risk or a lesser risk compared to the QHP enrollees, how to best measure such risk, and the potential effect such risk would have had on PTC, CSRs, risk adjustment and reinsurance payments that would have otherwise been made had BHP enrollees been enrolled in coverage on the Exchange. To the extent, however, that a state develops an approved protocol to collect data and effectively measure the relative risk and the effect on federal payments, we would permit a retrospective adjustment that measured the actual difference in risk between the two populations to be incorporated into the certified BHP payment methodology and used to adjust payments in the previous year.

In order for a state electing the option to implement a retrospective population health status adjustment, the state would be required to submit a proposed protocol to CMS, which would be subject to approval by CMS and would be required to be certified by the Chief Actuary of CMS, in consultation with the Office of Tax Analysis, as part of the BHP payment methodology. We anticipate issuing future guidance shortly that will provide the basic framework in which a state must include in its proposed protocol and instructions for submission to CMS for approval; a state must submit its proposed protocol by August 1, 2014 for CMS approval. This submission must also include how the state will collect the necessary data to determine the adjustment, including any contracting contingences that may be in place with participating standard health plan offerors. CMS will provide technical assistance to states as they develop their protocol. In order to implement the population health status, CMS must approve the state's protocol no later than December 31, 2014. Finally, the state must complete the population health status adjustment at the end of 2015 based on the approved protocol. After the end of the 2015 program year, and once data is made available, CMS will review the state's findings, consistent with the approved protocol, and make any necessary adjustments to the state's federal BHP payment amount. If CMS determines that the federal BHP payments were less than they would have been using the final adjustment factor, CMS would apply the difference to the state's quarterly BHP trust fund deposit. If CMS determines that the federal BHP payments were more than they would have been using the final reconciled factor, CMS would subtract the difference from the next quarterly BHP payment to the state.

IV. Collection of Information Requirements

The information collection requirements and burden estimates associated with this final methodology have been approved by OMB through July 31, 2014 under OCN 0938–1218 (CMS–10510). CMS will be seeking to extend OMB's approval period at a later time.

This final methodology would not impose any new or revised reporting or recordkeeping requirements and, therefore, does not require additional OMB review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

V. Regulatory Impact Statement

A. Overall Impact

We have examined the impacts of this final methodology as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or

the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As noted in the BHP rule, BHP provides states the flexibility to establish an alternative coverage program for low-income individuals who would otherwise be eligible to purchase coverage through the Exchange. We are uncertain, as described further below, as to whether the effects of the rulemaking, and subsequently, this final methodology, will be ''economically significant'' as measured by the $100 million threshold, and hence a major rule under the Congressional Review Act. In accordance with the provisions of Executive Order 12866, this final methodology was reviewed by the Office of Management and Budget.

1. Need for the Notice

Section 1331 of the Affordable Care Act (codified at 42 U.S.C. 18051) requires the Secretary to establish a BHP, and subsection (d)(1) specifically provides that if the Secretary finds that a state ''meets the requirements of the program established under subsection (a) [of section 1331], the Secretary shall transfer to the State'' federal BHP payments described in subsection (d)(3). This final methodology provides for the funding methodology to determine the federal BHP payment amounts required to implement these provisions.

2. Alternative Approaches

Many of the factors in this final methodology are specified in statute; therefore, we are limited in the alternative approaches we could consider. One area in which we had a choice was in selecting the data sources used to determine the factors included in the methodology. Except for state-specific reference premiums and enrollment data, we are using national rather than state-specific data. This is due to the lack of currently available state-specific data needed to develop the majority of the factors included in the methodology. We believe the national data will produce sufficiently accurate determinations of payment rates. In addition, we believe that this approach will be less burdensome on states. With respect to reference premiums and enrollment data, using state-specific data rather than national data will produce more accurate determinations than national averages.

3. Transfers

The provisions of this final methodology are designed to determine the amount of funds that will be transferred to states offering coverage through a BHP rather than to individuals eligible for premium and cost-sharing reductions for coverage purchased on the Exchange. We are uncertain what the total federal BHP payment amounts to states will be as these amounts will vary from state to state due to the varying nature of state composition. For example, total federal BHP payment amounts may be greater in more populous states simply by virtue of the fact that they have a larger BHP-eligible population and total payment amounts are based on actual enrollment. Alternatively, total federal BHP payment amounts may be lower in states with a younger BHP-eligible population as the reference premium used to calculate the federal BHP payment will be lower relative to older BHP enrollees. While state composition will cause total federal BHP payment amounts to vary from state to state, the methodology accounts for these variations to ensure accurate BHP payment transfers are made to each state.

B. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation, by state, local, or tribal governments, in the aggregate, or by the private sector. In 2014, that threshold is approximately $141 million. States have the option, but are not required, to establish a BHP. Further, the methodology will establish federal payment rates without requiring states to provide the Secretary with any data not already required by other provisions of the Affordable Care Act or its implementing regulations. Thus, this final methodology does not mandate expenditures by state governments, local governments, or tribal governments.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) (RFA) requires agencies to prepare an initial regulatory flexibility analysis to describe the impact of the final rule on small entities, unless the head of the agency can certify that the rule will not have a significant economic impact on a substantial number of small entities. The Act generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a not-for-profit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. Individuals and states are not included in the definition of a small entity. Few of the entities that meet the definition of a small entity as that term is used in the RFA would be impacted directly by this final methodology.

Because this final document is focused on the funding methodology that will be used to determine federal BHP payment rates, it does not contain provisions that would have a significant direct impact on hospitals and other health care providers that are designated as small entities under the RFA. However, the provisions in this final methodology may have a substantial, positive indirect effect on hospitals and other health care providers due to the substantial increase in the prevalence of health coverage among populations who are currently unable to pay for needed health care, leading to lower rates of uncompensated care at hospitals. As such, the Department cannot determine whether this final methodology would have a significant economic impact on a substantial number of small entities.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a proposed notice may have a significant economic impact on the operations of a substantial number of small rural hospitals. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. As indicated in the preceding discussion, there may be indirect positive effects from reductions in uncompensated care. Again, the Department cannot determine whether this final methodology would have a significant economic impact on a substantial number of small rural hospitals.

D. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct effects on states, preempts state law, or otherwise has federalism implications. The BHP is entirely optional for states, and if implemented in a state, provides access to a pool of funding that would not otherwise be available to the state.

We have consulted with states to receive input on how the Affordable Care Act provisions codified in this final methodology would affect states. We have participated in a number of conference calls and in person meetings with state officials.

We continue to engage in ongoing consultations with states that have expressed interest in implementing a BHP through the BHP Learning Collaborative, which serves as a staff level policy and technical exchange of information between CMS and the states. Through consultations with this Learning Collaborative, we have been able to get input from states on many of the specific issues addressed in this methodology.

Authority: Section 1331(d)(3) of the Affordable Care Act.

Dated: February 19, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: February 21, 2014.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–05257 Filed 3–7–14; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 131213999–4208–02]

RIN 0648–BD82

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: The Assistant Administrator (AA) for Fisheries, National Oceanic and Atmospheric Administration (NOAA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures adopted as regulations by the IPHC and accepted by the Secretary of State governing the Pacific halibut fishery. These actions are intended to enhance the conservation of Pacific halibut and further the goals and objectives of the North Pacific Fishery Management Council (NPFMC).

DATES: The IPHC's 2014 annual management measures are effective March 7, 2014. The 2014 management measures are effective until superseded.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting the International Pacific Halibut Commission, 2320 W. Commodore Way, Suite 300, Seattle, WA 98199–1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, Records Officer; or Sustainable Fisheries Division, NMFS West Coast Region, 7600 Sand Point Way NE., Seattle, WA 98115. This final rule also is accessible via the Internet at the Federal eRulemaking portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For waters off Alaska, Glenn Merrill or Julie Scheurer, 907–586–7228; or, for waters off the U.S. West Coast, Sarah Williams, 206–526–4646.

SUPPLEMENTARY INFORMATION:

Background

The IPHC has adopted regulations governing the Pacific halibut fishery in 2014, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations adopted by the IPHC in accordance with the Convention (Halibut Act, Sections 773–773k). The Secretary of State of the United States, with the concurrence of the Secretary of Commerce, accepted the 2014 IPHC regulations as provided by the Halibut Act at 16 U.S.C. 773–773k.

The Halibut Act provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Regional Fishery Management Councils may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations. The NPFMC has exercised this authority most notably in developing halibut management programs for three fisheries that harvest halibut in Alaska: the subsistence, sport, and commercial fisheries.

Subsistence and sport halibut fishery regulations are codified at 50 CFR part 300. Commercial halibut fisheries in Alaska are subject to the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679), and the area-specific catch sharing plans.

The NPFMC implemented a CSP among commercial IFQ and CDQ halibut fisheries in IPHC Areas 4C, 4D and 4E (Area 4, Western Alaska) through rulemaking, and the Secretary approved the plan on March 20, 1996 (61 FR 11337). The Area 4 CSP regulations were codified at 50 CFR 300.65, and were amended on March 17, 1998 (63 FR 13000). New annual regulations pertaining to the Area 4 CSP also may be implemented through IPHC action, subject to acceptance by the Secretary of State. The NPFMC recommended and NMFS implemented through rulemaking a CSP among guided sport (charter) and commercial IFQ halibut fisheries in IPHC Area 2C (Southeast Alaska) and Area 3A (Southcentral Alaska) on January 13, 2014 (78 FR 75844, December 12, 2013). The CSP replaces the guideline harvest level (GHL) program that had been in place in these regulatory areas since 2004. The Area 2C and 3A CSP regulations are codified at 50 CFR 300.65. The CSP defines an annual process for allocating halibut between the commercial and charter fisheries so that each sector's allocation varies in proportion to halibut abundance; specifies a public process for setting annual management measures; and authorizes limited annual leases of commercial IFQ for use in the charter fishery. The CSP also authorizes supplemental individual transfers of commercial halibut IFQ as guided angler fish (GAF) to qualified charter halibut permit holders for harvest by charter vessel anglers in Areas 2C and 3A. Through the GAF program, qualified charter halibut permit holders may offer charter vessel anglers the opportunity to retain halibut up to the limit for unguided anglers when the charter management measure in place would limit charter vessel anglers to a more restrictive harvest limit. In other words, a charter vessel angler may retain a halibut as GAF that exceeds the daily bag limit and length restrictions in place for charter anglers only to the extent that the angler's halibut retained under the charter halibut management measure plus halibut retained as GAF do not exceed daily bag limit and length restrictions imposed on unguided anglers. Federal regulations for the GAF program are at 50 CFR 300.65.

The IPHC held its annual meeting in Seattle, Washington, January 13–17, 2014, and adopted a number of changes to the previous IPHC regulations (78 FR 16423, March 15, 2013). The Secretary of State accepted the annual management measures, including the

following changes to the previous IPHC regulations for 2014:

1. New halibut catch limits in all regulatory areas in Section 11;
2. New commercial halibut fishery opening and closing dates in Section 8;
3. New license due dates and the separation of the directed commercial and incidental sablefish licenses for Area 2A in Section 4; and
4. New management measures for Area 2C and Area 3A guided sport fisheries.

Pursuant to regulations at 50 CFR 300.62, the 2014 IPHC annual management measures are published in the **Federal Register** to provide notice of their immediate regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements. Because NMFS publishes the regulations applicable to the entire Convention area, these regulations include some provisions relating to and affecting Canadian fishing and fisheries. NMFS could implement more restrictive regulations for the sport fishery for halibut or components of it; therefore, anglers are advised to check the current Federal or IPHC regulations prior to fishing.

Catch Limits

The IPHC recommended to the governments of Canada and the United States catch limits for 2014 totaling 27,515,000 lb (12,481 mt), which should achieve a lower coastwide harvest rate compared to 2013 catch limits, based on the most recent coast-wide stock assessment. The IPHC adopted area-specific catch limits for 2014 that were lower than 2013 in all of its management areas except Area 2C. A description of the process the IPHC used to set these catch limits follows.

During 2012, IPHC staff conducted a full review of the data and the general approach used to assess the stock in recent years. A retrospective bias in recent assessments was found to occur because the model did not correctly account for variation in the availability of different sizes of fish in different areas. As a result of this retrospective bias, actual historical harvest rates were higher than the rates the IPHC used to inform its stock assessments. A peer review team, including the U.S. and Canadian Science Advisors, agreed that the more flexible model structure developed by the IPHC staff for use in the 2012 assessment could correct the retrospective bias. The 2012 assessment results are more consistent with observed fishery and survey results than past assessments. Based on the results derived from the new model, estimates of recent recruitment are lower than previously thought.

During 2013, IPHC staff analysts completed a thorough exploration of all available data sources. This analysis provided several new avenues for stock assessment modeling. This evaluation improved the 2013 assessment, and will be used to help structure the 2014 assessment. For the 2013 stock assessment, an ensemble of three alternative models was developed to produce the stock biomass estimates. This resulted in estimates of stock size and management reference points that are substantially more robust to current or future technical changes to the underlying models. The 2013 stock assessment indicates that the Pacific halibut stock has been declining continuously over the last decade, with recruitment strengths that are much smaller than those observed through the 1980s and 1990s, and more typical of those seen during the last century. The 2013 stock assessment notes that decreasing size at age may also contribute to lower biomass. In recent years, the estimated female spawning biomass appears to have stabilized near 200 million pounds.

As in 2013, and as part of an ongoing effort to provide Commissioners with greater flexibility when selecting catch limits, in January 2014 IPHC staff provided a decision table that estimates the consequences to stock and fishery status and trends from different levels of harvest. This decision table more fully reflects uncertainty and allowed the Commissioners to weigh the risk and benefits of management choices as they set the annual catch limits. The row in the decision table that results in the current harvest rate policy of the IPHC is the ''Blue Line'' and the application of the apportionment process determines the catch limit for each regulatory area.

After considering harvest advice for 2014 from its scientific staff, Canadian and U.S. harvesters and processors, and other fishery agencies, the IPHC recommended catch limits for 2014 to the U.S. and Canadian governments (see Table 1 below). The IPHC recommended catch limits slightly higher than the Blue Line apportionment for areas 2A and 2B because the stock assessment survey and fishery weight per unit effort (WPUE) estimates indicate a stable and upward trend in exploitable biomass in these areas. However, despite apportionments above the Blue Line, catch limits for areas 2A and 2B are reduced from 2013, in response to concerns about the coastwide stock status. For Area 2C, although exploitable biomass and WPUE in the survey and commercial fishery show upward trends, the IPHC was precautionary and recommended the Blue Line apportionment. Area 2C is the only regulatory area for which the IPHC recommended an increase in its commercial catch limit from 2013. The IPHC recommended the Blue Line apportionments for areas 3A, 3B, and 4A citing concerns about the downward trends in exploitable biomass and WPUE in these areas. Catch limits decreased in these three areas from 2013 levels. Exploitable biomass has shown a downward trend over the past five years in Area 4B, but because of concerns about the negative socioeconomic effects of a full reduction in catch to the Blue Line apportionment, the IPHC recommended a stair-step reduction in the catch limit to half way between the 2013 catch limit and the Blue Line apportionment. Likewise, indicators show a downward trend in areas 4CDE, but the Commission did not recommend the full reduction in catch limits to the Blue Line apportionment. Instead, the IPHC recommended a catch limit that it determined to be precautionary, while still providing sufficient allocation for the directed fishery to occur.

TABLE 1—PERCENT CHANGE IN CATCH LIMITS FROM 2013 TO 2014 BY IPHC REGULATORY AREA

Regulatory area	2014 IPHC Recommended catch limit (lb)	2014 Blue Line apportionment (lb)	2013 Catch limit (lb)	Percent change from 2013
2A [1]	960,000	720,000	990,000	−3.0
2B [2]	6,850,000	4,980,000	7,038,000	−2.7
2C [3]	4,160,000	4,160,000	2,970,000	+11.7
3A [3]	9,430,000	9,430,000	11,030,000	−33.7
3B	2,840,000	2,840,000	4,290,000	−33.8
4A	850,000	850,000	1,330,000	−36.1

TABLE 1—PERCENT CHANGE IN CATCH LIMITS FROM 2013 TO 2014 BY IPHC REGULATORY AREA—Continued

Regulatory area	2014 IPHC Recommended catch limit (lb)	2014 Blue Line apportionment (lb)	2013 Catch limit (lb)	Percent change from 2013
4B	1,140,000	820,000	1,450,000	−21.4
4CDE	1,285,000	640,000	1,930,000	−33.4
Coastwide	27,515,000		31,028,000	n/a

[1] Area 2A catch limit includes sport, commercial, and tribal catch limits.
[2] Area 2B catch limit includes sport and commercial catch limits.
[3] Shown is the combined commercial and charter allocation under the new Area 2C and Area 3A CSP. This value is not directly comparable to the 2013 catch limit because it also includes allocations to the charter sector, and an amount for commercial wastage. The commercial catch limits after deducting wastage are 3,318,720 lb in Area 2C and 7,317,730 lb in Area 3A. These are the values that were used to calculate the percent change from the 2013 catch limits.

Commercial Halibut Fishery Opening Dates

The opening date for the tribal commercial fishery in Area 2A and for the commercial halibut fisheries in Areas 2B through 4E is March 8, 2014. The date takes into account a number of factors, including the timing of halibut migration and spawning, marketing for seasonal holidays, and interest in getting product to processing plants before the herring season opens. The closing date for the halibut fisheries is November 7, 2014. This date takes into account the anticipated time required to fully harvest the commercial halibut catch limits while providing adequate time for IPHC staff to review the complete record of 2014 commercial catch data for use in the 2015 stock assessment process.

In the Area 2A directed fishery, each fishing period shall begin at 0800 hours and terminate at 1800 hours local time on June 25, July 9, July 23, August 6, August 20, September 3, and September 17, 2014, unless the IPHC specifies otherwise. These 10-hour openings will occur until the quota is taken and the fishery is closed.

Area 2A Catch Sharing Plan

The NMFS West Coast Region published a proposed rule for changes to the Pacific Halibut Catch Sharing Plan for Area 2A off Washington, Oregon, and California on February 6, 2014 (79 FR 7156), with public comments accepted through February 21, 2014. A separate final rule will be published to approve changes to the Area 2A CSP and to implement the portions of the CSP and management measures that are not implemented through the IPHC annual management measures that are published in this final rule. These measures include the sport fishery allocations and management measures for Area 2A.

Catch Sharing Plan for Area 2C and Area 3A

On January 13, 2014, NMFS implemented a CSP for Area 2C and Area 3A. The final rule for the CSP was published on December 12, 2013 (78 FR 75844). The CSP replaces the Guideline Harvest Level (GHL) program implemented in 2003 (68 FR 47256, August 8, 2003), defines an annual process for allocating halibut between the charter and commercial fisheries in Area 2C and Area 3A, and establishes allocations for each fishery. The commercial fishery will continue to be managed under the Individual Fishing Quota system. To allow flexibility for individual commercial and charter fishery participants, the CSP also authorizes annual transfers of commercial halibut IFQ to charter halibut permit holders for harvest in the charter fishery. Under the CSP, the IPHC will adopt combined catch limits (CCLs) for the charter and commercial halibut fisheries in Area 2C and Area 3A. The CCL will include estimates of discard mortality (wastage) for each fishery. This action was necessary to achieve the halibut fishery management goals of the NPFMC. More information about the CSP is provided in the proposed rule for the CSP (78 FR 39122, June, 28, 2013) and in the final rule implementing the CSP. Implementing regulations for the CSP are at 50 CFR 300.65. The Area 2C and Area 3A CSP allocation tables are Tables 1 through 4 of subpart E of 50 CFR part 300. The IPHC adopted a CCL of 4,160,000 lb (1,886.9 mt) for Area 2C. Following the CSP allocations in Tables 1 and 3 of subpart E of 50 CFR part 300, the commercial fishery is allocated 81.7 percent or 3,398,720 lb (1,541.6 mt), and the charter fishery is allocated 18.3 percent or 761,280 lb (345.3 mt) of the CCL. Wastage in the amount of 80,000 lb (36.3 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 3,318,720 lb (1,505.3 mt). The charter catch limit for 2014 was reduced by 26,720 lb (12.1 mt), or 3.4 percent from the GHL of 788,000 lb (357.4 mt) in 2013. Further, an estimate of 45,677 lb (20.7 mt), or 6 percent, wastage is assumed to occur in the charter fishery and is factored into the management measures. To reduce Area 2C charter harvest, including discard mortality, to the lower 2014 catch limit, and keep total harvest in Area 2C to within the IPHC's stated harvest policy, required a change to the management measures for the charter fishery (discussed below).

The IPHC adopted a CCL of 9,430,000 lb (4,277.4 mt) for Area 3A. Following the CSP allocations in Tables 2 and 4 of subpart E of 50 CFR part 300, the commercial fishery is allocated 81.1 percent or 7,647,730 lb (3,469 mt), and the charter fishery is allocated 18.9 percent or 1,782,270 lb (808.4 mt) of the CCL. Discard mortality in the amount of 330,000 lb (149.7 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 7,317,730 lb (3,319.3 mt). The charter catch limit was reduced by 951,730 lb (431.7 mt), or 34.8 percent from the GHL of 2,734,000 lb (1,240.1 mt) in 2013, a similar percentage reduction as the one borne by the commercial fishery. Further, an estimate of 89,113 lb (40.4 mt), or 5 percent, for wastage is assumed to occur in the charter fishery and is factored into the management measures. The reduction from the 2013 GHL to the 2014 charter catch limit required changes to the management measures for the charter fishery to keep total harvest in Area 3A to within the IPHC's stated harvest policy (discussed below). This is the first year that more restrictive management measures have been implemented for charter vessel anglers than unguided anglers in Area 3A.

Charter Halibut Management Measures for Area 2C and Area 3A

The NPFMC formed the Charter Halibut Management Implementation Committee to provide it with recommendations for annual management measures intended to limit charter harvest to the charter catch limit while minimizing negative economic impacts to the charter fishery participants in times of low halibut abundance. The committee is composed of representatives from the charter fishing industry in Areas 2C and 3A. The committee selected management measures for further analysis from a suite of more than 15 alternatives that were proposed to the NPFMC in October 2013. After analyzing the effects of the alternative measures on estimated charter harvest, charter businesses, and charter anglers, the committee recommended their preferred management measures to the NPFMC for 2014. The NPFMC adopted the committee's preferred measures to recommend to the IPHC, and the IPHC adopted the NPFMC's recommendations. The NPFMC has used this process to select and recommend annual management measures to the IPHC since 2012.

The IPHC recognizes the role of the NPFMC to develop policy and regulations that allocate the Pacific halibut resource among fishermen in and off Alaska, and that NMFS has developed numerous regulations to support the NPFMC's goals of limiting charter harvests over the past several years. The IPHC concluded that additional restrictions were necessary to limit the Area 2C and Area 3A charter halibut fisheries to their charter catch limits under the CSP, to achieve the IPHC's overall conservation objective to limit/maintain total halibut harvests to established catch limits, and to meet the NPFMC's allocation objective for these areas. The IPHC determined that limiting charter harvests by implementing the management measures discussed below would likely meet these objectives.

Reverse Slot Limit for Halibut Retained on a Charter Vessel Fishing in Area 2C

This final rule amends the 2013 measures applicable to the charter vessel fishery in Area 2C. For 2014, the IPHC adopted a management measure that prohibits a person on board a charter vessel referred to in 50 CFR 300.65 and fishing in Area 2C from taking or possessing any halibut, with head on, that is greater than 44 inches (111.8 cm) and less than 76 inches (193.0 cm), as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. This type of restriction is referred to as a ''reverse slot limit.'' The 2013 reverse slot limit prohibited retention by charter anglers of halibut that were greater than 45 inches (114.3 cm) and less than 68 inches (172.7 cm). The 2014 reverse slot limit is more restrictive to reduce charter harvest in Area 2C to the reduced charter catch limit under the CSP of 761,280 lb (345.3 mt).

Size Limits for Halibut Retained On Board and Trip Limits for Charter Vessel Fishing in Area 3A

This final rule amends the 2013 management measures applicable to the charter halibut fishery in Area 3A. Previously, charter vessel anglers in Area 3A were allowed to catch and retain two halibut of any size per person per day, the same limit as for unguided anglers. For 2014, the IPHC adopted a two-fish daily bag limit in which one of the retained halibut may be of any size and one of the retained halibut must be less than 29 inches (73.7 cm) total length. The NPFMC recommended this measure to restrict charter harvest while minimizing the negative impacts of new restrictions on charter operations and anglers in Area 3A. A similar measure was used to reduce charter harvest in Area 2C in 2007 and 2008, before further reductions in the GHL required a one-fish bag limit in that area (72 FR 30714, June 4, 2007). A 29-inch halibut weighs approximately 10.3 lb (4.7 kg). In Area 3A in 2013, the average size of a halibut retained in the charter fishery was 31 inches and 12.8 lb (5.8 kg). Therefore, assuming an angler caught two fish of average size, this size limit would restrict an angler's total harvest by about 2.5 lb (1.1 kg). Charter operators in Area 3A stressed the importance of maintaining a two-fish bag limit for charter anglers to maintain similar angling opportunities to previous years. This management measure achieves that objective and is projected to maintain total Area 3A charter harvest close to or below the Area 3A charter catch limit.

Charter vessels will also be limited to one charter halibut fishing trip in which halibut are retained per calendar day in Area 3A. If no halibut are retained during a charter vessel fishing trip, the vessel may take an additional trip to catch and retain halibut that day. The trip limit applies to vessels only, not to charter halibut permits. A charter operator may use more than one vessel to take more than one charter vessel fishing trip using the same charter halibut permit per day. Trip limits will affect only a small number of charter operators and allow the size of the size-restricted fish to be maximized. Without a trip limit, a more restrictive size or bag limit might have been necessary to achieve harvest targets.

Areas 2C and 3A Carcass Retention

Current IPHC regulations prohibit the filleting, mutilation or other disfigurement of sport-caught halibut that would prevent the determination of the size or number of halibut possessed or landed. In Southeast Alaska (Area 2C), the IPHC has not changed the current regulation at section 28(2)(b) requiring that a person on board a charter vessel who possesses filleted halibut must also retain the entire carcass, with head and tail connected as a single piece, on board the vessel until all the fillets are offloaded. The carcass retention regulation was first implemented in Area 2C in 2011 to facilitate enforcement of a maximum size limit and a one-fish per angler daily bag limit. The IPHC adopted no changes to the carcass retention requirement in 2014 to facilitate enforcement of the U44/O76 reverse slot limit in Area 2C. The IPHC also adopted the carcass retention requirement in Area 3A to facilitate enforcement of the 29-inch maximum size limit on one of the two fish. Anglers in Area 3A will be required to retain only the carcass of the halibut that is less than the 29-inch maximum size limit if two halibut are retained. If an angler only retains one halibut in a day, the carcass does not need to be retained.

Annual Halibut Management Measures

The following annual management measures for the 2014 Pacific halibut fishery are those recommended by the IPHC and accepted by the Secretary of State, with the concurrence of the Secretary.

1. Short Title

These Regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Application

(1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 6 apply generally to all halibut fishing.

(3) Sections 7 to 20 apply to commercial fishing for halibut.

(4) Section 21 applies to tagged halibut caught by any vessel.

(5) Section 22 applies to the United States treaty Indian fishery in Subarea 2A–1.

(6) Section 23 applies to customary and traditional fishing in Alaska.

(7) Section 24 applies to Aboriginal groups fishing for food, social and ceremonial purposes in British Columbia.

(8) Sections 25 to 28 apply to sport fishing for halibut.

(9) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Definitions

(1) In these Regulations,

(a) ''authorized officer'' means any State, Federal, or Provincial officer authorized to enforce these Regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada's Department of Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), and the Oregon State Police (OSP);

(b) ''authorized clearance personnel'' means an authorized officer of the United States, a representative of the Commission, or a designated fish processor;

(c) ''charter vessel'' means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator;

(d) ''commercial fishing'' means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than (i) sport fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined by and regulated pursuant to NMFS regulations published at 50 CFR Part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(e) ''Commission'' means the International Pacific Halibut Commission;

(f) ''daily bag limit'' means the maximum number of halibut a person may take in any calendar day from Convention waters;

(g) ''fishing'' means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area;

(h) ''fishing period limit'' means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;

(i) ''land'' or ''offload'' with respect to halibut, means the removal of halibut from the catching vessel;

(j) ''license'' means a halibut fishing license issued by the Commission pursuant to section 4;

(k) ''maritime area'', in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) ''net weight'' of a halibut means the weight of halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head;

(m) ''operator'', with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(n) ''overall length'' of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) ''person'' includes an individual, corporation, firm, or association;

(p) ''regulatory area'' means an area referred to in section 6;

(q) ''setline gear'' means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) ''sport fishing'' means all fishing other than (i) commercial fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined in and regulated pursuant to NMFS regulations published in 50 CFR Part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(s) ''tender'' means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) ''VMS transmitter'' means a NMFS-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NMFS-approved communications service provider.[1]

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

[1] Call NOAA Enforcement Division, Alaska Region, at 907–586–7225 between the hours of 0800 and 1600 local time for a list of NMFS-approved VMS transmitters and communications service providers.

4. Licensing Vessels for Area 2A

(1) No person shall fish for halibut from a vessel, nor possess halibut on board a vessel, used either for commercial fishing or as a charter vessel in Area 2A, unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid Area 2A commercial license cannot be used to sport fish for Pacific halibut in Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following:

(a) The directed commercial fishery during the fishing periods specified in paragraph (2) of section 8 and the incidental commercial fishery during the sablefish fishery specified in paragraph (3) of section 8;

(b) the incidental catch fishery during the sablefish fishery specified in paragraph (3) of section 8; or

(c) the incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 8.

(5) No person may apply for or be issued a license for a vessel operating in the incidental catch fishery during the salmon troll fishery in paragraph (4)(c), if that vessel was previously issued a license for either the directed commercial fishery in paragraph (4)(a) or the incidental catch fishery during the sablefish fishery in paragraph (4)(b).

(6) A license issued in respect to a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(7) The Commission shall issue a license in respect to a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed, written, and signed ''Application for Vessel License for the Halibut Fishery'' form.

(8) A vessel operating in the directed commercial fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on April 30, or on the first weekday in May if April 30 is a Saturday or Sunday.

(9) A vessel operating in the incidental catch fishery during the sablefish fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on March 15, or the next weekday in March if March 15 is a Saturday or Sunday.

(10) A vessel operating in the incidental catch fishery during the salmon troll fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on March 15, or the next weekday in March if March 15 is a Saturday or Sunday.

(11) Application forms may be obtained from any authorized officer or from the Commission.

(12) Information on ''Application for Vessel License for the Halibut Fishery'' form must be accurate.

(13) The ''Application for Vessel License for the Halibut Fishery'' form shall be completed and signed by the vessel owner.

(14) Licenses issued under this section shall be valid only during the year in which they are issued.

(15) A new license is required for a vessel that is sold, transferred, renamed, or the documentation is changed.

(16) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.

(17) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in Title 15, CFR Part 904.

5. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the catch limit established preseason for each regulatory area;

(b) is consistent with the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and

(c) is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the United States or Canadian governments.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:

(a) Closed areas;

(b) fishing periods;

(c) fishing period limits;

(d) gear restrictions;

(e) recreational bag limits;

(f) size limits; or

(g) vessel clearances.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, and Provincial fishery officials; and the media.

6. Regulatory Areas

The following areas shall be regulatory areas (see Figure 1) for the purposes of the Convention:

(1) Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) Area 2B includes all waters off British Columbia;

(3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11′56″ N. latitude, 136°38′26″ W. longitude) and south and east of a line running 205° true from said light;

(4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41′15″ N. latitude, 155°35′00″ W. longitude) to Cape Ikolik (57°17′17″ N. latitude, 154°47′18″ W. longitude), then along the Kodiak Island coastline to Cape Trinity (56°44′50″ N. latitude, 154°08′44″ W. longitude), then 140° true;

(5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29′00″ N. latitude, 164°20′00″ W. longitude) and south of 54°49′00″ N. latitude in Isanotski Strait;

(6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00′00″ W. longitude and south of 56°20′00″ N. latitude;

(7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20′00″ N. latitude;

(8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00′00″ W. longitude, south of 58°00′00″ N. latitude, and west of 168°00′00″ W. longitude;

(9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00′00″ W. longitude; and

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00′00″ W. longitude, and south of 65°34′00″ N. latitude.

7. Fishing in Regulatory Area 4E and 4D

(1) Section 7 applies only to any person fishing, or vessel that is used to fish for, Area 4E Community Development Quota (CDQ) or Area 4D CDQ halibut, provided that the total annual halibut catch of that person or vessel is landed at a port within Area 4E or 4D.

(2) A person may retain halibut taken with setline gear in Area 4E CDQ and 4D CDQ fishery that are smaller than the size limit specified in section 13, provided that no person may sell or barter such halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest halibut in the Area 4E or 4D CDQ fisheries must report to the Commission the total number and weight of undersized halibut taken and retained by such persons pursuant to section 7, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to November 1 of the year in which such halibut were harvested.

8. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 11 have not been taken.

(2) Each fishing period in the Area 2A directed commercial fishery [2] shall begin at 0800 hours and terminate at 1800 hours local time on June 25, July 9, July 23, August 6, August 20, September 3, and September 17 unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery [3] is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on March 8 and 1200 hours local time on November 7.

(4) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on March 8 and 1200 hours local time on November 7.

(5) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on March 8 and terminate at 1200 hours local time on November 7, unless the Commission specifies otherwise.

[2] The directed fishery is restricted to waters that are south of Point Chehalis, Washington (46°53′18″ N. latitude) under regulations promulgated by NMFS and published in the **Federal Register**.

[3] The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington (46°53′18″ N. latitude) under regulations promulgated by NMFS at 50 CFR 300.63. Landing restrictions for halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.

(6) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on November 7.

9. Closed Periods

(1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.

(2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut on board.

(6) A vessel that has no halibut on board may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any halibut caught on gear retrieved in accordance with paragraph (6).

(9) No person shall possess halibut on board a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

All waters in the Bering Sea north of 55°00′00″ N. latitude in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36′00″ N. latitude, 164°55′42″ W. longitude) to a point at 56°20′00″ N. latitude, 168°30′00″ W. longitude; thence to a point at 58°21′25″ N. latitude, 163°00′00″ W. longitude; thence to Strogonof Point (56°53′18″ N. latitude, 158°50′37″ W. longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters, except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00′00″ N. latitude and 54°49′00″ N. latitude are closed to halibut fishing.

11. Catch Limits

(1) The total allowable catch of halibut to be taken during the halibut fishing periods specified in section 8 shall be limited to the net weights expressed in pounds or metric tons shown in the following table:

Regulatory area	Catch limit—net weight	
	Pounds	Metric tons
2A: Directed commercial, and incidental commercial catch during salmon troll fishery	197,808	89.7
2A: Incidental commercial during sablefish fishery	14,274	6.5
2B [4]	6,850,000	3,107.1
2C [5]	3,318,720	1,505.3
3A [6]	7,317,730	3,319.3
3B	2,840,000	1,288.2
4A	850,000	385.6
4B	1,140,000	517.1
4C	596,600	270.6
4D	596,600	270.6
4E	91,800	41.6

(2) Notwithstanding paragraph (1), regulations pertaining to the division of the Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 8 will be promulgated by NMFS and published in the **Federal Register**.

(3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken.

(4) Notwithstanding paragraph (1), the commercial fishing in Area 2B will close only when all Individual Vessel Quotas (IVQs) assigned by DFO are taken, or November 7, whichever is earlier.

(5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all Individual Fishing Quotas (IFQ) and all CDQs issued by NMFS have been taken, or November 7, whichever is earlier.

(6) If the Commission determines that the catch limit specified for Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be considered to have been taken unless fishing period limits are implemented.

(7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.

(8) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the Area 4D and Area 4E CDQ fisheries. The annual Area 4D CDQ catch limit will decrease by the equivalent amount of halibut CDQ taken in Area 4E in excess of the annual Area 4E CDQ catch limit.

(9) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4D directed commercial fishery is equal to the combined annual catch limits specified

[4] Area 2B includes combined commercial and sport catch limits that will be allocated by DFO. See section 27 for sport fishing regulations.

[5] For the commercial fishery in Area 2C, in addition to the catch limit, the estimate of incidental mortality from the commercial fishery is 80,000 pounds. This amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NMFS by a catch sharing plan.

[6] For the commercial fishery in Area 3A, in addition to the catch limit, the estimate of incidental mortality from the commercial fishery is 330,000 pounds. This amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NMFS by a catch sharing plan.

for Area 4C and Area 4D. The annual Area 4C catch limit will decrease by the equivalent amount of halibut taken in Area 4D in excess of the annual Area 4D catch limit.

Area 2B includes combined commercial and sport catch limits that will be allocated by DFO.

12. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut on board said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut on board said vessel and ensure that all halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

(a) The vessel's overall length in feet and associated length class;

(b) the average performance of all vessels within that class; and

(c) the remaining catch limit.

(6) Length classes are shown in the following table:

Overall length (in feet)	Vessel class
1–25	A
26–30	B
31–35	C
36–40	D
41–45	E
46–50	F
51–55	G
56+	H

(7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

(1) No person shall take or possess any halibut that:

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) with the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person on board a vessel fishing for, or tendering, halibut caught in Area 2A shall possess any halibut that has had its head removed.

14. Careful Release of Halibut

(1) All halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:

(a) Hook straightening;

(b) cutting the gangion near the hook; or

(c) carefully removing the hook by twisting it from the halibut with a gaff.

(2) Except that paragraph (1) shall not prohibit the possession of halibut on board a vessel that has been brought aboard to be measured to determine if the minimum size limit of the halibut is met and, if sublegal-sized, is promptly returned to the sea with a minimum of injury.

15. Vessel Clearance in Area 4

(1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(8) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any halibut caught in Area 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 18 for possessing halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio

and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and

(b) before unloading any halibut from Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(12) No halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.

(13) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for halibut only in Area 4C or 4D or 4E and lands its total annual halibut catch at a port within Area 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR sections 679.28(f)(3), (4) and (5); and

(b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800–304–4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

16. Logs

(1) The operator of any U.S. vessel fishing for halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: The Groundfish/IFQ Daily Fishing Longline and Pot Gear Logbook provided by NMFS; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADF&G) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in Area 2A must use either the Washington Department of Fish and Wildlife (WDFW) Voluntary Sablefish Logbook, Oregon Department of Fish and Wildlife (ODFW) Fixed Gear Logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the State (ADF&G, WDFW, ODFW, or California Department of Fish and Game) or Tribal vessel number;

(b) the date(s) upon which the fishing gear is set or retrieved;

(c) the latitude and longitude coordinates or a direction and distance from a point of land for each set or day;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be:

(a) Maintained on board the vessel;

(b) updated not later than 24 hours after 0000 (midnight) local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;

(c) retained for a period of two years by the owner or operator of the vessel;

(d) open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental halibut fishery during the salmon troll season in Area 2A defined in paragraph (4) of section 8.

(5) The operator of any Canadian vessel fishing for halibut shall maintain an accurate log recorded in the British Columbia Integrated Groundfish Fishing Log provided by DFO.

(6) The logbook referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the DFO vessel registration number;

(b) the date(s) upon which the fishing gear is set and retrieved;

(c) the latitude and longitude coordinates for each set;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of halibut retained for each set.

(7) The logbook referred to in paragraph (5) shall be:

(a) Maintained on board the vessel;

(b) retained for a period of two years by the owner or operator of the vessel;

(c) open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed;

(e) mailed to the DFO (white copy) within seven days of offloading; and

(f) mailed to the Commission (yellow copy) within seven days of the final offload if not collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

(1) No person shall receive halibut caught in Area 2A from a United States vessel that does not have on board the license required by section 4.

(2) No person shall possess on board a vessel a halibut other than whole or with gills and entrails removed, except that this paragraph shall not prohibit the possession on board a vessel of:

(a) Halibut cheeks cut from halibut caught by persons authorized to process the halibut on board in accordance with NMFS regulations published at 50 CFR Part 679;

(b) fillets from halibut offloaded in accordance with section 17 that are possessed on board the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload;[7] and

(c) halibut with their heads removed in accordance with section 13.

(3) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading.

(4) It shall be the responsibility of a vessel operator who lands halibut to continuously and completely offload at a single offload site all halibut on board the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR Part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B,

[7] DFO has more restrictive regulations; therefore, section 17 paragraph (2)(b) does not apply to fish caught in Area 2B or landed in British Columbia.

4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on Federal catch reports: Date of offload; name of vessel; vessel number (State, Tribal or Federal, not IPHC vessel number); scale weight obtained at the time of offloading, including the scale weight (in pounds) of halibut purchased by the registered buyer, the scale weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the scale weight of halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of halibut discarded as unfit for human consumption.

(6) The first recipient, commercial fish processor, or buyer in the United States who purchases or receives halibut directly from the vessel operator that harvested such halibut must weigh and record all halibut received and record the following information on State fish tickets: The date of offload; vessel number (State, Tribal or Federal, not IPHC vessel number); total weight obtained at the time of offload including the weight (in pounds) of halibut purchased; the weight (in pounds) of halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of halibut discarded as unfit for human consumption.

(7) The individual completing the State fish tickets for the Area 2A fisheries as referred to in paragraph (6) must additionally record whether the halibut weight is of head-on or head-off fish.

(8) For halibut landings made in Alaska, the requirements as listed in paragraph (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings in accordance with NMFS regulation published at 50 CFR Part 679.

(9) The master or operator of a Canadian vessel that was engaged in halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports the date; locality; name of vessel; the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut on board the vessel including the pounds purchased, pounds in excess of IVQs, pounds retained for personal use, and pounds discarded as unfit for human consumption.

(10) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (9) of section 17.

(11) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (9) shall be:

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) open to inspection by an authorized officer or any authorized representative of the Commission.

(12) No person shall possess any halibut taken or retained in contravention of these Regulations.

(13) When halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (11).

(14) No person shall tag halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

18. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel halibut caught in more than one regulatory area.

(2) Halibut caught in more than one of the Regulatory Areas 2C, 3A, or 3B may be possessed on board a vessel at the same time, provided the operator of the vessel:

(a) Has a NMFS-certified observer on board when required by NMFS regulations [8] published at 50 CFR 679.7(f)(4); and

(b) can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(3) Halibut caught in more than one of the Regulatory Areas 4A, 4B, 4C, or 4D may be possessed on board a vessel at the same time, provided the operator of the vessel:

(a) Has a NMFS-certified observer on board the vessel as required by NMFS regulations published at 50 CFR 679.7(f)(4); or has an operational VMS on board actively transmitting in all regulatory areas fished and does not possess at any time more halibut on board the vessel than the IFQ permit holders on board the vessel have cumulatively available for any single Area 4 regulatory area fished; and

(b) can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(4) If halibut from Area 4 are on board the vessel, the vessel can have halibut caught in Regulatory Areas 2C, 3A, and 3B on board if in compliance with paragraph (2).

19. Fishing Gear

(1) No person shall fish for halibut using any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined in the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(2) No person shall possess halibut taken with any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined by the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(3) No person shall possess halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching halibut, except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut heads, skin, entrails, bones or fins for use as bait may be possessed on board a vessel carrying pots capable of catching halibut, provided that a receipt documenting purchase or transfer of these halibut parts is on board the vessel.

(4) All setline or skate marker buoys carried on board or used by any United States vessel used for halibut fishing shall be marked with one of the following:

(a) The vessel's State license number; or

(b) the vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All setline or skate marker buoys carried on board or used by a Canadian vessel used for halibut fishing shall be:

(a) floating and visible on the surface of the water; and

(b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel used to fish for any species of fish anywhere

[8] Without an observer, a vessel cannot have on board more halibut than the IFQ for the area that is being fished, even if some of the catch occurred earlier in a different area.

in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery shall catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(8) No vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery may be used to catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these Regulations, a person may retain, possess and dispose of halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NMFS.

20. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

21. Retention of Tagged Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission external tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut:

(a) May be retained for personal use; or

(b) may be sold only if the halibut is caught during commercial halibut fishing and complies with the other commercial fishing provisions of these Regulations.

(3) Externally tagged fish must count against commercial IVQs, CDQs, IFQs, or daily bag or possession limits unless otherwise exempted by State, Provincial, or Federal regulations.

22. Fishing by United States Treaty Indian Tribes

(1) Halibut fishing in Subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the **Federal Register**.

(2) Subarea 2A–1 includes all waters off the coast of Washington that are north of 46°53′18″ N. latitude and east of 125°44′00″ W. longitude, and all inland marine waters of Washington.

(3) Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and possession of halibut) and section 19 (fishing gear), except paragraphs (7) and (8) of section 19, apply to commercial fishing for halibut in Subarea 2A–1 by the treaty Indian tribes.

(4) Regulations in paragraph (3) of this section that apply to State fish tickets apply to Tribal tickets that are authorized by Washington Department of Fish and Wildlife.

(5) Section 4 (Licensing Vessels for Area 2A) does not apply to commercial fishing for halibut in Subarea 2A–1 by treaty Indian tribes.

(6) Commercial fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from March 8 through November 7, or until 307,500 pounds (139.5 metric tons) net weight is taken, whichever occurs first.

(7) Ceremonial and subsistence fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from January 1 through December 31, and is estimated to take 28,500 pounds (12.9 metric tons) net weight.

23. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NMFS and published in 50 CFR Part 300.

(2) Customary and traditional fishing is authorized from January 1 through December 31.

24. Aboriginal Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

(1) Fishing for halibut for food, social and ceremonial purposes by Aboriginal groups in Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

25. Sport Fishing for Halibut—General

(1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) Any minimum overall size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

(3) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.

(4) No person may possess halibut on a vessel while fishing in a closed area.

(5) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(6) No halibut caught in sport fishing shall be possessed on board a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.

(7) The operator of a charter vessel shall be liable for any violations of these Regulations committed by a passenger aboard said vessel.

26. Sport Fishing for Halibut—Area 2A

(1) The total allowable catch of halibut shall be limited to:

(a) 214,110 pounds (97.1 metric tons) net weight in waters off Washington; and

(b) 197,808 pounds (89.7 metric tons) net weight in waters off California and Oregon.

(2) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NMFS are estimated to have been taken.

(3) When the Commission has determined that a subquota under paragraph (8) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

(4) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(5) The possession limit on a vessel for halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit on land in Washington for halibut caught in U.S. waters off the coast of Washington is two halibut.

(6) The possession limit on a vessel for halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for halibut on land in Oregon is three daily bag limits.

(7) The possession limit on a vessel for halibut caught in the waters off the coast of California is one halibut. The possession limit for halibut on land in California is one halibut.

(8) The sport fishing subareas, subquotas, fishing dates, and daily bag limits are as follows, except as modified under the in-season actions in 50 CFR 300.63(c). All sport fishing in Area 2A is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

27. Sport Fishing for Halibut—Area 2B

(1) In all waters off British Columbia: [9] [10]

(a) the sport fishing season will open on February 1 unless more restrictive regulations are in place; [10]

(b) The sport fishing season will close when the sport catch limit allocated by DFO, is taken, or December 31, whichever is earlier;

(c) the daily bag limit is two halibut of any size per day per person.

(2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(3) The possession limit for halibut in the waters off the coast of British Columbia is three halibut.

28. Sport Fishing for Halibut—Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In Convention waters in and off Alaska: [11,*12]

(a) The sport fishing season is from February 1 to December 31.

(b) The daily bag limit is two halibut of any size per day per person unless a more restrictive bag limit applies in Commission regulations or Federal regulations at 50 CFR 300.65.

(c) No person may possess more than two daily bag limits.

(d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with skin on all pieces.

(e) Halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs.

(2) For guided sport fishing (as referred to in 50 CFR 300.65) in Regulatory Area 2C:

(a) The total catch allocation, including an estimate of incidental mortality (wastage), is 761,280 pounds (345.3 metric tons).

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one halibut per calendar day.[13]

(c) No person aboard a charter vessel (as referred to in 50 CFR 300.65) shall take or possess any halibut that with head on that is greater than 44 inches (111.8 cm) and less than 76 inches (194.0 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 3.[13]

(d) If the halibut is filleted, the entire carcass, with head and tail connected as a single piece, must be retained on board the vessel until all fillets are offloaded.[14]

(3) For guided sport fishing (as referred to in 50 CFR 300.65) in Regulatory Area 3A:

(a) The total catch allocation, including an estimate of incidental mortality (wastage), is 1,782,270 pounds (808.4 metric tons).

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two halibut per calendar day.

(c) At least one of the retained halibut must have a head-on length of no more than 29 inches (73.7 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 4.[13] If a person sport fishing on a charter vessel in Area 3A retains only one halibut in a calendar day, that halibut may be of any length.

(d) If the size-restricted halibut is filleted, the entire carcass, with head and tail connected as a single piece, must be retained on board the vessel until all fillets are offloaded.[14]

(e) A charter vessel, as defined in section 3 (Definitions) and referred to in 50 CFR 300.65, on which one or more anglers catch and retain halibut, may only make one charter vessel fishing trip per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear in to the water from a vessel after any charter vessel angler (as defined at 50 CFR 300.61) is on board and the offloading of one or more charter vessel anglers or any halibut from that vessel.

29. Previous Regulations Superseded

These Regulations shall supersede all previous regulations of the Commission, and these Regulations shall be effective each succeeding year until superseded.

[9] DFO could implement more restrictive regulations for the sport fishery, therefore anglers are advised to check the current Federal or Provincial regulations prior to fishing.

[10] For regulations on the experimental recreational fishery implement by DFO check the current Federal or Provincial regulations.

[11] NMFS could implement more restrictive regulations for the sport fishery or components of it, therefore, anglers are advised to check the current Federal or State regulations prior to fishing.

[12] Charter vessels are prohibited from harvesting halibut in Area 2C and 3A during one charter vessel fishing trip under regulations promulgated by NMFS at 50 CFR 300.66(v).

[13] Guided angler fish (GAF), as described at 50 CFR 300.65(c), may be used to allow a charter vessel angler to harvest additional halibut up to the limits in place for unguided anglers.

[14] For halibut caught and retained as GAF, the charter vessel guide must immediately remove the tips of the upper and lower lobes of the caudal (tail) fin, and if the halibut is filleted, the entire carcass, with head and tail connected as a single piece, must be retained on board the vessel until all fillets are offloaded (50 CFR 300.65(c)(5)(iv)(G)). Additional regulations governing use of GAF are at 50 CFR 300.65.

Classification

IPHC Regulations

These IPHC annual management measures are a product of an agreement between the United States and Canada and are published in the **Federal Register** to provide notice of their effectiveness and content. Pursuant to section 4 of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c, the Secretary of State, with the concurrence of the Secretary of Commerce, may ''accept or reject'' but not modify these recommendations of the IPHC. The otherwise applicable notice-and-comment and delay-in-effectiveness date provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553(c) and (d), are inapplicable to IPHC management measures because this regulation involves a foreign affairs function of the United States, 5 U.S.C. 553(a)(1). The additional time necessary to comply with the notice-and-comment and delay-in-effectiveness requirements of the APA would disrupt coordinated international conservation and management of the halibut fishery pursuant to the Convention. Furthermore, no other law requires prior notice and public comment for this rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 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 not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this portion of the rule and none has been prepared.

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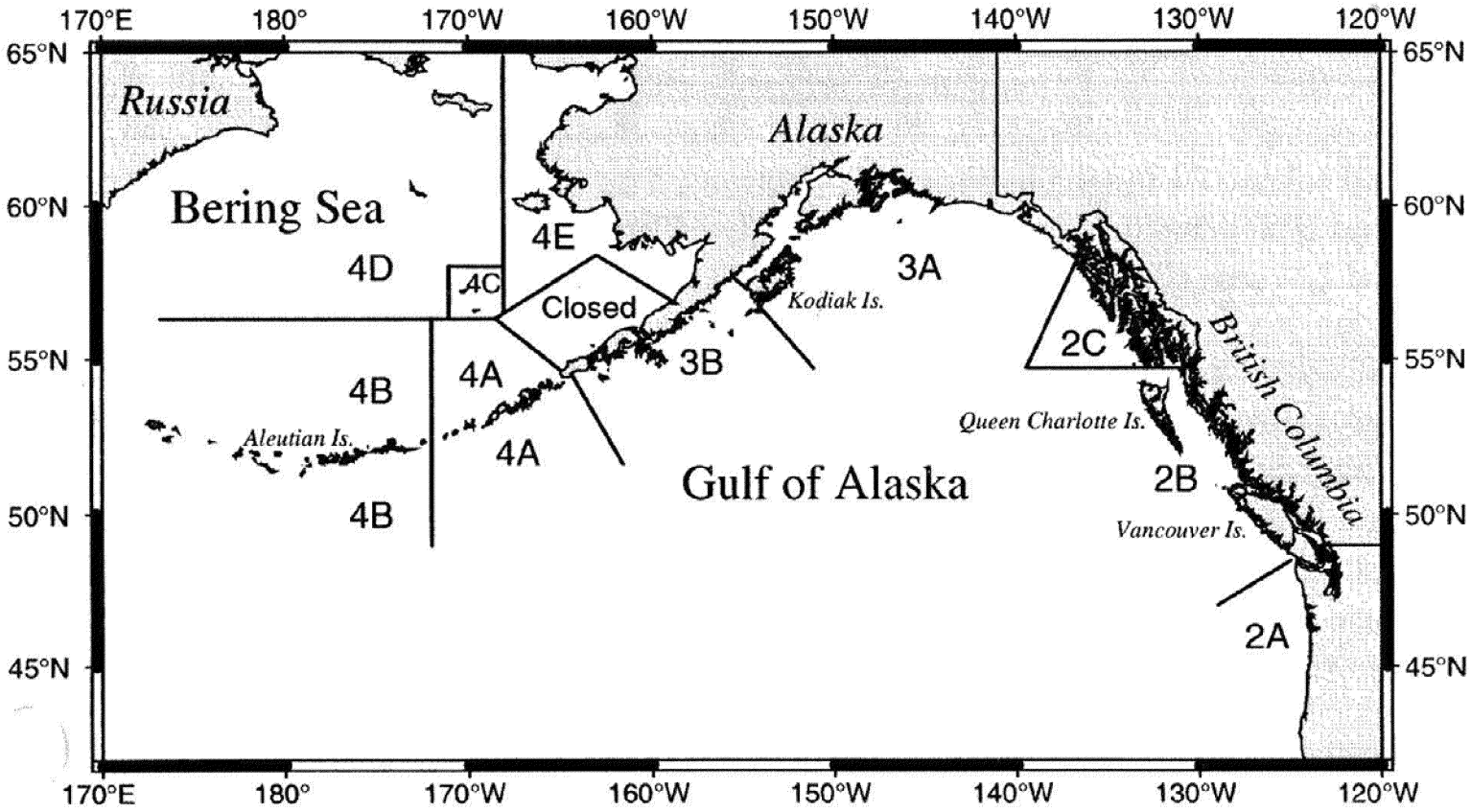

Figure 1. Regulatory areas for the Pacific halibut fishery.

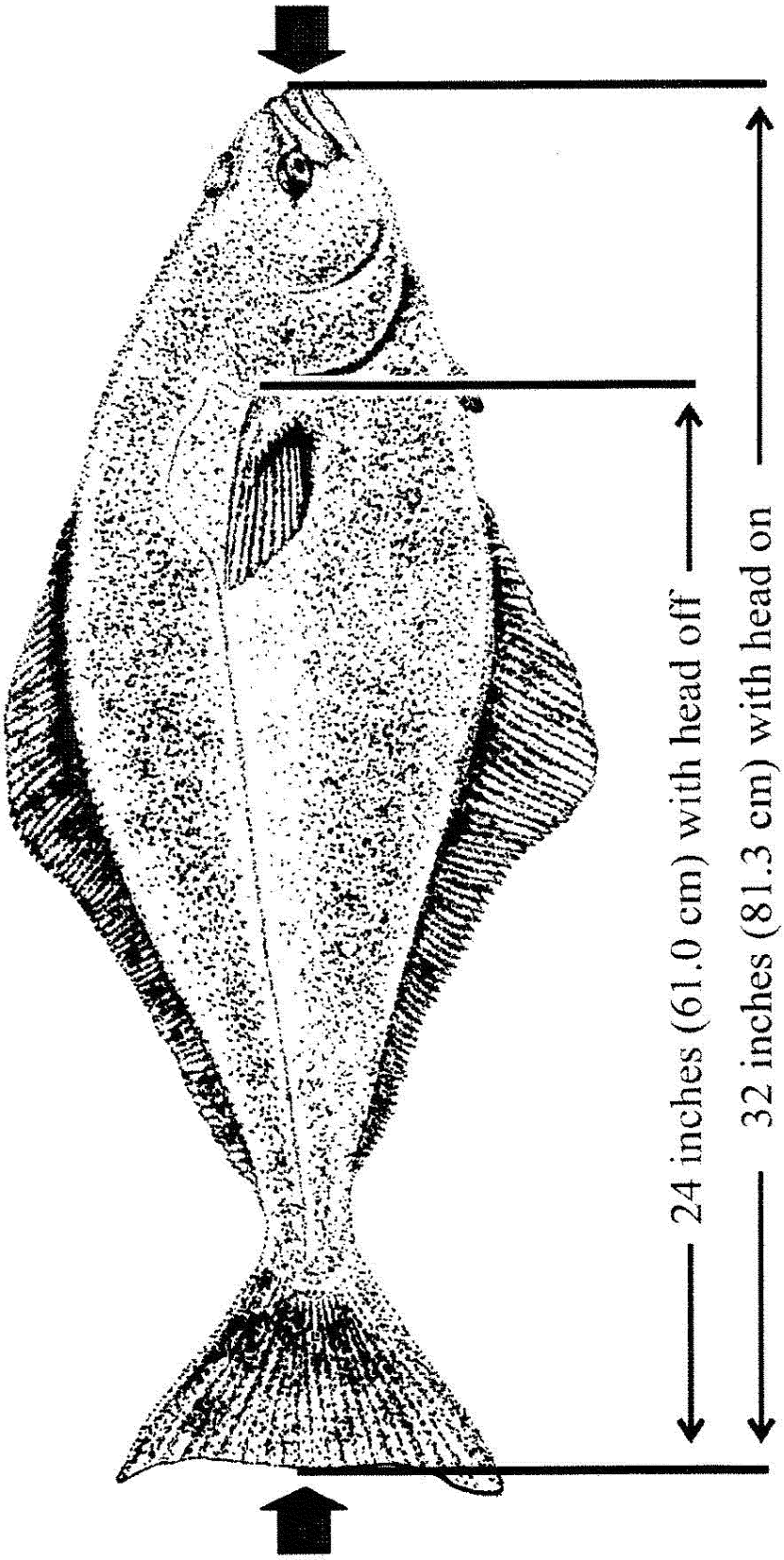

Figure 2. Minimum commercial size.

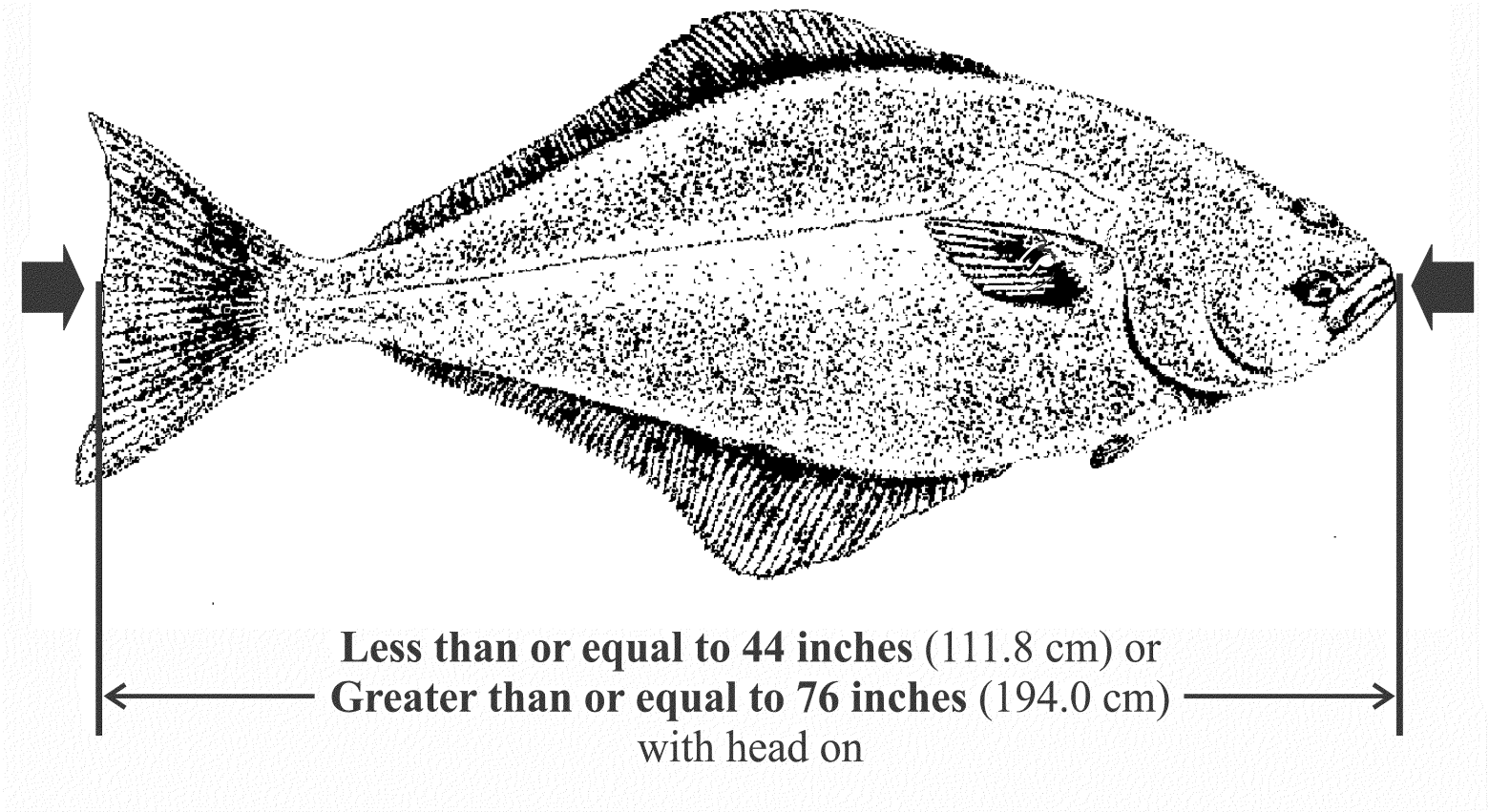

Figure 3. Recreational reverse slot limit for halibut on board a charter vessel referred to in 50 CFR 300.65 and fishing in Regulatory Area 2C (see Section 28 paragraph 2(c)).

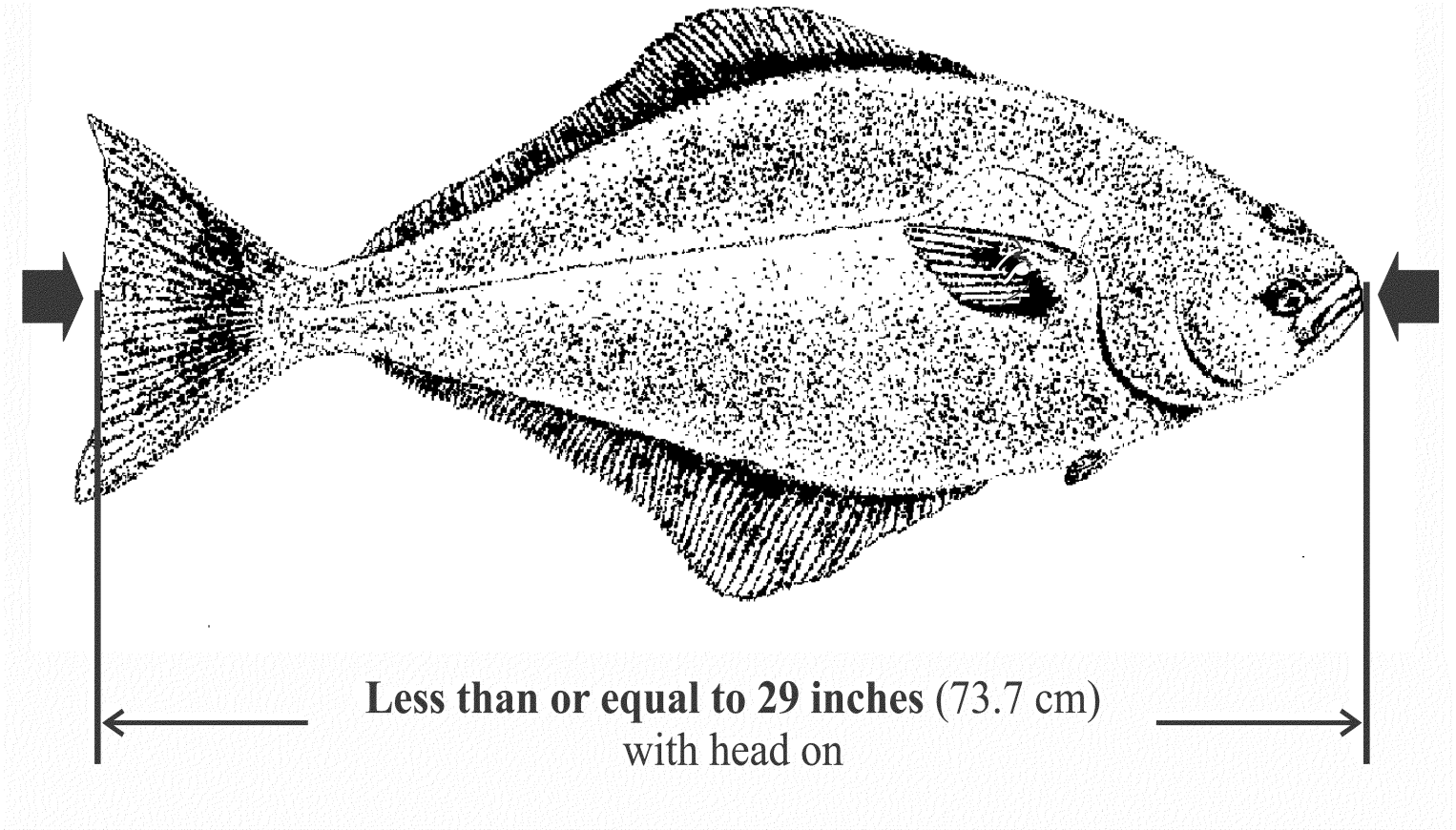

Figure 4. Recreational maximum size limit for one fish in two-fish bag limit for halibut on board a charter vessel referred to in 50 CFR 300.65 and fishing in Regulatory Area 3A (see Section 28 paragraph 3(c)). If only one halibut is retained, it may be of any size.

Authority: 16 U.S.C. 773 *et seq.*

Dated: March 6, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–05339 Filed 3–7–14; 4:15 pm]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 79, No. 48
Wednesday, March 12, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0002; Directorate Identifier 2011–NE–42–AD]

RIN 2120–AA64

Airworthiness Directives; Continental Motors, Inc. Reciprocating Engines; Initial Regulatory Flexibility Analysis

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Availability of an Initial Regulatory Flexibility Analysis (IRFA)

SUMMARY: This document announces the availability of and request for comments on the IRFA for the previously published proposed airworthiness directive (AD). That AD applied to certain Airmotive Engineering Corp. replacement parts manufacturer approval cylinder assemblies marketed by Engine Components International Division, used on the Continental Motors, Inc. (CMI) models 520 and 550 reciprocating engines, and all other engine models approved for the use of CMI models 520 and 550 cylinder assemblies such as the CMI model 470 when modified by supplemental type certificate.

DATES: Comments must be received on or before May 12, 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 FURTHER INFORMATION CONTACT: Jurgen E. Priester, Aerospace Engineer, Special Certification Office, FAA, Rotorcraft Directorate, 2601 Meacham Blvd., Fort Worth, TX 76137; phone: 817–222–5159; fax: 817–222–5785; email: *jurgen.e.priester@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 the specified products. The NPRM published in the **Federal Register** on August 12, 2013 (78 FR 48828). The NPRM proposed to require initial and repetitive inspections, replacement of cracked cylinders, and replacement of cylinder assemblies at reduced times-in-service. The NPRM also proposed to prohibit the installation of affected cylinder assemblies into any engine.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.

To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the Act. Based on the comments received following publication of the NPRM, we have completed an IRFA and request comments from affected small entities. The purpose of this analysis is to identify the number of small entities affected, assess the economic impact of the proposed regulation on them, and consider less burdensome alternatives and still meet the agency's statutory objectives.

Part 135 Operators

The U.S. Small Business Administration (SBA) classifies businesses as small based on size standards, typically expressed as number of employees. The FAA identified 609 part 135 operators that meet the SBA definition of a small entity (entities with 1,500 or fewer employees) out of the 610 part 135 operators affected by this proposed rule. We consider this a substantial number of small entities.

For the 609 part 135 small operators, we estimate costs that range between $14 thousand and $1.2 million for adopting this AD. We also estimated the value of their aircraft, which ranges between $22 thousand and $21 million. Using the preceding information, the FAA estimates that the ratio of annualized cost to asset value are higher than 5 percent for 432 part 135 operators.

Smaller Air Services Businesses

We estimate that more than 5,000 smaller air services businesses would be affected by this proposed rule. We consider this a substantial number of small entities. For each of these entities, we estimated costs of about $14 thousand although we were unable to estimate their asset value.

Initial Regulatory Flexibility Analysis

Under Section 603(b) of the RFA, the initial analysis must address:

(1) Description of reasons the agency is considering the action;

(2) Statement of the legal basis and objectives for the proposed rule;

(3) Description of the record keeping and other compliance requirements of the proposed rule;

(4) All federal rules that may duplicate, overlap, or conflict with the proposed rule;

(5) Description and an estimated number of small entities to which the proposed rule will apply; and

(6) Describe alternatives considered.

A brief description of each of these criteria is discussed below. The complete IRFA can be found in the AD docket on the Internet at *http://www.regulations.gov/#!searchResults;rpp=25;po=0;s=FAA-2012-0002.*

1. A Description of the Reasons Action by the Agency Is Being Considered

This proposed AD was prompted by failure reports of multiple cylinder head-to-barrel separations and cracked and leaking aluminum cylinder heads.

2. Objectives of, and Legal Basis for, the Proposed Rule

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.

3. A Description of and an Estimate of the Number of Small Entities to Which the Proposed Rule Will Apply

The FAA identified 432 small part 135 operators on which the rule will have a significant economic impact. We estimate that these small part 135 operators have assets valued between $22 thousand and $21 million.

4. Reporting, Record Keeping, and Other Compliance Requirements of the Proposed Rule

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. Total paperwork costs range between $7 and $623 per small entity.

5. Duplicative, Overlapping, or Conflicting Federal Rules

The FAA is unaware of any Federal rules that duplicate, overlap, or conflict with this rule.

6. Significant Alternatives to the Proposed Rule

We have considered the following alternatives:

(1) Do nothing—This option is not acceptable due to the number of failures of ECi cylinder head assemblies and the consequences of the failures.

(2) Periodic inspections only (no forced removals)—Though the National Transportation Safety Board recommends this option, we do not find it acceptable. The rate of crack growth to failure is unknown, but has shown that it can be more rapid than the intervals of part 43 mandated inspections. Further, failure events tend to group in both low time (<500 hr) failure events and high time (≤1000 hr) failure events.

(3) Forced removals only (no periodic inspections)—We do not find that this option is acceptable. Failure events may still occur at times other than the low and high times groups described above, and periodic inspections may find impending failures.

Comments Invited

We invite you to send any written relevant data, views, or arguments about this rulemaking. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0002; Directorate Identifier 2011–NE–42–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this rulemaking action. The most helpful comments will reference a specific portion of the IRFA or related rulemaking document, explain the reason for any recommended change, and include supporting data.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will address all comments in the final rule including those already in the AD docket from the NPRM. We will also post a report summarizing each substantive verbal contact we receive about the proposed AD.

Issued in Burlington, Massachusetts, on February 27, 2014.

Colleen M. D'Alessandro,

Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2014–05234 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0139; Directorate Identifier 2012–NM–133–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2009–20–05 that applies to certain Model A318, A319, A320, and A321 series airplanes. AD 2009–20–05 requires one-time inspections for cracking, damage, correct installation, and correct adjustment of the main landing gear (MLG) door hinge and actuator fittings on the keel beam, and corrective actions if necessary. Since we issued AD 2009–20–05, we have received reports of cracks on fittings that had successfully passed the required inspections. This proposed AD would expand the applicability, reduce the compliance time, and require repetitive inspections instead of the one-time inspection. This proposed AD would also require revising the maintenance or inspection program to remove a certain airworthiness limitations item (ALI) task. We are proposing this AD to detect and correct such cracking, which could lead to in-flight detachment of an MLG door, possibly resulting in injury to persons on the ground and/or damage to the airplane.

DATES: We must receive comments on this proposed AD by April 28, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 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–2014–0139; 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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1405; 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–2014–0139; Directorate Identifier 2012–NM–133–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

On September 15, 2009, we issued AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009). AD 2009–20–05 requires actions intended to address an unsafe condition on certain Model A318, A319, A320, and A321 series airplanes.

Since we issued AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009), we have received reports of cracks on fittings that had successfully passed the required inspections. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0118, dated July 4, 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:

> Several cases of cracks have reportedly been found on the MLG door hinge fitting and on the MLG door actuator fitting on the keel beam.
>
> This condition, if not detected and corrected, could lead to in-flight detachment of a MLG door, possibly resulting in injury to persons on the ground and/or damage to the aeroplane.
>
> To address this potential unsafe condition, EASA issued EASA AD 2007–0161 [*http://ad.easa.europa.eu/blob/easa_ad_2007_0161_superseded.pdf/AD_2007-0161_1*] [which corresponds to FAA AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)], to require a one-time inspection of the affected fittings and accomplishment of the applicable corrective actions.
>
> Since that [EASA] AD was issued, some cracks have been found on fittings that had successfully passed the one-time inspection as required by EASA AD 2007–0161. Analyses of these cracks have lead Airbus to reconsider the repetitive inspections of the MLG door hinge and actuator fittings on the keel beam, in accordance with the ALI task 533154–02–1 requirement as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items (ALI) Document, by introducing more restrictive inspection thresholds and intervals.
>
> For the reasons stated above, this [EASA] AD, which supersedes EASA AD 2007–0161 and the ALI [Airworthiness Limitations Item] task 533154–02–1 requirements, expands the [EASA] AD applicability to all A318/A319/A320/A321 aeroplanes and requires repetitive inspections of the MLG door hinge and actuator fittings on the keel beam at a new threshold and interval and, depending on findings, the accomplishment of applicable corrective actions.

The inspections are detailed, high frequency eddy current (HFEC), and ultrasonic inspections for cracking, damage, correct installation, and correct adjustment, as applicable. The corrective actions include correcting incorrect adjustments and installations, and repair. Additionally, this proposed AD would require, for certain airplanes, contacting the FAA for instructions on repairs and accomplishing those instructions. This proposed AD would also require revising the maintenance program to remove ALI task 533154–02–1. 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–2014–0139.

Relevant Service Information

Airbus has issued Airbus Mandatory Service Bulletin A320–53–1195, Revision 03, including Service Bulletin Reporting Sheet, dated November 8, 2011; and Airbus Mandatory Service Bulletin A320–53–1196, Revision 02, including Service Bulletin Reporting Sheet, dated November 8, 2011. 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.

Repair Approvals

In many FAA transport ADs, when the service information specifies to contact the manufacturer for further instructions if certain discrepancies are found, we typically include in the AD a requirement to accomplish the action using a method approved by either the FAA or the State of Design Authority (or its delegated agent).

We have recently been notified that certain laws in other countries do not allow such delegation of authority, but some countries do recognize design approval organizations. In addition, we have become aware that some U.S. operators have used repair instructions that were previously approved by a State of Design Authority or a Design Approval Holder (DAH) as a method of compliance with this provision in FAA ADs. Frequently, in these cases, the previously approved repair instructions come from the airplane structural repair manual or the DAH repair approval statements that were not specifically developed to address the unsafe condition corrected by the AD. Using repair instructions that were not specifically approved for a particular AD creates the potential for doing

repairs that were not developed to address the unsafe condition identified by the MCAI AD, the FAA AD, or the applicable service information, which could result in the unsafe condition not being fully corrected.

To prevent the use of repairs that were not specifically developed to correct the unsafe condition, certain requirements specified in this proposed AD require that the repair approval specifically refer to the FAA AD. This change is intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we use the phrase ''its delegated agent, or the DAH with State of Design Authority design organization approval, as applicable'' in this proposed AD to refer to a DAH authorized to approve certain required repairs for this proposed AD.

Differences Between This AD and the MCAI or Service Information

The MCAI specifies for airplanes on which a Repair Approval Sheet (RAS) has been issued by Airbus to cover findings from an inspection performed before the effective date of this AD, as described in certain Airbus documents, accomplishing the RAS instructions and thereafter doing the repetitive inspections specified in the MCAI. This proposed AD does not require those actions as mandated by the MCAI. However, we would like to clarify that an RAS issued by the DAH under the authority of EASA's DOA is an approved method of repair. This difference has been coordinated with the EASA.

Costs of Compliance

We estimate that this proposed AD affects 851 airplanes of U.S. registry.

The actions that are required by AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009), and retained in this proposed AD take about 28 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2009–20–05 is $2,380 per product.

We also estimate that it would take about 26 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,880,710, or $2,210 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.

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009), and adding the following new AD:

Airbus: Docket No. FAA–2014–0139; Directorate Identifier 2012–NM–133–AD.

(a) Comments Due Date

We must receive comments by April 28, 2014.

(b) Affected ADs

This AD supersedes AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009).

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks on the main landing gear (MLG) door hinge fitting and actuator fitting on the keel beam. We are issuing this AD to detect and correct such cracking, which could lead to in-flight detachment of an MLG door, possibly resulting in injury to persons on the ground and/or damage to the airplane.

(f) Compliance

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

(g) Retained One-Time Inspections and Corrective Action

This paragraph restates the requirements of paragraphs (f)(1) and (f)(2) of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009). For airplanes having serial numbers up to manufacturer's serial number (MSN) 2850 inclusive, except MSNs 0115, 0184, 0782, 1151, 1190, 2650, 2675, 2706, 2801, and 2837: Do the actions required by paragraphs (g)(1) and (g)(2) of this AD.

(1) At the latest of the times specified in paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) of this AD: Perform detailed visual, high frequency eddy current (HFEC), and ultrasonic inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the left-hand (LH) and right-hand (RH) MLG door actuator fitting on the keel beam, and do all applicable corrective actions before further flight, except as provided by paragraph (h) of this AD. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1195, Revision 02, including Appendix 01, dated April 5, 2007; except where that service information specifies that the applicable corrective action is contacting Airbus, contact Airbus for repair instructions and repair before further flight. As of the effective date of this AD, repair using a method approved by the Manager, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent, or the Design Approval Holder (DAH) with the EASA design organization approval, as applicable). For a repair method to be approved as of the effective date of this AD, the repair approval must specifically refer to this AD.

(i) Within 6,000 flight cycles since first flight.

(ii) Within 1,500 flight cycles after November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)).

(iii) Within 6,000 flight cycles from the latest MLG door actuator fitting replacement.

(2) At the later of the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD: Perform detailed visual and HFEC inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the LH and RH MLG door hinge fitting on the keel beam, and do all applicable corrective actions before further flight, except as provided by paragraph (h) of this AD. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1196, Revision 01, including Appendix 01, dated November 29, 2006; except where that service information specifies that the applicable corrective action is contacting Airbus, contact Airbus for repair instructions and repair before further flight. As of the effective date of this AD, repair using a method approved by the Manager, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent, or the Design Approval Holder (DAH) with the EASA design organization approval, as applicable). For a repair method to be approved as of the effective date of this AD, the repair approval must specifically refer to this AD.

(i) Within 4,500 flight cycles since first flight.

(ii) Within 1,500 flight cycles after November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)).

(h) Retained Exception to Paragraph (g) of This AD

This paragraph restates the exception specified in paragraph (f)(4) of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009). Where the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1195, Revision 02, including Appendix 01, dated April 5, 2007; or Airbus Mandatory Service Bulletin A320–53–1196, Revision 01, including Appendix 01, dated November 29, 2006; specify to submit a report where no damage or crack is found during the inspection required by paragraph (g)(1) or (g)(2) of this AD: Send the report to Airbus using the applicable reporting sheet in Appendix 01 of Airbus Mandatory Service Bulletin A320–53–1195, Revision 02, dated April 5, 2007; or Airbus Mandatory Service Bulletin A320–53–1196, Revision 01, dated November 29, 2006. Send the report at the applicable time specified in paragraph (h)(1) or (h)(2) of this AD.

(1) If the inspection was done on or after November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)): Submit the report within 30 days after the inspection.

(2) If the inspection was done before November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)): Submit the report within 30 days after November 3, 2009.

(i) New Repetitive Inspections and Corrective Action

(1) At the latest of the times specified in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this AD: Perform detailed, HFEC, and ultrasonic inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the LH and RH MLG door actuator fitting on the keel beam, and do all applicable corrective actions before further flight. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1195, Revision 03, including Service Bulletin Reporting Sheet, dated November 8, 2011; except where that service information specifies that the applicable corrective action is contacting Airbus, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA (or its delegated agent, or the Design Approval Holder (DAH) with the EASA design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD. Repeat the inspections thereafter at intervals not to exceed 2,250 flight cycles.

(i) Before the accumulation of 3,000 flight cycles since first flight.

(ii) Within 2,250 flight cycles after the most recent inspection done as specified in Airbus Service Bulletin A320–53–1195, or Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), as applicable.

(iii) Within 1,500 flight cycles after the effective date of this AD.

(2) At the latest of the times specified in paragraphs (i)(2)(i), (i)(2)(ii), and (i)(2)(iii) of this AD: Perform detailed and HFEC inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the LH and RH MLG door hinge fitting on the keel beam, and do all applicable corrective actions before further flight. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1196, Revision 02, including Service Bulletin Reporting Sheet, dated November 8, 2011; except where that service information specifies that the applicable corrective action is contacting Airbus, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA (or its delegated agent, or the DAH with the EASA design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD. Repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles.

(i) Before the accumulation of 3,000 flight cycles since first flight.

(ii) Within 3,000 flight cycles after the most recent inspection done as specified in Airbus Service Bulletin A320–53–1196, or Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), as applicable.

(iii) Within 1,500 flight cycles after the effective date of this AD.

(j) New Corrective Action Limitation

The accomplishment of a corrective action on an airplane, as required by paragraph (i) of this AD, does not constitute terminating action for the repetitive inspection requirements of this AD for that airplane.

(k) New Maintenance or Inspection Program Revision

After the effective date of this AD and before further flight after doing the inspection required by paragraph (i) of this AD: Revise the maintenance or inspection program, as applicable, to remove Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), Revision 01, dated April 4, 2012. The actions required by this AD take precedence over Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant

Airworthiness Limitations Items (DT ALI), Revision 01, dated April 4, 2012.

(l) 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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227 1405; 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 the DAH with a State of Design Authority's design organization approval, as applicable). You are required to ensure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* 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.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information European Aviation Safety Agency Airworthiness Directive 2012–0118, dated July 4, 2012, 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 Docket No. FAA–2014–0139.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 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 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 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–05434 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0140; Directorate Identifier 2013–NM–176–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 A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes. This proposed AD was prompted by a report of contact between certain electrical harnesses and the hatrack rod that could cause chafing between the harnesses and surrounding structure. This proposed AD would require modifying the routing of certain electrical harnesses. We are proposing this AD to prevent chafing and possible short circuit of two oxygen chemical generator containers in different wiring routes, which could result in malfunction of the electrical opening of all the containers connected to these routes. Such conditions, during a sudden depressurization event, could result in lack of oxygen and consequent injuries to airplane occupants.

DATES: We must receive comments on this proposed AD by April 28, 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, 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—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@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–2014–0140; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; 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–2014–0140; Directorate Identifier 2013–NM–176–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 2013–0196, dated August 28, 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:

On the production line, electrical harnesses 1523VB and 1524VB have been found in contact with hatrack rod at Frame (FR) 53.7 between stringers (STR) 14 and 15. It was concluded that there is a risk of chaffing between these harnesses and the surrounding structure, which could lead to a short circuit on two oxygen chemical generator containers in different wiring routes. Consequently, the electrical opening of all the containers connected to these routes would not be possible, resulting in a malfunction of up to two thirds of the affected containers.

This condition, if not corrected, could lead, in case of a sudden depressurization event, to lack of oxygen supply, possibly resulting in injuries to aeroplane occupants.

To address this potential unsafe condition, Airbus developed two modifications of the routing of the affected harnesses.

For the reasons described above, this [EASA] AD requires modification of the routing of harnesses 1523VB and 1524VB.

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–2014–0140.

Relevant Service Information

Airbus has issued Mandatory Service Bulletins A330–92–3098 and A340–92–4084, dated January 11, 2013. 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 51 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
Modification	6 work-hours × $85 per hour = $510	Up to $1,057	Up to $1,567	Up to $79,917.

According to the manufacturer, some of the costs of this proposed 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 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–2014–0140; Directorate Identifier 2013–NM–176–AD.

(a) Comments Due Date

We must receive comments by April 28, 2014.

(b) Affected ADs

None.

(c) Applicability

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

(1) Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, all manufacturer serial numbers, on which Airbus Modification 48825 has been embodied in production; except for airplanes on which Airbus Modification 52485, 40161, or 201669 has been embodied.

(2) Model A340–211, –212, –213, –311, –312, and –313 airplanes, all manufacturer serial numbers, on which Airbus Modification 48825D42865 has been embodied in production; except for airplanes on which Airbus Modification 55606 or 40161 has been embodied.

(d) Subject

Air Transport Association (ATA) of America Code 92.

(e) Reason

This AD was prompted by a report of contact between certain electrical harnesses and the hatrack rod that could cause chafing between the harnesses and surrounding structure. We are issuing this AD to prevent chafing and possible short circuit of two oxygen chemical generator containers in different wiring routes, which could result in malfunction of the electrical opening of all the containers connected to these routes. Such conditions, during a sudden depressurization event, could result in lack of oxygen and consequent injuries to airplane occupants.

(f) Compliance

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

(g) Modification

Within 24 months after the effective date of this AD: Modify the routing of electrical harnesses 1523VB on the left-hand side and 1524VB on the right-hand side, at the level of the door 3 area between frames 53.6 and 53.8, and between stringers 14 and 15, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–92–3098 or A340–92–4084, both dated January 11, 2013, as applicable.

(h) 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; 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 DAH 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.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2013–0196, dated August 28, 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–2014–0140.

(2) For service information identified in this AD, contact Airbus, SAS Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.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 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–05424 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0141; Directorate Identifier 2013–NM–024–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 727–100 series airplanes. This proposed AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. For certain airplanes, this proposed AD would require repetitive inspections for cracking in stringers or frames until modification, and repair if necessary. We are proposing this AD to detect and correct cracking in stringers or frames originating at or near stringer-to-frame attachment fastener holes, which could result in reduced structural integrity of the airplane, and decompression of the cabin.

DATES: We must receive comments on this proposed AD by April 28, 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–2014–0141; 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: Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: (562) 627–5239; fax: (562) 627–5210; email: *chandraduth.ramdoss@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–2014–0141; Directorate Identifier 2013–NM–024–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

As described in FAA Advisory Circular 120–104 *(http://www.faa.gov/documentLibrary/media/Advisory_Circular/120-104.pdf),* several programs have been developed to support initiatives that will ensure the continued airworthiness of aging airplane structure. The last element of those initiatives is the requirement to establish a limit of validity (LOV) of the engineering data that support the structural maintenance program under 14 CFR 26.21. This proposed AD is the result of an assessment of the previously established programs by Boeing during the process of establishing the LOV for The Boeing Company Model 727 airplanes. The actions specified in this proposed AD are necessary to complete certain programs to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV.

Fatigue tests conducted by the manufacturer show that repeated pressurization cycles result in fatigue cracks at some of the stringer-to-frame connections along the crown of the fuselage. Undetected cracking at the stringer-to-frame connections along the crown of the fuselage, and the lack of stringer-to-body frame tie clips in the crown area of the fuselage, could result in damage to wire bundles and control cables for the flight control system, reduced structural integrity of the airplane, and decompression of the cabin.

Related Rulemaking

On January 16, 1990, we issued AD 90–06–09, Amendment 39–6488 (55 FR 8370, March 7, 1990), which applied to certain Boeing Model 727 series airplanes. AD 90–06–09 required structural modifications specified in Section 3 of Boeing Document D6–54860, ''Aging Airplane Service Bulletin Structural Modification and Inspection Program—Model 727,'' Revision C, dated December 11, 1989. AD 90–06–09 was prompted by a report by the Model 727 Structures Working Group. The actions required by AD 90–06–09 were intended to prevent structural failure of the airplane. One of the requirements of AD 90–06–09 was to do the modification in accordance with Boeing Service Bulletin 727–53–0041, Revision 4 dated July 27, 1973, prior to the accumulation of 60,000 flights or 4 years whichever occurs later.

On March 23, 1994, we issued AD 94–07–08, Amendment 39–8866 (59 FR 14545, March 29, 1994), which applied to certain Boeing Model 727 series airplanes. AD 94–07–08 required structural inspections specified in section 4 and appendices A.4 and B.4 of Boeing Document Number D6–54860, ''Aging Airplane Service Bulletin Structural Modification and Inspection Program—Model 727,'' Revision G, dated March 5, 1993, and corrective actions if necessary. The corrective actions included doing small repairs and modifications. AD 94–07–08 was prompted by reports of incidents involving fatigue cracking and corrosion. The actions required by AD 94–07–08 included only post-modification visual inspections per Boeing Service Bulletin 727–53–0041, Revision 5, dated January 25, 1990.

This proposed rule requires repetitive inspections on those airplanes that have not yet accomplished the modification that is required by AD 90–06–09.

Relevant Service Information

We reviewed Boeing Service Bulletin 727–53–0041, Revision 6, dated September 5, 1991. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0141.

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 accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 2 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 and repetitive inspections.	60 work-hours × $85 per hour = $5,100 per inspection cycle.	$0	$5,100 per inspection	$10,200 per inspection.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Modification	600 work-hours × $85 per hour = $51,000 per inspection cycle.	Up to $11,481	Up to $62,481 per modification.

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–2014–0141; Directorate Identifier 2013–NM–024–AD.

(a) Comments Due Date

We must receive comments by April 28, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 727–100 series airplanes, certificated in any category, as identified in Boeing Service Bulletin 727–53–0041, Revision 6, dated September 5, 1991, unless previously modified in accordance with the service information specified in paragraphs (c)(1), (c)(2) or (c)(3) of this AD.

(1) Boeing Service Bulletin 727–53–0041, Revision 4, dated July 27, 1973.

(2) Boeing Service Bulletin 727–53–0041, Revision 5, dated January 25, 1990.

(3) Boeing Service Bulletin 727–53–0041, Revision 6, dated September 5, 1991.

Note 1 to paragraph (c) of this AD: Boeing Service Bulletin 727–53–0041, Revision 4, dated July 27, 1973 is specified in Boeing Document D6–54860 ''Aging Airplane Service Bulletin Structural Modification Program—Model 727,'' Revision C, dated December 11, 1989 as mandated by AD 90–06–09, Amendment 39–6488 (55 FR 8370, March 7, 1990).

(d) Subject

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

(e) Unsafe Condition

This AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. We are issuing this AD to detect and correct cracking in stringers or frames originating at or near stringer-to-frame attachment fastener holes, which could result in reduced structural integrity of the airplane, and decompression of the cabin.

(f) Compliance

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

(g) Inspections

Before the accumulation of 16,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, do a high frequency eddy current inspection and a general visual inspection for cracking in stringers and frames originating at or near stringer-to-frame attachment fastener holes, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 727–53–0041, Revision 6, dated September 5, 1991. Repeat the inspections thereafter at intervals not to exceed 6,000 flight cycles until the modification specified by paragraph (h) of this AD is accomplished. If any crack is found during any inspection required by paragraph (g) of this AD: Before further flight, repair or modify the affected stringer-to-frame attachment locations, in accordance with Part V, ''Repair Data'' of the Accomplishment Instructions of Boeing Service Bulletin 727–53–0041, Revision 6, dated September 5, 1991.

(h) Modification

Modifying the affected stringer-to-frame attachment locations, in accordance with Part IV, ''Preventive Modification Data,'' of the Accomplishment Instructions of Boeing Service Bulletin 727–53–0041, Revision 6, dated September 5, 1991, terminates the repetitive inspections required by paragraph (g) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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 (j)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-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, Los Angeles Aircraft Certification Office (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.

(j) Related Information

(1) For more information about this AD, contact Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: (562) 627–5239; fax: (562) 627–5210; email: *chandraduth.ramdoss@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, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Suzanne Masterson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–05428 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0863; Directorate Identifier 2012–NM–108–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for certain The Boeing Company Model 737–300, –400, –500, –600, –700, –700C, –800, –900, and –900ER series airplanes. The NPRM proposed to require installing a new tail strobe light housing and a new disconnect bracket, and changing the wire bundles. The NPRM was prompted by a review of the tail strobe light installation, which revealed that the tail strobe light is not electrically bonded to primary structure of the airplane. This action revises the NPRM by adding, for certain airplanes, an inspection to determine if sealant is applied and corrective actions if necessary. We are proposing this supplemental NPRM (SNPRM) to prevent, in case of a direct lightning strike to the tail strobe light, damage to the operation of other critical airplane systems due to electromagnetic coupling and large transient voltages, and damage to the control mechanisms or surfaces due to a fire, which could result in loss of control of the airplane. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this SNPRM by April 28, 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: 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 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 98057–3356. 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–2012–0863; 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: Marie Hogestad, Aerospace Engineer, Systems and Equipment Branch, FAA, ANM–130S, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6418; fax: (425) 917–6590; email: *marie.hogestad@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0863; Directorate Identifier 2012–NM–108–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 issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–300, –400, –500, –600, –700, –700C, –800, –900, and –900ER series airplanes. The NPRM published in the **Federal Register** on September 6, 2012 (77 FR 54848). The NPRM proposed to require installing a new tail strobe light housing and a new disconnect bracket, and changing the wire bundles.

Actions Since Previous NPRM (77 FR 54848, September 6, 2012) Was Issued

Since we issued the NPRM (77 FR 54848, September 6, 2012), we have reviewed Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013. We referred to Boeing Special Attention Service Bulletin 737–33–1146, dated November 2, 2011, as the appropriate source of service information for accomplishing certain actions specified in the NPRM.

Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013, adds procedures for airplanes on which the actions specified in Boeing Special Attention Service Bulletin 737–33–1146, dated November 2, 2011, have been done, for a general visual inspection to ensure there is fillet sealant between the disconnect bracket and the receptacle connector D44582J, and on the fasteners, and corrective actions if necessary. The corrective actions include applying sealant. Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013, also does the following:

- Incorporates the data given in Boeing Service Bulletin Information Notice 737–33–1146 IN 01, dated November 11, 2011, which changes Group 1, Configuration 1, to Group 1, and changes Group 1, Configuration 2, to Group 4.
- Improves the tail strobe light installation work instructions (adds an alternate work instruction to remove electrical power, adds an optional work instruction to improve access, adds the process specification for the installation of a blind insert, adds a new work instruction step, and figure, to do the drilling tasks before parts are cleaned for bonding, removes the undefined

cleaning method CM 3, and clarifies the required minimum clearance between the disconnect bracket and the adjacent station (STA) 1156 bulkhead chord).

We have revised paragraphs (c) and (g), and added new paragraph (h) to this SNPRM to refer to Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013, and have redesignated subsequent paragraph identifiers accordingly.

Comments

We gave the public the opportunity to comment on the NPRM (77 FR 54848, September 6, 2012). The following presents the comments received on the NPRM and the FAA's response to each comment.

Concurrence With the NPRM (77 FR 54848, September 6, 2012)

Boeing concurred with the NPRM (77 FR 54848, September 6, 2012).

United Airlines (UAL) stated it has no objections to the proposed actions in the NPRM (77 FR 54848, September 6, 2012).

Clarification of Effect of Winglet Installation

Aviation Partners Boeing stated that the installation of winglets per STC ST00830SE ([*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/da95c49000906c7086257be80044d3d9/$FILE/ST00830SE.pdf*]) does not affect the accomplishment of the manufacturer's service instructions.

We have added new paragraph (c)(3) to this final rule to state that installation of ST00830SE does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which ST00830SE is installed, a ''change in product'' AMOC approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Include an Additional Action To Remove the Tail Cone and Adjust the Costs Accordingly

American Airlines (AAL) requested that we revise the NPRM (77 FR 54848, September 6, 2012), to include an additional action to remove the tail cone and also adjust the cost section for this action. AAL explained that due to the small size of the tail cone and additional equipment installed in this area, adequate clearance to install the bracket and associated wiring is problematic without removal of the tail cone. AAL reasoned that removing the tail cone could increase the labor requirement by up to 50 man-hours.

We partially agree with AAL's request, since Boeing has revised the service information to add an optional work instruction step to remove and keep the tail cone if necessary. We have revised paragraph (g) of this SNPRM to refer to Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013.

We disagree with the request to revise the Cost of Compliance section of this SNPRM. Removing the tail cone is optional and we have no way of determining how many operators will choose to do that action. The economic analysis of this SNPRM is limited only to the cost of actions proposed to be required and is based on the costs provided in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013. No change has been made to this SNPRM in this regard.

Request for Use of Shield Splice in Lieu of Solder Sleeve

AAL requested that we revise the NPRM (77 FR 54848, September 6, 2012), to allow for use of the shield splice contained in splice kit D–150–0168 in lieu of solder sleeve BACS13CT3C. AAL explained that Figure 8, Flag Notes 3 and 9, of Boeing Special Attention Service Bulletin 737–33–1146, dated November 2, 2011, provides instructions to install a solder sleeve (BACS13CT3C) and splice kit (D–150–0168), respectively. AAL reasoned that splice kit D–150–0168 contains all of the required parts to properly splice the specified BMS 13–48 Type 12 wire, and that splice kit D–150–0168 is a much cleaner installation, maintains continuity of the existing shield, and is approved as a standard practice in Boeing Standard Wiring Practices Manual (SWPM) D6–54446, Section 20–30–12.

We agree to allow for use of the shield splice contained in splice kit D–150–0168 in lieu of solder sleeve BACS13CT3C. Figure 8, Flag Note 3, of Boeing Special Attention Service Bulletin 737–33–1146, dated November 2, 2011, specifies to add shielded ground wires. Solder sleeve BACS13CT3C supplied in the wire kit comes with a built-in ground-wire for an easier installation. Splice kit D–150–0168 does not have a ground wire. Therefore, if operators still want to supply the ground wires, Boeing SWPM 20–10–15, referenced in Figure 8, Flag Note 3, of Boeing Special Attention Service Bulletin 737–33–1146, dated November 2, 2011, has the wire type information for the ground wires. We have added this exception to new paragraph (g)(1) of this SNPRM and added a note to paragraph (g)(1) of this SNPRM to include a reference to the SWPM.

Clarification of Typographical Error in the Service Information

The second sentence of note (c) of Figure 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013, contains a typographical error and should instead read, ''Maintain a minimum of 1.7 diameter fastener edge margin on the disconnect bracket and the stiffener.'' We have included the correct information in new paragraph (g)(2) of this SNPRM.

Removal of Concurrent Requirements

Paragraph (h) of the NPRM (77 FR 54848, September 6, 2012) proposed to require concurrent installation of wingtips and tail strobe lights. However, the service information identified in paragraph (h) of the NPRM is conditional service information and is not required by this SNPRM.

FAA's Determination

We are proposing this SNPRM because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs. Certain changes described above expand the scope of the NPRM (77 FR 54848, September 6, 2012). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require, for certain airplanes, installing a new tail strobe light housing and a new disconnect bracket, and changing the wire bundles. This SNPRM would also require, for certain other airplanes, an inspection to determine if sealant is applied, and corrective actions if necessary.

Costs of Compliance

We estimate that this proposed AD affects 1,433 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
Installation for Model 737–300, –400, and –500 series airplanes, as identified in Boeing Special Attention Service Bulletin 737–33–1149, dated April 13, 2012 (396 U.S. registered airplanes).	Up to 32 work-hours × $85 per hour = Up to $2,720.	Up to $14,886	Up to $17,606	Up to $6,971,976.
Installation for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, Group 1, as identified in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013 (465 U.S. registered airplanes).	Up to 21 work-hours × $85 per hour = Up to $1,785.	Up to 4,422	Up to 6,207	Up to 2,886,255.
Installation for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, Group 2, as identified in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013 (83 U.S. registered airplanes).	Up to 21 work-hours × $85 per hour = Up to $1,785.	Up to 2,496	Up to 4,281	Up to 355,323.
Installation for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, Group 3, as identified in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013 (25 U.S. registered airplanes).	Up to 20 work-hours × $85 per hour = Up to $1,700.	Up to 4,478	Up to 6,178	Up to 154,450.
Installation for Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, Group 4, as identified in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013 (464 U.S. registered airplanes).	Up to 21 work-hours × $85 per hour = Up to $1,785.	Up to 4,423	Up to 6,208	Up to 2,880,512.
Inspection for Model 737–600, –700, –700C, –800, –900 and –900ER series airplanes, as identified in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013 (up to 1,037 U.S. registered airplanes).	Up to 2 work-hours × $85 per hour = Up to $170.	0	Up to 170	Up to 176,290.

We estimate the following cost to apply sealant, based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need this sealant application:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Sealant Application	1 work-hour × $85 per hour = $85	Negligible	$85

The parts cost to apply sealant between the disconnect bracket and the receptacle connector D44582J, and on the fasteners is not included in the estimate. It is considered ''Parts & Materials Supplied by the Operator,'' which is referenced in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013.

According to the manufacturer, all of the costs of this proposed 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 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–2012–0863; Directorate Identifier 2012–NM–108–AD.

(a) Comments Due Date

We must receive comments by April 28, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model 737–300, –400, and –500 series airplanes, as identified in Boeing Special Attention Service Bulletin 737–33–1149, dated April 13, 2012.

(2) Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, as identified in Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013.

(3) Installation of Supplemental Type Certificate (STC) ST00830SE [(*http://rgl.faa.gov/Regulatory__and__Guidance__Library/rgstc.nsf/0/da95c49000906c7086257be80044d3d9/$FILE/ST00830SE.pdf*)] does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE 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 33, Lights.

(e) Unsafe Condition

This AD was prompted by a review of the tail strobe light installation, which revealed that the tail strobe light is not electrically bonded to primary structure of the airplane. We are issuing this AD to prevent, in case of a direct lightning strike to the tail strobe light, damage to the operation of other critical airplane systems due to electromagnetic coupling and large transient voltages, and damage to the control mechanisms or surfaces due to a fire, which could result in loss of control of the airplane.

(f) Compliance

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

(g) Tail Strobe Light Installation for Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes

For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes on which the actions specified in Boeing Special Attention Service Bulletin 737–33–1146, dated November 2, 2011, have not been done before the effective date of this AD: Within 72 months after the effective date of this AD, install a new tail strobe light housing, install a new disconnect bracket, and change the wire bundles, in accordance with Part 1 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013, except as required by paragraphs (g)(1) and (g)(2) of this AD.

(1) Where Figure 8, Flag Note 3, of Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013, refers to solder sleeve BACS13CT3C, the shield splice contained in splice kit D–150–0168 may be used in lieu of solder sleeve (BACS13CT3C), provided a ground wire is used.

Note 1 to paragraph (g)(1) of this AD: Guidance for wire-type information for the ground wires may be found in Boeing Standard Wiring Practices Manual (SWPM) D6–54446, Section 20–10–15.

(2) Where the second sentence of note (c) of Figure 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013, specifies to ''Maintain a minimum of 1.7 Dimensions fastener edge margin on the disconnect bracket and the stiffener,'' instead ''Maintain a minimum of 1.7 diameter fastener edge margin on the disconnect bracket and the stiffener.''

(h) Sealant Installation for Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes

For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, on which the actions specified in Boeing Special Attention Service Bulletin 737–33–1146, dated November 2, 2011, have been done before the effective date of this AD: Within 72 months after the effective date of this AD, do a general visual inspection to ensure there is fillet sealant between the disconnect bracket and the receptacle connector D44582J, and on the fasteners, and do all applicable corrective actions, in accordance with Part 2 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–33–1146, Revision 1, dated July 9, 2013. Do all applicable corrective actions before further flight.

(i) Tail Strobe Light Installation for Model 737–300, –400, and –500 Series Airplanes

For Model 737–300, –400, and –500 series airplanes: Within 72 months after the effective date of this AD, install a new tail strobe light housing, install a new disconnect bracket, and change the wire bundles, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–33–1149, dated April 13, 2012.

(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

(1) For more information about this AD, contact Marie Hogestad, Aerospace Engineer, Systems and Equipment Branch, FAA, ANM–

130S, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6418; fax: (425) 917–6590; email: *marie.hogestad@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA 98057–3356. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–05426 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0142; Directorate Identifier 2012–NM–161–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2008–17–02, AD 2012–08–03, and AD 2012–15–14, for certain Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R Variant F airplanes (collectively called A300–600 series airplanes); and Model A310 series airplanes. AD 2008–17–02, AD 2012–08–03, and AD 2012–15–14 currently require repetitive inspections of the forward lugs of the aft bearing at rib 5 of the main landing gear (MLG) on the left-hand (LH) and right-hand (RH) wings, and repair if necessary; and installation of new bushes with increased interference fit in the forward lug of the aft bearing at rib 5 of the MLG on the LH and RH wings. Since we issued AD 2008–17–02, AD 2012–08–03, and AD 2012–15–14, we have received two reports of ruptured MLG rib 5 forward lugs that had been modified (bushes with increased interference fit). This proposed AD would add airplanes to the applicability; and would add, for certain airplanes, repetitive inspections of the MLG rib 5 aft bearing forward lugs, and repair if necessary. We are proposing this AD to detect and correct cracking of the forward lugs of the aft bearing at rib 5 of the MLG on the LH and RH wings, which could affect the structural integrity of the MLG attachment, resulting in possible MLG collapse during landing or rollout.

DATES: We must receive comments on this proposed AD by April 28, 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, 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—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@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–2014–0142; 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–2014–0142; Directorate Identifier 2012–NM–161–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

On July 31, 2008, we issued AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), for certain Model A310 airplanes.

On April 5, 2012, we issued AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), for certain Model A300 B4–2C, B4–103, B4–203, B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, C4–605R Variant F airplanes; and Model A310–203, –204, 221, –222, –304, –322, –324, and –325 airplanes.

On July 23, 2012, we issued AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), for certain Model A300 B4–2C, B4–103, B4–203, B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R, and C4–605R Variant F airplanes.

AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008); AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012); and AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012); require actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008); AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012); and AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012); the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0176, dated September 7, 2012, corrected September 20, 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:

Several cases of corrosion of the Main Landing Gear (MLG) Rib 5 aft fitting forward lug have been reported on A310 family aeroplanes. In some instances, corrosion pits caused the cracking of the forward lug.

This condition, if not detected and corrected, may lead to the complete failure of the fitting and thus could affect the structural integrity of the MLG installation.

EASA ADs 2006–0372R1 (*http://ad.easa.europa.eu/blob/easa_ad_2006_0372_R1_superseeded.pdf/AD_2006-0372R1_1*), 2007–0195 (*http://ad.easa.europa.eu/blob/easa_ad_2007_0195_superseded.pdf/AD_2007-0195_1*) [which corresponds with FAA AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), 2010–0250 (*http://ad.easa.europa.eu/blob/easa_ad_2010_0250_superseded.pdf/AD_2010-0250_1*) [which corresponds with FAA AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)] and 2010–0251 (*http://ad.easa.europa.eu/blob/easa_ad_2010_0251_superseded.pdf/AD_2010-0251_1*) [which corresponds with FAA AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012)] were issued to address this condition and required a repetitive inspection programme of the MLG Rib 5 fitting forward lugs and, as terminating action, the embodiment of mandatory design change (bushes with increased interference fit).

MLG Rib 5 forward lug on A320 family aeroplanes is a similar design to the A300/A300–600/A310 family. Since those [EASA] ADs were issued, on two A321 aeroplanes, post modification (bushes with increased interference fit) MLG Rib 5 forward lugs were reportedly found ruptured.

One other case was due to a sealant discrepancy that led to water ingress and consequently corrosion initiation, leading to cracking. Subsequent investigation results have shown that a remaining defect, not removed during the repair, had propagated, resulting in rupture of the lug.

For the reasons stated above, this new [EASA] AD retains the requirements of EASA ADs 2006–0372R1, 2007–0195, 2010–0250 and 2010–0251, which are superseded, expands the applicability to all models and series of A300, A310, A300–600 and A300–600ST aeroplanes, and requires:

—for aeroplanes not yet modified or repaired, implementation of Modification Service Bulletin (SB) A300–57–0249, A310–57–2090, A300–57–6106, or A300–57–9019, all at Revision 3, and

—for aeroplanes which already embody that modifications, at original issue or revision 01 or 02 of the applicable SB, or have MLG Ribs already repaired in accordance with Airbus repair instruction R57240221 or R57249121, implementation of an additional inspection programme [repetitive detailed inspection for cracking or ultrasonic inspections for any crack indication] and associated corrective action(s) [detailed inspection for cracking if any crack indication found, and repair].

The unsafe condition is cracking of the forward lugs of the aft bearing at rib 5 of the MLG on the LH and RH wings, which could affect the structural integrity of the MLG attachment, resulting in possible MLG collapse during landing or rollout. 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–2014–0142.

Relevant Service Information

Airbus has issued the following service information.

- Airbus Alert Service Bulletin A300–57A0248, dated December 12, 2006;
- Airbus Service Bulletin A300–57–0255, dated January 13, 2012;
- Airbus Service Bulletin A300–57–6112, dated January 13, 2012;
- Airbus Service Bulletin A310–57–2101, dated January 13, 2012.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of 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.

In many FAA transport ADs, when the service information specifies to contact the manufacturer for further instructions if certain discrepancies are found, we typically include in the AD a requirement to accomplish the action using a method approved by either the FAA or the State of Design Authority (or its delegated agent).

We have recently been notified that certain laws in other countries do not allow such delegation of authority, but some countries do recognize design approval organizations. In addition, we have become aware that some U.S. operators have used repair instructions that were previously approved by a State of Design Authority or a Design Approval Holder (DAH) as a method of compliance with this provision in FAA ADs. Frequently, in these cases, the previously approved repair instructions come from the airplane structural repair manual or the DAH repair approval statements that were not specifically developed to address the unsafe condition corrected by the AD. Using repair instructions that were not specifically approved for a particular AD creates the potential for doing repairs that were not developed to address the unsafe condition identified by the MCAI AD, the FAA AD, or the applicable service information, which could result in the unsafe condition not being fully corrected.

To prevent the use of repairs that were not specifically developed to correct the unsafe condition, certain requirements of this proposed AD specify that the repair approval specifically refer to the FAA AD. This change is intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we use the phrase ''its delegated agent, or the DAH with State of Design Authority design organization approval, as applicable'' in this proposed AD to refer to a DAH authorized to approve certain required repairs for this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 194 airplanes of U.S. registry.

The actions that are required by AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), and retained in this proposed AD take about 5 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2008–17–02 is $425 per product.

The actions that are required by AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and retained in this proposed AD take about 38 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $4,590 per product. Based on these figures, the estimated cost of the actions that were required by AD 2012–08–03 is $7,820 per product.

The actions that are required by AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and retained in this proposed AD take about 3 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2012–15–14 is $255 per product.

We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $49,470, or $255 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.

According to the manufacturer, some of the costs of this proposed 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.

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 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:

■ a. Removing Airworthiness Directives (AD) 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008); AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012); and AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012); and

■ b. Adding the following new AD:

Airbus: Docket No. FAA–2013–0142; Directorate Identifier 2012–NM–161–AD.

(a) Comments Due Date

We must receive comments by April 28, 2014.

(b) Affected ADs

(1) This AD supersedes the ADs specified in paragraphs (b)(1)(i), (b)(1)(ii), and (b)(1)(iii) of this AD.

(i) AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008).

(ii) AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012).

(iii) AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012).

(2) This AD affects AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007).

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes; Model A300 B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes; and Model A300 C4–605R Variant F airplanes.

(2) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by reports of cracking in the forward lug of the main landing gear (MLG) rib 5 aft bearing attachment. We are issuing this AD to detect and correct cracking of the forward lugs of the aft bearing at rib 5 of the MLG on the left-hand (LH) and right-hand (RH) wings, which could affect the structural integrity of the MLG attachment, resulting in possible MLG collapse during landing or rollout.

(f) Compliance

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

(g) Retained Repetitive Detailed Inspection and Corrective Actions

This paragraph restates the requirements of paragraph (f) of AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008). For Model A310 airplanes, except for those where LH and RH wing MLG rib 5 forward lugs have been repaired by installation of oversized interference fit bushes as per Airbus A310 Repair Instruction R572–49121, or which have had Airbus Service Bulletin A310–57–2090 (Airbus Modification 13329) embodied in service: Do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57A2088, dated November 6, 2006.

(1) Before the accumulation of 12,000 total flight cycles, or within 14 days after February 6, 2007 (the effective date of AD 2007–02–09, Amendment 39–14896 (72 FR 2612, January 22, 2007)), whichever occurs later: Perform a detailed visual inspection of the LH and RH wing MLG rib 5 aft bearing forward lugs.

(2) If any crack is detected at LH and/or RH aft bearing forward lug, contact Airbus and proceed with the replacement before next flight.

(3) Repeat the inspection at intervals not exceeding 100 flight cycles.

(h) Retained Actions and Compliance

This paragraph restates the requirements of paragraph (g) of AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), with new service information for paragraphs (h)(2), (h)(3), and (h)(4)(ii) of this

AD. For Model A310 airplanes, except for those where LH and RH wing MLG rib 5 forward lugs have been repaired by installation of oversized interference fit bushes as per Airbus A310 Repair Instruction R572–49121, or which have had Airbus Service Bulletin A310–57–2090 (Airbus Modification 13329) embodied in service: Before the accumulation of 12,000 total flight cycles or before the accumulation of 12,000 flight cycles on MLG rib 5, or within 14 days after September 17, 2008 (the effective date of AD 2008–17–02), whichever occurs latest, perform either a detailed visual inspection (DVI) or an ultrasonic inspection of the LH and RH MLG rib 5 aft bearing forward lug for cracks, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57–2091, excluding Appendix 01, dated May 22, 2007. If a MLG rib 5 has been replaced on one side only, then the LH and RH must be considered separately. Doing this inspection ends the requirements of paragraph (g) for that MLG rib 5 only.

Note 1 to paragraph (h) of this AD: The ultrasonic inspection will detect any crack at an early stage and will limit the risk of extensive repairs. This earlier crack detection is not possible with the DVI.

(1) If no crack is detected during any inspection required by paragraph (h) of this AD: Repeat the applicable inspection at the time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD.

(i) Repeat the DVI thereafter at intervals not to exceed 100 flight cycles.

(ii) Repeat the ultrasonic inspection thereafter at intervals not to exceed 825 flight cycles.

(2) Replacement of the MLG rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG rib 5, in accordance with the Accomplishment Instructions of a service bulletin specified in paragraph (h)(2)(i), (h)(2)(ii), or (h)(2)(iii) of this AD, ends the repetitive inspections required by paragraph (h)(1) of this AD for that MLG rib 5 only. As of the effective date of this AD, use only Airbus Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012, for the actions specified in this paragraph.

(i) Airbus Service Bulletin A310–57–2090, Revision 01, dated December 19, 2007.

(ii) Airbus Service Bulletin A310–57–2090, Revision 02, dated June 18, 2010.

(iii) Airbus Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012.

(3) If any crack is detected during the DVI required by paragraph (h) of this AD: Before further flight, contact Airbus for replacement instructions and replace the MLG rib 5 bushes before further flight. Repeat the applicable inspection in paragraph (h) of this AD at the time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD. Accomplishing the replacement of the MLG rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG rib 5, in accordance with the Accomplishment Instructions of a service bulletin specified in paragraph (h)(2)(i), (h)(2)(ii), or (h)(2)(iii) of this AD, ends the repetitive inspections required by paragraph (h)(1) of this AD for that MLG rib 5 only. As of the effective date of this AD, use only Airbus Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012, for the actions specified in this paragraph.

(4) If any crack is detected during the ultrasonic inspection required by paragraph (h) of this AD, before further flight, accomplish the actions specified in paragraph (h)(4)(i) or (h)(4)(ii) of this AD, as applicable.

(i) If any crack is not visible on MLG rib 5: Before further flight, repair MLG rib 5 using Airbus A310 Repair Instruction R572–49121, Issue C, dated May 2007. After embodiment of the repair instruction, no further actions are necessary as required by paragraph (g) and (h) of this AD and specified in Airbus Service Bulletin A310–57–2091, excluding Appendix 01, dated May 22, 2007, for that MLG rib 5 only.

(ii) If any crack is visible on MLG rib 5: Before further flight, contact Airbus for rib replacement instructions, and replace before further flight. Repeat the applicable inspection in paragraph (h) of this AD at the time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD. Accomplishing the replacement of the MLG rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG rib 5, in accordance with the Accomplishment Instructions of a service bulletin specified in paragraph (h)(2)(i), (h)(2)(ii), or (h)(2)(iii) of this AD, ends the repetitive inspections required by paragraph (h) of this AD for that MLG rib 5 only.

(i) Retained Installation

This paragraph restates the requirements of paragraph (g) of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and applies to the airplanes identified in paragraph (j) of this AD. Within 30 months after May 29, 2012 (the effective date of AD 2012–08–03), install new bushes with increased interference fit in the gear rib 5 aft bearing forward lug on the LH and RH wings, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD; except as specified in paragraph (k) of this AD.

(1) Airbus Mandatory Service Bulletin A300–57–0249, Revision 03, dated January 18, 2012 (for Model A300 B4–2C, B4–103, and B4–203 airplanes).

(2) Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes).

(3) Airbus Mandatory Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012 (for Model A310 series airplanes).

(j) Affected Airplanes for the Actions Required by Paragraph (i) of This AD

For airplanes identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD: Do the actions required by paragraph (i) of this AD.

(1) Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; all serial numbers; except airplanes on which the MLG rib 5 forward lugs of the LH and RH wings have been repaired by installation of oversized interference fit bushes specified in Airbus Repair Instruction R57240221, or those on which the LH and RH wings have had Airbus Mandatory Service Bulletin A300–57–0249 embodied in service.

(2) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes; Airbus Model A300 B4–605R and B4–622R airplanes; Airbus Model A300 F4–605R and F4–622R airplanes; and Airbus Model A300 C4–605R Variant F airplanes; all serial numbers; except airplanes on which the MLG rib 5 forward lugs of the LH and RH wings have been repaired by installation of oversized interference fit bushes specified in Airbus Repair Instruction R57240221, or those on which the LH and RH wings have had Airbus Service Bulletin A300–57–6106 embodied in service.

(3) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes; all serial numbers; except airplanes on which the MLG rib 5 forward lugs of the LH and RH wings have been repaired by installation of oversized interference fit bushes specified in Airbus Repair Instruction R57249121, or those on which the LH and RH wings have had Airbus Mandatory Service Bulletin A310–57–2090 embodied in service.

(k) Retained Exception

This paragraph restates the requirements of paragraph (h) of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and applies to the airplanes identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD. If one wing had rib 5 forward lugs of the MLG repaired by installing oversized interference fit bushes, as specified in Airbus Repair Instruction R57240221 or Airbus Repair Instruction R57249121, as applicable to the airplane model, then installing new bushes with increased interference fit in the aft bearing forward lug of the gear rib, as specified in paragraph (i) of this AD, is required for the opposite wing only.

(l) Retained Terminating Action for Certain Inspections

This paragraph restates the requirements of paragraph (i) of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and applies to the airplanes identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD. Installation of new bushes, as specified in paragraph (i) of this AD, is terminating action for the repetitive inspections required by AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007); and by paragraphs (g) and (h) of this AD.

(m) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (g) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Except as provided by paragraph (o) of this AD: Before the accumulation of 12,000 total flight cycles since new, or within 12,000 flight cycles since the most recent MLG rib 5 replacement, if applicable, or within 10 days after September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)), whichever occurs latest, do a detailed inspection or an ultrasonic inspection for cracking of the LH and RH MLG rib 5 aft bearing forward lugs,

in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0251, including Appendix 01, dated August 8, 2007 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6107, including Appendix 01, dated August 8, 2007 (for Model A300–600 series airplanes). Repeat the applicable inspections thereafter at the applicable interval specified in paragraph (m)(1) or (m)(2) of this AD, until the modification specified in paragraph (q) of this AD is accomplished.

(1) Repeat the detailed inspections at intervals not to exceed 100 flight cycles.

(2) Repeat the ultrasonic inspections at intervals not to exceed 675 flight cycles.

(n) Affected Airplanes for the Actions Required by Paragraph (m) of This AD

For Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes; and Model A300 C4–605R Variant F airplanes; all serial numbers; except for airplanes identified in paragraphs (n)(1), (n)(2), and (n)(3) of this AD: Do the actions required by paragraph (m) of this AD, except as provided by paragraph (o) of this AD.

(1) Airplanes on which LH and RH wing MLG rib 5 forward lugs have oversized interference fit bushings installed per Airbus Repair Instruction R57240221.

(2) Model A300 B4–103, B4–203, and B4–2C airplanes on which Airbus Mandatory Service Bulletin A300–57–0249 has been done in service on the LH and RH wings.

(3) Model A300–600 series airplanes on which Airbus Mandatory Service Bulletin A300–57–6106 has been done in service on the LH and RH wings.

(o) Retained Exception

This paragraph restates the requirements of paragraph (h) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD on which an inspection required by AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007), has been done as of September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)): Within 100 flight cycles after doing the most recent inspection required by AD 2007–03–18, or within 10 days after September 11, 2012, whichever occurs later, do a detailed or ultrasonic inspection as specified in paragraph (m) of this AD. Repeat the applicable inspection thereafter at the times specified in paragraph (m) of this AD.

(p) Retained Repair

This paragraph restates the requirements of paragraph (i) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012). If any cracking is detected during any detailed or ultrasonic inspection of the LH and RH MLG rib 5 aft bearing forward lugs required by paragraph (m) of this AD, before further flight, repair using a method approved by Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent, or the Design Approval Holder with EASA's design organization approval, as applicable).

(q) Retained Optional Terminating Modification

This paragraph restates the optional terminating modification of paragraph (j) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Performing the applicable actions specified in paragraphs (q)(1), (q)(2), (q)(3), and (q)(4) of this AD, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes); terminates the repetitive inspections required by paragraph (m) of this AD.

(1) Perform a general visual inspection and dye penetrant flaw detection inspection for corrosion and damage of the bore and spotfaces of the lug.

(2) Determine that the diameter of the bore of the lug (dimension Y) is within the tolerance specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes).

(3) If damage or corrosion is detected during any inspection specified in paragraph (q)(1) of this AD, or if dimension Y is outside the tolerance specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes); repair using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA (or its delegated agent, or the Design Approval Holder with EASA's design organization approval, as applicable).

(4) Install bushings with an increased interference fit in the aft bearing forward lugs, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes).

(r) Retained Terminating Action for AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007)

This paragraph restates the terminating action statement of paragraph (k) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Doing the actions required by paragraph (q) of this AD terminates the inspections required by AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007), for that airplane.

(s) Retained Reporting

This paragraph restates the requirements of paragraph (l) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Submit a report (including both positive and negative findings), using the applicable report sheet attached to Airbus Mandatory Service Bulletin A300–57–0251, including Appendix 01, dated August 8, 2007 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6107, including Appendix 01, August 8, 2007 (for Model A300–600 series airplanes); of the first inspection required by paragraph (m) of this AD. Submit the report to Airbus, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex France, Attn: SEDCC1 Technical Data and Documentation Services; fax: (+33) 5 61 93 28 06; email: *sb.reporting@airbus.com*; at the applicable time specified in paragraph (s)(1) or (s)(2) of this AD.

(1) If the inspection was done on or after September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)): Submit the report within 30 days after the inspection.

(2) If the inspection was done before September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)): Submit the report within 30 days after September 11, 2012.

(t) New Repetitive Inspections

For airplanes identified in paragraph (u) of this AD: At the applicable time specified in paragraph (v)(1) or (v)(2) of this AD, do a detailed inspection for cracking, or an ultrasonic inspection for any crack indications of the LH and RH MLG rib 5 aft bearing forward lugs, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraph (t)(1), (t)(2), or (t)(3) of this AD. Repeat the inspection thereafter at intervals not to exceed the applicable time specified in paragraph (v)(3) or (v)(4) of this AD.

(1) Airbus Mandatory Service Bulletin A300–57–0255, dated January 13, 2012 (for Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes).

(2) Airbus Mandatory Service Bulletin A300–57–6112, dated January 13, 2012 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes).

(3) Airbus Mandatory Service Bulletin A310–57–2101, dated January 13, 2012 (for Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes).

(u) Affected Airplanes for the Actions Required by Paragraph (t) of This AD

For airplanes on which any modification or repair described in the service bulletins identified in paragraph (u)(1), (u)(2), or (u)(3) of this AD, as applicable, has been accomplished in service; and for airplanes with MLG rib 5 already repaired as specified in Airbus Repair Instruction R57240221 or R57249121, including any airplane with the MLG rib 5 forward lugs repaired on one wing; by installation of oversized interference fit bushes, as specified in Airbus

Repair Instruction R57240221 or R57249121, as applicable: Do the actions required by paragraph (t) of this AD.

(1) Airbus Service Bulletin A300–57–0249, dated May 22, 2007; Revision 01, dated December 19, 2007; or Airbus Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–2C, B4–103, and B4–203 airplanes).

(2) Airbus Service Bulletin A300–57–6106, dated May 22, 2007; Revision 01, dated January 28, 2008; or Airbus Service Bulletin A300–57–6106 Revision 02, dated June 18, 2010 (for Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes).

(3) Airbus Service Bulletin A310–57–2090, dated May 22, 2007; Revision 01, dated December 19, 2007; or Airbus Service Bulletin A310–57–2090 Revision 02, dated June 18, 2010 (for Model A310 series airplanes).

(v) Compliance Times for Paragraph (t) of This AD

This paragraph specifies the compliance times for the actions specified in paragraph (t) of this AD.

(1) For airplanes identified in paragraph (c)(1) of this AD: Do the initial inspection required by paragraph (t) of this AD within 2,500 flight cycles after any modification or repair specified in paragraph (u) of this AD was done, or within 550 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes identified in paragraph (c)(2) of this AD: Do the initial inspection required by paragraph (t) of this AD within 2,500 flight cycles after any modification or repair specified in paragraph (u) of this AD was done, or within 775 flight cycles after the effective date of this AD, whichever occurs later.

(3) For airplanes identified in paragraph (c)(1) of this AD: For the repetitive inspection required by paragraph (t) of this AD, repeat the inspection within 550 flight cycles after any detailed inspection, and within 1,000 flight cycles after any ultrasonic inspection, as applicable.

(4) For airplanes identified in paragraph (c)(2) of this AD: For the repetitive inspection required by paragraph (t) of this AD, repeat the inspection within 775 flight cycles after any detailed inspection, and within 1,300 flight cycles after any ultrasonic inspection, as applicable.

(w) New Requirement of This AD: Report and Detailed Inspection

If, during any ultrasonic inspection required by paragraph (t) of this AD, any crack indication is detected: Before further flight, report to Airbus using the applicable report sheet attached to the applicable Airbus service bulletin specified in paragraph (t)(1), (t)(2), or (t)(3) of this AD, and concurrently accomplish a detailed inspection for cracking of the affected MLG rib 5 aft bearing forward lug, in accordance with the Accomplishment Instructions of the applicable Airbus service bulletin specified in paragraph (t)(1), (t)(2), or (t)(3) of this AD. Repeat the detailed inspection thereafter at intervals not to exceed 100 flight cycles.

(x) New Requirement of This AD: Cracking Repair

If any cracking is detected during any detailed inspection required by paragraph (t) or (w) of this AD: Before further flight, repair the cracking using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA (or its delegated agent, or the Design Approval Holder with the EASA design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD.

(y) New Requirement of This AD: Reporting

Submit a report (including both positive and negative findings), using the reporting sheet attached to the applicable Airbus service bulletin specified in paragraph (y)(1), (y)(2), or (y)(3) of this AD, of the first inspection required by paragraph (t) of this AD. Submit the report to Airbus, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex France, Attn: SEDCC1 Technical Data and Documentation Services; fax: (+33) 5 61 93 28 06; email: *sb.reporting@airbus.com.* Submit the report within 30 days after the inspection or within 30 days after the effective date of this AD, whichever occurs later.

(1) Airbus Mandatory Service Bulletin A300–57–0255, dated January 13, 2012 (for Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes).

(2) Airbus Mandatory Service Bulletin A300–57–6112, dated January 13, 2012 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes).

(3) Airbus Mandatory Service Bulletin A310–57–2101, dated January 13, 2012 (for Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes).

(z) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before May 29, 2012 (the effective date of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012)), using an applicable service bulletin specified in paragraph (z)(1)(i), (z)(1)(ii), or (z)(1)(iii) of this AD.

(i) For Model A300 B4–2C, B4–103, and B4–203 airplanes: The service bulletins are specified in paragraphs (z)(1)(i)(A), (z)(1)(i)(B), and (z)(1)(i)(C) of this AD.

(A) Airbus Service Bulletin A300–57–0249, dated May 22, 2007, which is not incorporated by reference in this AD.

(B) Airbus Service Bulletin A300–57–0249, Revision 01, dated December 19, 2007, which is not incorporated by reference in this AD.

(C) Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010.

(ii) For Model A300–600 series airplanes: The service bulletins are specified in paragraphs (z)(1)(ii)(A), (z)(1)(ii)(B), and (z)(1)(ii)(C) of this AD.

(A) Airbus Service Bulletin A300–57–6106, May 22, 2007, which is not incorporated by reference in this AD.

(B) Airbus Service Bulletin A300–57–6106, Revision 01, January 28, 2008, which is not incorporated by reference in this AD.

(C) Airbus Service Bulletin A300–57–6106, Revision 02, dated June 18, 2010, which is not incorporated by reference in this AD.

(iii) For Model A310 series airplanes: The service bulletins are specified in paragraphs (z)(1)(iii)(A), (z)(1)(iii)(B), and (z)(1)(iii)(C) of this AD.

(A) Airbus Service Bulletin A310–57–2090, dated May 22, 2007, which is not incorporated by reference in this AD.

(B) Airbus Service Bulletin A310–57–2090, Revision 01, dated December 19, 2007.

(C) Airbus Service Bulletin A310–57–2090, Revision 02, dated June 18, 2010, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (q) of this AD, if those actions were performed before September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)), using an applicable service bulletin specified in paragraphs (z)(2)(i), (z)(2)(ii), (z)(2)(iii), (z)(2)(iv), and (z)(2)(v) of this AD.

(i) For Model A300 B4–2C, B4–103, and B4–203: Airbus Service Bulletin A300–57–0249, dated May 22, 2007, which is not incorporated by reference in this AD.

(ii) For Model A300 B4–2C, B4–103, and B4–203: Airbus Service Bulletin A300–57–0249, Revision 01, dated December 19, 2007, which is not incorporated by reference in this AD.

(iii) For Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes: Airbus Service Bulletin A300–57–6106, dated May 22, 2007, which is not incorporated by reference in this AD.

(iv) For Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes: Airbus Service Bulletin A300–57–6106, Revision 01, dated January 28, 2008, which is not incorporated by reference in this AD.

(v) For Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes: Airbus Service Bulletin A300–57–6106, Revision 02, dated June 18, 2010 which is not incorporated by reference in this AD.

(aa) 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; phone (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.

(i) AMOCs approved previously for AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(ii) AMOCs approved previously for AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), are approved as AMOCs for the corresponding provisions of paragraphs (i), (j), and (k) of this AD.

(iii) AMOCs approved previously for AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), are approved as AMOCs for the corresponding provisions of paragraphs (l), (m), (n), and (o) of 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 the Design Approval Holder with a State of Design Authority's design organization approval, as applicable). You are required to ensure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* 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.

(bb) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0176, dated September 7, 2012, corrected September 20, 2012, 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 Docket No. FAA–2014–0142.

(2) For service information identified in this AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.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 March 4, 2014.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0138; Directorate Identifier 2013–NM–020–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 95–24–04, that applies to all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). AD 95–24–04 requires repetitive inspections to detect cracks at the aft spar web of the wings, and repair if necessary. Since we issued AD 95–24–04, we have determined that the inspection threshold and interval must be reduced to allow timely detection of cracks and accomplishment of applicable repairs, because of cracking in the rear spar web of the wings between certain ribs due to fatigue-related high shear stress. This proposed AD would reduce the inspection compliance time and interval, and would expand the applicability to airplanes on which a certain Airbus modification has been embodied in production and to airplanes on which a certain Airbus service bulletin has been embodied in service. We are proposing this AD to detect and correct fatigue-related cracking, which could result in reduced structural integrity of the wing.

DATES: We must receive comments on this proposed AD by April 28, 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, 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*; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the 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. 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–2014–0138; Directorate Identifier 2013–NM–020–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

On November 9, 1995, we issued AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995). AD 95–24–04 required actions intended to address an unsafe condition on all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes).

Since we issued AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0013R1, dated February 20, 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:

> Wing fatigue tests carried out by Airbus revealed cracks on the vertical web of the rear spar between Ribs 1 and 2. Similar cracks in the same area were reportedly found by A300 aeroplane operators. In all cases, the cracks ran from the tip of the build slot to the nearest adjacent bolt hole.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this unsafe condition, DGAC [Direction Générale de l'Aviation Civile] France issued * * * [an AD] to require an eddy current inspection of the aft face of the wing rear spar in the area adjacent to the build slot on Left Hand (LH) and Right Hand (RH) wings.
>
> Since that [French] AD was issued, a fleet survey and updated fatigue and damage tolerance analysis were performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. The results of the survey and analysis showed that the inspection threshold and interval must be reduced to allow timely detection of cracks and accomplishment of an applicable corrective action.
>
> Prompted by these findings, Airbus issued Airbus Service Bulletin (SB) A300–57–6059 Revision 04.
>
> For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD 1997–375–239(B)R3, which is superseded, but redefines the thresholds and intervals. This [EASA] AD also expands the applicability to aeroplanes on which Airbus modification (mod) 12102 has been embodied in production and to aeroplanes on which Airbus SB A300–57–6063 (Airbus mod 11130) has been embodied in service.

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–2014–0138.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

For pre-Airbus Modification 11130 (Airbus Service Bulletin A300–57–6063) airplanes, the compliance times are dependent on airplane configuration and utilization. The initial inspection thresholds described in Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, range between 18,000 and 23,300 total flight cycles, and between 29,100 and 46,600 total flight hours. The ''grace period'' specified in Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, is either 1,000 flight cycles, or 1,600 flight hours, or 2,100 flight hours. The repetitive inspection interval ranges between 4,800 and 6,100 flight cycles, and between 7,700 and 12,300 flight hours.

For post-Airbus Modification 11130 (Airbus Service Bulletin A300–57–6063) airplanes or post-Airbus production Modification 12102 airplanes, the compliance times are dependent on airplane configuration and utilization. The initial inspection thresholds described in Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, range between 29,900 and 38,700 total flight cycles, and between 48,400 and 77,500 total flight hours. The ''grace period'' specified in Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, is either 800 or 1,000 flight cycles, or 1,200 or 1,700 flight hours. The repetitive inspection interval ranges between 5,100 and 6,500 flight cycles, or between 8,200 and 13,100 flight hours.

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.

Repair Approvals

In many FAA transport ADs, when the service information specifies to contact the manufacturer for further instructions if certain discrepancies are found, we typically include in the AD a requirement to accomplish the action using a method approved by either the FAA or the State of Design Authority (or its delegated agent).

We have recently been notified that certain laws in other countries do not allow such delegation of authority, but some countries do recognize design approval organizations. In addition, we have become aware that some U.S. operators have used repair instructions that were previously approved by a State of Design Authority or a Design Approval Holder (DAH) as a method of compliance with this provision in FAA ADs. Frequently, in these cases, the previously approved repair instructions come from the airplane structural repair manual or the DAH repair approval statements that were not specifically developed to address the unsafe condition corrected by the AD. Using repair instructions that were not specifically approved for a particular AD creates the potential for doing repairs that were not developed to address the unsafe condition identified by the MCAI AD, the FAA AD, or the applicable service information, which could result in the unsafe condition not being fully corrected.

To prevent the use of repairs that were not specifically developed to correct the unsafe condition, certain requirements of this proposed AD specify that the repair approval specifically refer to the FAA AD. This change is intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we use the phrase ''its delegated agent, or the DAH with State of Design Authority design organization approval, as applicable'' in this proposed AD to refer to a DAH authorized to approve certain required repairs for this proposed AD.

Differences Between This AD and the MCAI or Service Information

Although the MCAI or service information allows further flight after cracks are found during compliance with the required action, paragraphs (k) and (n) of this proposed AD would require that you repair any cracking before further flight.

Costs of Compliance

We estimate that this proposed AD affects 71 products 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 [actions retained from AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995)].	3 work-hour × $85 per hour = $255 per inspection cycle.	$0	$255 per inspection cycle.	$18,105 per inspection cycle.
Inspection [new proposed action]	3 work-hour × $85 per hour = $255 per inspection cycle.	0	$255 per inspection cycle.	$18,105 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), and adding the following new AD:

Airbus: Docket No. FAA–2014–0138; Directorate Identifier 2013–NM–020–AD.

(a) Comments Due Date

We must receive comments by April 28, 2014.

(b) Affected ADs

This AD supersedes AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995).

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes

(3) Airbus Model A300 B4–605R and B4–622R airplanes.

(4) Airbus Model A300 F4–605R airplanes.

(5) Airbus Model A300 C4–605R Variant F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a determination that the inspection compliance time and interval must be reduced to allow timely detection of cracks and accomplishment of applicable repairs if necessary because of cracking in the rear spar web of the wings between certain ribs due to fatigue-related high shear stress. We are issuing this AD to detect and correct fatigue-related cracking, which could result in reduced structural integrity of the wing.

(f) Compliance

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

(g) Retained Inspection of Model A300 B2 Series Airplanes

This paragraph restates the requirements of paragraph (a) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300 B2 series airplanes: Prior to the accumulation of 18,000 total flight cycles, or within 1,400 flight cycles after December 27, 1995 (the effective date of AD 95–24–04), whichever occurs later, perform a high frequency eddy current (HFEC) inspection to detect cracks at the aft spar web of the wings, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 5,000 flight cycles.

(h) Retained Inspection of Model A300 B4–103, and B4–2C Series Airplanes

This paragraph restates the requirements of paragraph (b) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300 B4–103, and B4–2C series airplanes: Prior to the accumulation of 19,000 total flight cycles, or within 1,400 flight cycles after December 27, 1995 (the effective date of AD 95–24–04), whichever occurs later, perform an HFEC inspection to detect cracks at the aft spar web of the wings, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 6,000 flight cycles.

(i) Retained Inspection of Model A300 B4–200 Series Airplanes

This paragraph restates the requirements of paragraph (c) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300 B4–200 series airplanes: Prior to the accumulation of 17,000 total flight cycles, or within 1,400 flight cycles after December 27, 1995 (the effective date of AD 95–24–04), whichever occurs later, perform an HFEC inspection to detect cracks at the aft spar web of the wings,

in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 5,000 flight cycles.

(j) Retained Inspection of Model A300–600 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R Series Airplanes

This paragraph restates the requirements of paragraph (d) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300–600 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R series airplanes: Prior to the accumulation of 21,600 flight cycles, perform an HFEC inspection to detect cracks at the aft spar web of the wings, in accordance with Airbus Service Bulletin A300–57–6059, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 5,700 flight cycles. Accomplishment of the initial inspection required by paragraph (l) of this AD terminates the requirements of this paragraph.

(k) Retained Repairs

This paragraph restates the requirements of paragraph (e) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with new actions.

(1) Before the effective date of this AD, if any crack is detected during any inspection required by paragraphs (g) though (j) of this AD: Prior to further flight, repair the crack, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994; or Airbus Service Bulletin A300–57–6059, dated August 12, 1994; as applicable; or in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA.

(2) As of the effective date of this AD, if any crack is detected during any inspection required by paragraphs (g) though (j) of this AD: Before further flight, repair the crack, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994 (for Model A300 B2 series airplanes, and Model A300 B4–103 and B4–2C series airplanes); or Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011 (for Model A300–600 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R series airplanes); except if Airbus Service Bulletin A300–57–0213, dated August 12, 1994; or Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011; specifies to contact Airbus for an approved repair, before further flight, repair the crack using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent, or the Design Approval Holder with the EASA design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD.

(l) New Repetitive Inspections

For airplanes identified in paragraphs (c)(2) through (c)(5) of this AD: At the later of the compliance times specified in paragraph (l)(1) and (l)(2) of this AD, perform an HFEC inspection to detect cracks of the aft face of the wing rear spar web in the area adjacent to the build slot, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Repeat the inspection thereafter at the applicable compliance time specified in Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, except as specified in paragraph (m) of this AD. Accomplishment of the initial inspection required by this paragraph terminates the requirements of paragraph (j) of this AD.

(1) At the earlier of the applicable compliance times specified in the ''Threshold Inspection'' column in table 1 through table 4 of paragraph 1.E., ''Compliance,'' of Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies ''(FH)'' and ''(FC)'' in the ''Threshold Inspection'' columns, this AD specifies ''total flight hours'' and ''total flight cycles.''

(2) At the earlier of the applicable compliance times specified in the ''Grace Period'' column in table 1 through table 4 of paragraph 1.E., ''Compliance,'' of Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies ''(FH)'' and ''(FC)'' in the ''Grace Period'' columns, this AD specifies ''flight hours'' and ''flight cycles.'' Where Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies a grace period, this AD requires compliance within the specified compliance time after the effective date of this AD.

(m) Compliance Time Exceptions

The repetitive inspection required by paragraph (l) of this AD is to be accomplished at the earlier of the applicable compliance time specified in column ''Repeat Interval'' of table 1 through table 4 of Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies ''(FC)'' and ''(FH)'' in the ''Repeat Interval'' columns, this AD specifies ''flight hours'' and ''flight cycles.''

(n) New Repair

If any crack is detected during any inspection required by paragraph (l) of this AD: Before further flight, repair the crack, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Mandatory Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies to contact Airbus for an approved repair: Before further flight, repair the crack using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent, or the Design Approval Holder with the EASA design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD. Repair of any cracking as required by this paragraph does not terminate the repetitive inspections required by paragraph (l) of this AD.

(o) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraphs (j) and (k) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6059, dated August 12, 1994.

(2) This paragraph provides credit for the actions required by paragraphs (j), (k), (l), and (n) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6059, Revision 03, dated October 25, 1999, which is not incorporated by reference in this AD.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, 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 the Design Approval Holder with a State of Design Authority's design organization approval, as applicable). You are required to ensure the product is airworthy before it is returned to service.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Airworthiness Directive 2013–0013R1, dated February 20, 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–2014–0138.

(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 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–05436 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0104; Airspace Docket No. 13–AEA–4]

RIN 2120–AA66

Proposed Amendment and Revocation of Jet Routes; Northeast United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify segments of jet routes J–64 and J–80, and remove jet route J–77, in the northeastern United States. The FAA is proposing this action because segments of these routes are receiving minimal to no usage due to other more efficient routes in the area. This action would eliminate unneeded route segments, reduce chart clutter and improve chart readability.

DATES: Comments must be received on or before April 28, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2014–0104 and Airspace Docket No. 13–AEA–4 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2014–0104 and Airspace Docket No. 13–AEA–4) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2014–0104 and Airspace Docket No. 13–AEA–4.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

On October 20, 2011, the FAA amended part of the high altitude route structure in the northeastern United States to expedite the routing of westbound traffic departing the New York Metropolitan area and to realign high altitude overflight traffic to help reduce delays within New York terminal airspace (76 FR 57902). The new and amended routes from that action have enhanced air traffic flows in the area and have become the routes of primary use. The FAA determined that jet route J–77, and portions of jet routes J–64 and J–80, are receiving minimal usage and have been made essentially redundant by other, more efficient route options available in that area.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to eliminate portions of jet routes J–64 and J–80 and to remove jet route J–77 in the northeastern United States. The proposed changes would eliminate segments that no longer benefit the efficiency of the National Airspace System, reduce chart clutter and improve readability of the affected Enroute High Altitude charts. The proposed route changes are outlined below.

J–64: J–64, currently extending between Los Angeles, CA, and Robbinsville, NJ, would terminate at the intersection of the Ravine, PA, 102°(T)/113°(M) radial and the Lancaster, PA, 044°(T)/053°(M) radial. This new termination point would be at the SARAA fix, approximately 65 nautical miles northwest of the current end point Robbinsville, NJ.

J–77: J–77, currently extending between Boston, MA, and Westminster, MD, would be removed. Other routes are available for navigation between the Baltimore, MD, area and Boston, MA.

J–80: J–80, currently extending between Oakland, CA, and Bangor, ME, would terminate at Bellaire, OH, eliminating the segments between Bellaire and Bangor, ME. RNAV route Q–480 and jet route J–581 provide alternative routing between Bellaire, OH, and Bangor, ME.

Where new navigation aid radials are cited in a proposed route description, below, both True and Magnetic degrees are listed. Otherwise, only True degrees are stated.

Jet routes are published in paragraph 2004 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The jet routes

in this document would be subsequently published in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to preserve the safe and efficient flow of air traffic in the northeastern United States.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013 and effective September 15, 2013, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–64 [Amended]

From Los Angeles, CA, via INT Los Angeles 083° and Hector, CA, 226° radials; Hector; Peach Springs, AZ; Tuba City, AZ; Rattlesnake, NM; Pueblo, CO; Hill City, KS; Pawnee City, NE; Lamoni, IA; Bradford, IL; via the INT of the Bradford 089° and the Fort Wayne, IN, 280° radials; Fort Wayne; Ellwood City, PA; Ravine, PA; to INT Ravine 102°(T)/113°(M) and Lancaster, PA, 044°(T)/053°(M) radials.

J–77 [Removed]

J–80 [Amended]

From Oakland, CA; Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Grand Junction, CO; Red Table, CO; Falcon, CO; Goodland, KS; Hill City, KS; Kansas City, MO; Spinner, IL; Brickyard, IN; to Bellaire, OH.

Issued in Washington, DC, on March 6, 2014.

Donna Warren,

Acting Manager, Airspace Policy and Regulations Group.

[FR Doc. 2014–05356 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2550

RIN 1210–AB53

Amendment Relating to Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This document contains a proposed amendment to the final regulation under the Employee Retirement Income Security Act of 1974 (ERISA or the Act) requiring that certain service providers to pension plans disclose information about the service providers' compensation and potential conflicts of interest. The amendment would, upon adoption, require covered service providers to furnish a guide to assist plan fiduciaries in reviewing the disclosures required by the final rule if the disclosures are contained in multiple or lengthy documents. This amendment will affect pension plan sponsors and fiduciaries and certain service providers to such plans.

DATES: Written comments on the proposed amendment should be received by the Department on or before June 10, 2014.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. *Warning:* Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously. Comments may be submitted to the Department of Labor, identified by RIN 1210–AB08, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: e-ORI@dol.gov.*
- *Mail or Hand Delivery:* Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, *Attention:* RIN 1210–AB08; 408(b)(2) Guide.

Comments received by the Department of Labor may be posted without change to *http://www.regulations.gov* and *http://www.dol.gov/ebsa,* and made available for public inspection at the Public Disclosure Room, N–1513, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Allison Wielobob, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

A. Background

1. General

On February 3, 2012, the Department published a final rule in the **Federal**

Register concerning disclosures that must be furnished before plan fiduciaries enter into, extend or renew contracts or arrangements for services to certain pension plans in order for such a contract or arrangement to be ''reasonable,'' as required by ERISA section 408(b)(2).[1] The final rule was effective for covered plans on July 1, 2012.[2] The final rule was designed to help ensure that pension plan fiduciaries are provided the information they need to assess both the reasonableness of the compensation to be paid for plan services and potential conflicts of interest that may affect the performance of those services. Today, the Department is publishing in the **Federal Register** a proposed amendment to the final rule under which covered service providers would be required to furnish a guide along with the initial disclosures that must be provided to plan fiduciaries in accordance with the final regulation, if the initial disclosures are contained in multiple or lengthy documents.

2. Public Comments on Interim Final Regulation

In the preamble to the interim final rule, the Department requested comment on the format of disclosures required under the rule. Neither the proposal nor the interim final rule required covered service providers to disclose information in any particular format. Further, the preamble to the proposal specifically noted that covered service providers could use different documents from separate sources, as long as all of the documents, collectively, contained the required information. Commenters on the proposal disagreed as to whether this would lead to a cost-effective and meaningful presentation of the required information to responsible plan fiduciaries. In the preamble to the interim final rule, the Department explained that it had not determined whether it was feasible to provide specific and meaningful formatting standards. Accordingly, the Department requested comment on whether to revise the final rule to include a summary disclosure or other formatting requirement.

Commenters on the interim final rule, as on the proposed rule, continued to disagree about the utility of, and feasibility of, requiring a summary of, or otherwise mandating any particular format for the required disclosures. Many commenters argued that the Department should retain the position taken in the proposal and the interim final rule, giving covered service providers flexibility to determine the format of their disclosures. These commenters expressed concern that a ''one-size-fits-all'' approach could not accommodate the enormous variety of current pension plan service arrangements and likely changes in the future. They also believed that the costs to pension plans, and the participants and beneficiaries of such plans, of such an approach will be significant. Some of these commenters expressed concern that responsible plan fiduciaries would rely solely, and thus improperly, on the summary, rather than reviewing the fuller and more detailed disclosures required by the rule. The commenters also were concerned that requiring the comprehensive disclosures and a summary would result in unnecessarily duplicative disclosures. In addition, if there are discrepancies between the two, commenters argued that questions could arise over which disclosures would govern. These commenters preferred that the Department require covered service providers to furnish an index or ''roadmap'' to the disclosures. Commenters also suggested that any summary or other formatting requirement the Department may adopt be flexible and not mandate any particular language, formatting, or page limits.

Other commenters, however, supported the addition of a summary disclosure or similar requirement. They argued that plan fiduciaries, especially those for small and medium-sized plans, often are overwhelmed by highly technical disclosures from separate sources, especially concerning plan investments. These commenters suggested placing the burden of organizing this information on covered service providers, who can do so more effectively and at less cost. Further, these commenters believe that associated costs to service providers have been overstated and are likely to be minimal following an initial transition to compliance with any new summary or other formatting requirement. These costs, they argued, would be greatly outweighed by the benefit of increased clarity to responsible plan fiduciaries. One commenter, for example, pointed out that fuller disclosure will not result in increased transparency if the information continues to be obscured in lengthy, technical documents. Some of these commenters suggested information that should be contained in a separate, summary disclosure requirement.

Following review and analysis of these comments, the Department decided to reserve paragraph (c)(1)(iv)(H) of the final rule, published in February 2012. The Department also explained its intention to publish, in a separate proposal, a guide or similar requirement to assist responsible plan fiduciaries' review of the rule's required disclosures. Given the lack of specific suggestions or data on how best to structure such a requirement, and what the real costs of such a requirement would be, the Department was not prepared, at that time, to implement a guide or similar requirement as part of the final rule.

Today, the Department is proposing a regulatory provision requiring that covered service providers furnish a guide along with the initial disclosures required by the rule, if the disclosures are contained in multiple or lengthy documents. The Department believes that plan fiduciaries, especially in the case of small plans, need a tool to effectively make use of the required disclosures. The guide being proposed in this document provides clarity and specificity, while avoiding the uncertainty and burdens that some commenters argued may accompany construction of a ''summary'' of existing documents. The Department believes that a required summary without some guide to the underlying disclosures themselves, could become the primary document on which some responsible plan fiduciaries rely, which is not the Department's intention.

The Department is proposing a guide requirement in an effort to strike an appropriate balance between the need to facilitate a responsible plan fiduciary's review of information important to a prudent decision-making process and the costs and burdens attendant to the preparation of a new summary disclosure document. The Department

[1] 77 FR 5632 (Feb. 3, 2012); *see also* the interim final rule (75 FR 41600, July 16, 2010) and proposed rule (72 FR 70988, Dec. 13, 2007). The ''408(b)(2)'' regulation finalized by the Department addresses disclosures that must be furnished before plan fiduciaries enter into, extend or renew contracts or arrangements for services to certain pension plans. The final rule was part of a broader Departmental regulatory initiative to improve transparency of plan fees to plan fiduciaries, the Department, and plan participants and beneficiaries. As part of this initiative, the Department also implemented changes to the information that must be reported concerning service provider compensation as part of the Form 5500 Annual Report. These changes to Schedule C of the Form 5500 complement the final rule by assuring that plan fiduciaries have the information they need to monitor service providers consistent with their duties under ERISA section 404(a)(1). *See* 72 FR 64731; *see also* frequently asked questions on Schedule C, available on the Department's Web site at *http://www.dol.gov/ebsa.* Finally, the Department published a final rule in October 2010 requiring the disclosure of specified plan and investment-related information, including fee and expense information, to participants and beneficiaries of participant-directed individual account plans. *See* 75 FR 64910.

[2] *See* 77 FR 5632.

believes that covered service providers are best positioned to provide the guide in a cost-effective manner, because they have the specialized knowledge required to determine where the required disclosures are located, and they generally will be able to structure their disclosures so that they need to locate the information only once when preparing guides for large numbers of clients, each of whom otherwise would have to locate the information separately in the underlying disclosures. A guide will assist responsible plan fiduciaries for these plans in finding information that ERISA requires them to assess in evaluating both the reasonableness of the compensation to be paid for plan services and potential conflicts of interest that may affect the performance of those services. A guide will also reduce the costs they otherwise would have incurred searching for such information. Anecdotal evidence suggests that small plan fiduciaries in particular often have difficulty obtaining required information in an understandable format, because such plans lack the bargaining power and specialized expertise possessed by large plan fiduciaries. Therefore, the Department anticipates that the guide requirement will be especially beneficial to fiduciaries of small and medium-sized plans.

To avoid unnecessary cost to covered service providers, the proposal also allows for the fact that, in some cases, covered service providers may already furnish the required disclosures in a concise, single document. If that is the case, then the covered service provider will not be required to provide a separate guide to the disclosures. The Department believes that initial disclosures that are furnished in a concise, single document do not present the same challenges to responsible plan fiduciaries as disclosure that are contained in multiple or lengthy documents.

The Department has not been convinced by commenters that certain required disclosures are more important than others, such that the guide, if required, should include the location of only the most important data. Accordingly, the proposed guide requires that covered service providers disclose the location of all principle data elements required as initial disclosures. Nothing in the proposed amendment, however, would preclude a covered service provider from including additional information with or as part of the guide, as long as such information is not inaccurate or misleading. It is not the Department's goal to limit innovation in how information is effectively communicated to plan fiduciaries. Rather, the Department believes that the required guide to initial disclosures will provide a basic framework for ensuring that responsible plan fiduciaries understand exactly what information is being disclosed to them, and where to find such information.

B. Proposed Amendment to Regulations Under Section 408(b)(2)

1. Overview of Proposed Amendment

The Department proposes to include, as paragraph (c)(1)(iv)(H) of the final rule, a new requirement that covered service providers furnish a guide along with the initial disclosures required by the rule, if the initial disclosures are contained in multiple or lengthy documents. This guide will assist responsible plan fiduciaries by ensuring that the location of all information required to be disclosed is evident and easy to find among other information that is provided. The Department agrees that covered service providers are in the best position to identify the location of information that otherwise may be difficult for a responsible plan fiduciary to find in multiple, highly technical or lengthy disclosure materials. Specifically, paragraph (c)(1)(iv)(H) provides that, if the information that must be disclosed pursuant to paragraph (c)(1)(iv)(A) through (G) of the final rule (the initial disclosures) is not contained in a single document, or if the document is in excess of a specified number of pages, the covered service provider must furnish to the responsible plan fiduciary a guide that specifically identifies the document and page or other sufficiently specific locator, such as a section, that enables the responsible plan fiduciary to quickly and easily find the specified information, as applicable to the contract or arrangement. The Department has reserved for comment the number of pages that will trigger the guide requirement even if the initial disclosures are furnished in a single document. Commenters should address whether such a page number requirement is an appropriate standard, whether standards must be included to prevent formatting or other manipulation of the page number requirement (e.g., by reducing font size or margins), what number of pages should be included as the standard, and whether any alternative standards exist that would be more beneficial to responsible plan fiduciaries reviewing lengthy documents.

In the Department's view, merely stating, for example, that required information is contained in a separate service contract or prospectus would not be sufficient. This new provision requires a specific locator to find the required information, including not only the identity of the document (to the extent disclosure may be contained in multiple documents) but also where such information is located within the document. In common parlance, a ''guide'' is a mechanism or tool that serves to direct or indicate information, or that advises or shows the way. Thus, in the context of this proposal, a guide would be helpful to the extent it serves to direct plan fiduciaries to specific relevant information required under the regulation. A document and pagination requirement represents one approach to guide plan fiduciaries by providing them with a direct unambiguous point of reference to the specific place where they could find the information. Alternatively, other locators, for example, direct links to the required information on an Internet/Web page, or section identification within a document may also be helpful but at the same or potentially lower cost. Accordingly, the proposal seeks comments on the use of two alternate locators. Each is equally weighted under the proposal. The first is a document and page requirement. The Department assumes for purposes of this proposal that paginated documents are the norm for employee benefit contracts and other materials subject to disclosure under the regulation. The second choice is a ''sufficiently specific'' locator, such as a section. This alternative is intended to be more general, but only to the extent still effective. Specifically, in addition to specifying the document or documents where required disclosures are located, the proposal requires that the guide identify the ''page or other sufficiently specific locator, such as section, that enables the plan fiduciary to quickly and easily find'' the required information. The Department is neutral as between these alternatives because either would satisfy the intended purpose of the guide—to help plan fiduciaries quickly and easily find the required disclosures. The proposal's reference to ''section'' is meant as an example, however, and not as a safe harbor. Section references, whether by name or number or some other method, would be acceptable locators only if they were sufficiently specific to enable plan fiduciaries to quickly and easily find the relevant information. The proposal allows covered service providers to choose pagination or the more general alternative. Individuals are encouraged to comment on whether a final rule, assuming it were to include

a guide requirement, should permit a choice of locators, as proposed, or whether the rule should require only one locator, and why. The Department also welcomes comments on whether page numbers and sections are effective and feasible locators, whether individually or as alternatives, and whether and why other locators may be preferable. The Department also welcomes comment on other mechanisms which could be used in a guide to quickly identify relevant information for fiduciaries and on the benefits and costs of the two options outlined here.

A similar standard applies for information disclosed electronically. A covered service provider may not merely furnish the link to a separate contract or to a prospectus. Either a more specific link directly to the required information must be furnished, or a page or other sufficiently specific locator, such as a section, must be furnished in addition to an electronic hyperlink.

Some interested parties have suggested that a guide requiring inclusion of a specific page or other locator could be difficult and potentially very costly to covered service providers and plans. The Department is particularly interested in comments on this issue. The Department asks that comments specifically identify such challenges and the anticipated cost of addressing them, and explain how currently available technology can or cannot reduce those costs. The Department also is interested in whether web-based approaches, which allow the reader to move readily by hyperlink back and forth between related information in a summary document and the more detailed document or documents from which the summary was derived, could provide an effective alternative for disclosures provided electronically. In offering alternatives, please explain how they would meet the Department's objective in proposing a guide, which is to assist responsible plan fiduciaries by ensuring that the location of all information required to be disclosed is evident and easy to find among other information that is provided.

2. Required Elements; Changes to Guide

If a guide is required, the covered service provider must disclose the location of: (*i*) the description of services to be provided to the covered plan, as required by paragraph (c)(1)(iv)(A) of the final rule; (*ii*) the statement concerning services to be provided as a fiduciary and/or as a registered investment adviser, as required by paragraph (c)(1)(iv)(B) of the final rule; (*iii*) the description of all direct compensation, as required by paragraph (c)(1)(iv)(C)(*1*) of the final rule; (*iv*) the description of all indirect compensation, as required by paragraph (c)(1)(iv)(C)(*2*) of the final rule; (*v*) the description of any compensation that will be paid among related parties, as required by paragraph (c)(1)(iv)(C)(*3*) of the final rule; (*vi*) the description of any compensation for termination of the contract or arrangement, as required by paragraph (c)(1)(iv)(C)(*4*) of the final rule; (*vii*) the description of all compensation (and/or a reasonable estimate of the cost to the covered plan) for recordkeeping services, as required by paragraph (c)(1)(iv)(D) of the final rule; and (*viii*) for covered service providers described in paragraphs (c)(1)(iii)(A)(*2*) or (c)(1)(iii)(B) of the final rule, the description of any compensation, annual operating expenses, and ongoing expenses (or, if applicable, total annual operating expenses), set forth in paragraph (c)(1)(iv)(E)(*1*) and (*2*), as required by paragraphs (c)(1)(iv)(E)(*1*) and (*2*) and (c)(1)(iv)(F)(*1*) of the final rule.

The guide also must identify a person or office, including contact information, that the responsible plan fiduciary may use regarding the disclosures provided pursuant to the final rule. Paragraph (c)(1)(iv)(H)(*2*). This requirement will further assist responsible plan fiduciaries by clearly identifying an individual or office that the fiduciary may contact to the extent he or she has difficulty locating any information referenced in the guide, or has questions concerning the disclosures themselves. A required guide must be furnished as a separate document. Paragraph (c)(1)(iv)(H)(*3*). The Department's goal, in requiring that the guide be a separate document, is to ensure that it is brought to the attention of the responsible plan fiduciary and prominently featured so that the fiduciary can use it effectively in his or her review of the required disclosures. The Department solicits comments on whether the separate document requirement, by itself, is likely to ensure that the responsible plan fiduciary adequately understands both the existence and purpose of the guide, or whether other conditions are needed. For instance, in addition to the separate document requirement, would the guide be improved by requiring specific language, such as an introductory statement in the guide as to the purpose of the guide? Further, if the guide is furnished electronically, for example as an attachment to email, would responsible plan fiduciaries benefit from a notice comparable to the notice required pursuant by 29 CFR 2520.104b–1(c)(1)(iii) (requiring the provision of notice to participants at the time a document is furnished electronically that apprises participants of the significance of the document when it is not otherwise reasonably evident as transmitted).

Finally, the proposal includes an amendment to paragraph (c)(1)(v) of the final rule, concerning the disclosure of changes to previously disclosed information. Specifically, the Department proposes to revise paragraph (c)(1)(v)(B)(2) of the rule to require that changes to the information contained in the guide must be disclosed, at least annually to responsible plan fiduciaries. The Department believes that a periodic requirement to disclose any changes to the information contained in the guide will be more beneficial to plan fiduciaries and less burdensome to covered service providers than ongoing and sporadic disclosure each time a change to one component of the guide occurs. The Department solicits comment on whether it would be more effective to require that the entire guide (rather than only changes to information contained in the guide) be disclosed on an annual basis, if changes have occurred during the preceding year.

3. Compliance and Delivery

Several commenters on the interim final rule suggested that if the Department were to adopt a summary or other formatting requirement in the final rule, it should provide an illustration of how a covered service provider may comply with such requirement to encourage consistency and allow for lower cost alternatives. While the Department is not including a model guide as part of this publication, the Department previously posted on its Web site, at *www.dol.gov/ebsa/pdf/408b2sampleguide.pdf*, a sample guide to initial disclosures that may be useful to plan service providers. The guide was published as an appendix to the final rule as a sample and is an example of what the Department believes guides to initial disclosures may look like in practice.

In addition, commenters on the interim final rule requested guidance on the manner of delivering required information to responsible plan fiduciaries. Nothing in the regulation limits the ability of covered service providers to furnish information required by the regulation to responsible plan fiduciaries via electronic media, for

example, on a Web site.[3] However, unless the information disclosed by a covered service provider on a Web site is readily accessible to responsible plan fiduciaries, and fiduciaries have clear notification on how to gain such access, the information on the Web site may not be regarded as furnished within the meaning of the regulation.

C. Request for Comments

As discussed above, the Department believes that the proposed guide requirement strikes an appropriate balance between the need to facilitate responsible plan fiduciaries' review of information and the costs and burdens attendant to preparing such a guide. However, the Department invites comments from interested persons on all aspects of this proposal, including the regulatory alternatives discussed in Section 4 of the Regulatory Impact Analysis, below, that were considered by the Department in developing this proposal.

The Department encourages parties to provide specific suggestions or data concerning the structure of the guide, as proposed, and whether its requirements are feasible and cost-effective. For example, how many (and what types of) products and services will require a guide? Do economies of scale exist such that the guide service providers prepare for one product or service could be used for multiple clients? Can service providers give the Department an estimate of the costs they will incur to create a guide? While aggregate costs of the guide are helpful, commenters are strongly encouraged to break down these costs into their constituent elements when possible. For example, when possible, break down the costs of the guide requirement as applied to each of the specific content requirements in paragraph (c)(1)(iv) of the final rule (i.e., subparagraphs (A) through (G) of the final rule), and as applied to the different types of covered service providers described in paragraph (c)(1)(iii) of the final rule.

The Department also invites comments and suggestions as to alternative tools that would assist plan fiduciaries in reviewing the initial disclosures. Commenters are encouraged to state whether they believe these tools would be more, or less, beneficial to plan fiduciaries, as compared to the proposed guide, taking into account the costs and burdens to covered service providers, and possibly other parties, to prepare such tools.

Further, the Department invites comments on whether the amendment instead should require that covered service providers furnish a summary of specified ''key'' disclosures. If so, what ''key'' information warrants inclusion in a summary? How costly would it be to prepare a summary and who would bear its costs? Would these costs decrease significantly after an initial transition period and, if so, how significantly? Which parties, other than covered service providers, might be involved in the preparation of a summary? What liability and other legal issues might arise for covered service providers and others from summarizing ''key'' information, and how should these issues be managed? How would responsible plan fiduciaries likely use the summarized information and what effect, if any, would it have on their review of the underlying disclosures? Further, what are the likely benefits and costs of requiring that covered service providers furnish any required tool (whether a guide, a summary, or other tool) in a specified format? Is a guide or other tool likely to increase the probability that responsible plan fiduciaries review the initial disclosures, because the required information is easier to find? What formatting requirements (*e.g.,* a chart, page limits), if any, lend themselves to presentation of the initial disclosures required by the rule? Finally, what innovations in the preparation and delivery of disclosures currently exist in the marketplace, and how might a formatting requirement take advantage of these innovations?

D. Focus Group Testing

Elsewhere in today's **Federal Register**, the Department announced its intention to conduct approximately eight to 10 focus group sessions with approximately 70 to 100 fiduciaries to small pension plans (those with fewer than 100 participants). The purpose of the focus group testing is to explore current practices and effects of EBSA's final regulation. This may provide information about the need for a guide, summary, or similar tool to help responsible plan fiduciaries navigate and understand the required disclosures. The focus group participants will be asked to provide information including the following: (1) Their role with respect to their plan; (2) the number of service providers hired by the plan; (3) whether they are aware of and understand the disclosures mandated by the 408(b)(2) final regulation; (4) their experience with receiving the disclosures; (5) whether they were able to find information regarding the services that would be provided and the costs of those services; (6) whether their review of the disclosures impacted their decision-making with regard to hiring, monitoring, or retaining service providers or changing plan investment options; (7) whether their covered service providers furnish a guide or similar organizational tool to help find specific information within the disclosures; and (8) whether a guide to the required disclosures would be beneficial to them, and if so, how much they would be willing to pay to receive a guide. The focus group announcement, published pursuant to the Paperwork Reduction Act of 1995, explains the planned focus group testing in more detail and provides other relevant information, including how and from whom to obtain more information about the planned testing process. The results of the focus group testing will be made available to the public after the testing has been completed. Because this will not occur until after the close of the 90-day comment period for this proposal, the Department may decide to reopen the comment period on this proposal to solicit comments on such results. The Department decided to proceed with both this proposal and the focus group information-gathering techniques simultaneously, rather than consecutively, in order to avoid further, and unnecessary, delay. In making this decision, the Department is mindful of the fact that the ERISA section 408(b)(2) rulemaking, in general, began in 2007[4] and that the final rule was effective on July 1, 2012.[5]

E. Effective Date

The Department proposes that the amendment to the final rule contained in this notice will be effective 12 months after publication of a final amendment in the **Federal Register**. The Department invites comments on whether the amendment, as finalized, should be effective on a different date.

F. Regulatory Impact Analysis

1. Executive Orders 12866 and 13563

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

[3] The Department's regulations at 29 CFR § 2520.104b–1 apply solely for purposes of disclosures from plans to participants and beneficiaries and do not extend to disclosures from third parties to plan fiduciaries.

[4] 72 FR 70988 (December 13, 2007).

[5] 77 FR 5632 (February 3, 2012).

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. OMB has determined that this action is not ''economically significant'' within the meaning of 3(f)(1) of the executive order because it is not likely to have an effect on the economy of $100 million or more in any one year. The proposed rule is significant under section 3(f)(4) of the Executive Order, because it raises novel legal or policy issues arising from the President's priorities. Accordingly, the rule has been reviewed by OMB.

2. The Need for Regulatory Action

On February 3, 2012, the Department published a final rule in the **Federal Register** concerning disclosures that must be furnished before plan fiduciaries enter into, extend or renew contracts or arrangements for services to certain pension plans in order for such a contract or arrangement to be ''reasonable,'' as required by ERISA section 408(b)(2).

In seeking to promote economic efficiency, the final regulation allowed covered service providers to satisfy the disclosure requirements using different documents from various sources as long as the documents, collectively, contained the required disclosures. The Department recognized, however, that allowing the disclosure requirements to be satisfied through multiple documents could make it difficult and time consuming for responsible plan fiduciaries to find and analyze particular disclosures. Moreover, the benefits associated with providing the disclosures could be diluted if the information provided to responsible plan fiduciaries is obscured in long, highly technical documents. Therefore, when publishing the interim final regulation, the Department requested comments regarding whether it should include a summary of or guide to the mandated disclosure requirements. Specifically, the Department requested comments addressing the costs, benefits, and burdens associated with requiring a summary or guide and how it could effectively construct such a requirement to ensure that it is practical and useful.

Based on comments received in response to its request, the Department concluded when it issued the final rule that it lacked specific suggestions or data on how best to structure a guide or similar requirement and what the real costs of such a requirement would be. The Department therefore decided not to include such a requirement in the final rule without providing separately for public review and comment. The Department stated its intent to publish a Notice of Proposed Rulemaking under which covered service providers may be required to furnish a guide or similar tool along with the rule's initial disclosures. The Department believes that a guide will enable the responsible plan fiduciaries to find needed compensation and other information and will reduce the costs they otherwise would incur searching for such information when the required disclosures are contained in multiple or lengthy documents. The Department also believes that covered service providers are best positioned to provide the guide, when required, in a cost-effective manner, because they have the specialized knowledge required to determine where the required disclosures are located, and they generally will need to locate the information only once for a large number of clients, each of whom otherwise would have to locate the information separately. Anecdotal evidence suggests that small plan fiduciaries in particular often have difficulty obtaining required information in an understandable format, because small plans lack the bargaining power and specialized expertise possessed by large plan fiduciaries. Therefore, the Department anticipates that requiring the covered service providers to furnish a guide in circumstances where the required disclosures cannot otherwise be quickly and easily located will especially benefit small plan fiduciaries.

3. Summary of Impacts

In accordance with OMB Circular A–4,[6] Table 1 below depicts an accounting statement showing the Department's assessment of the benefits and costs associated with this proposed regulatory action.

TABLE 1—ACCOUNTING TABLE

Category	Primary estimate	Low estimate	High estimate	Year dollar	Discount rate	Period covered
Benefits:						
Annualized Monetized ($millions/year)[7]	40.3	26.9	60.4	2013	7%	2014–2023
	40.3	26.9	60.4	2013	3%	2014–2023
Note: Quantified benefits are from time savings resulting from use of the guide.						
Costs:						
Annualized Monetized ($millions/year)	13.4	6.8	22.3	2013	7%	2014–2023
	13.4	6.8	22.3	2013	3%	2014–2023
Note: Quantified costs are for service providers to prepare and deliver a guide.						
Transfers:	Not Applicable					

4. Regulatory Alternatives

Executive Orders 12866 and 13563 require an economically significant regulation to include an assessment of the costs and benefits of potentially effective and reasonably feasible alternatives to a planned regulation, and an explanation of why the planned regulatory action is preferable to the identified potential alternatives. While this proposed rule is not economically significant, the Department, nevertheless, believes it would be helpful to identify several alternatives considered to enhance the proposed rule's economic efficiency. The major alternatives are discussed below.

Status quo: The Department considered, and rejected, some commenters' views on the interim final rule that the Department should take no further action—*i.e.,* that the Department not adopt a guide or any formatting or

[6] Available at *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf.*

[7] The annualized monetized benefit and cost estimates are the same for the three and seven percent discount rates as the underlying yearly benefits and costs are the same for each year.

similar requirement. These commenters explained that, although they understand the Department's goal in requiring a tool such as a guide, they believe that a ''one size fits all'' format may not be feasible and that the costs associated with any such tool would be significant. For the reasons discussed at length earlier in this document, the Department continues to believe that furnishing a tool to assist responsible plan fiduciaries' review of the regulation's initial disclosures is essential.

Mandate a summary: As discussed earlier in this preamble, commenters advocating for a summary stressed the need for medium and small plan fiduciaries to have a summary of the required disclosures to help them navigate through and analyze highly technical disclosures that are scattered throughout multiple documents. They argue that service providers could produce summaries more efficiently and at less cost than responsible plan fiduciaries. Other comments raised concerns that mandating the specific format of a summary would hinder innovation and not allow flexibility when dealing with the great variety of pension plan service arrangements. Some commenters raised additional concerns that a summary could unintentionally become the primary document upon which some fiduciaries would rely without thoroughly reviewing all of the required disclosures. Some commenters argued that the benefits of the summary would exceed the cost of preparing it. The Department believes that the costs to provide a summary likely would be higher for many service providers than the cost incurred to provide a guide or roadmap to responsible plan fiduciaries. For this reason, and the other reasons discussed earlier in this document including the concern that fiduciaries could over-rely on the summary, the Department viewed this option as less preferable than a guide requirement. The Department, however, specifically solicits comments on these issues, including ideas on how to overcome the danger that fiduciaries will rely exclusively on the summary, without appropriately considering the more complete disclosures from which the summary was derived.

Conditional exemption: The Department considered mandating a guide, with page number requirement, but exempting covered service providers from this requirement if producing the guide were either impossible or unreasonably burdensome. Since publication of the final rule, some covered service providers have expressed concern to the Department that it would be prohibitively expensive and unreasonably burdensome for them to comply with a guide requirement, especially if such a requirement resembles the sample guide that is available on the Department's Web site, which includes page number references. Some of these service providers, for example, argue that their service contracts or arrangements and disclosure materials are unique and individualized based on the needs of each of their plan clients, and that this uniqueness makes it unreasonably burdensome, if not practically impossible, in these cases to efficiently produce guides on a group basis. The Department believes, however, that the public record neither supports nor refutes this position, and the Department is not independently aware of any research or studies bearing one way or the other on this issue. As explained earlier in this document, the Department intends to use this proposal as the vehicle to solicit specific comments and build a robust public record on this issue. The Department generally is skeptical that a guide and page number requirement is unreasonably burdensome in light of advances in technology, such as data tagging, and the standardization of many service agreements and investment and other disclosure documents. Absent credible evidence to the contrary, the Department believes that economies of scale still may be achieved by covered services providers that produce guides for multiple plan clients. Further, a conditional exemption of the type under this alternative also suffers from a degree of inherent ambiguity in that covered service providers and others would need metrics and standards to define the circumstances when the production of a guide was ''impossible'' or ''unreasonably burdensome.'' This alternative also would treat covered service providers differently in a way that may not be positive and beneficial for plans over the long run. For instance, the Department is concerned that giving an exemption to those covered service providers who cannot currently provide a guide efficiently would effectively reward them for their inefficiency. Also, such an exemption would undercut the policy being advanced by the new 408(b)(2) disclosures.

After analyzing the comments, the Department chose to require covered service providers to provide fiduciaries with a guide to the required disclosures, but to allow the use of page number or a specific locator. The Department believes that the guide requirement strikes an appropriate balance between facilitating a plan fiduciary's evaluation of information critical to a prudent decision-making process and the costs and burdens associated with the preparation of a guide. The guide will provide clarity and specificity, while avoiding the uncertainty and burdens inherent in constructing a summary of the required disclosures. In contrast, a summary could result in unnecessarily duplicative disclosures for at least some service providers to the extent the same information that is disclosed to comply with the initial disclosures is also required to be disclosed on the summary. Further, for some service providers, some information that must be disclosed may be highly technical and may not lend itself to a ''simplified'' summary. The Department agrees that a summary document may be useful to some fiduciaries, especially in comparing fees and services among competing service providers, but is concerned that a summary may unintentionally become the primary document some responsible plan fiduciaries would rely on, which would be counter to the Department's intention that required disclosures be reviewed and understood by responsible plan fiduciaries.

The Department is making available on its Web site (*http://www.dol.gov/ebsa/pdf/408b2sampleguide.pdf*) a sample guide to the initial disclosures to facilitate public comments on this proposal and solicits comments on whether including such a model in the final rule would provide useful guidance and reduce compliance costs for at least some service providers.

5. Affected Entities and Other Assumptions

The Department estimates that this proposed rule will affect about 45,000 defined benefit pension plans with over 40.9 million participants and almost 638,000 defined contribution pension plans with approximately 88.7 million participants. The overwhelming majority of the affected businesses sponsoring these plans will be small businesses: out of the affected pension plans, the Department estimates that approximately 35,000 are small defined benefit plans and 563,000 small

individual account plans.[8] Most of the defined contribution pension plans, approximately 506,000, are participant-directed individual account plans.

The proposed regulation applies to contracts or arrangements between covered plans and covered service providers. A familiar example is a contract between a recordkeeper and a covered individual account plan under which the recordkeeper will make available a platform of designated investment alternatives consisting of mutual funds, monitor plan and participant and beneficiary transactions, and provide plan administrative services such as maintaining participant accounts, records, and statements.[9] In order to estimate the number of covered service providers and the number of service provider-plan arrangements, the Department used data from Schedule C of the plan year 2011 Form 5500 submissions filed with the Department.

In general, only plans with 100 or more participants that have made payments to a service provider of at least $5,000 are required to file the Form 5500 Schedule C. These plans are also required to report the type of services provided by each service provider. The Department counted the service providers most likely to provide the services described in paragraph (c)(1)(iii) of the final rule, which defines which service providers are ''covered'' by the rule.[10] In total, there were nearly 12,000 distinct covered service providers reported in the Form 5500 Schedule C data.

The Department acknowledges that this estimate may be imprecise. On the one hand, some of the service providers counted here may not be covered service providers, but the Department is unable to further refine this group due to the limitations of the Schedule C data. On the other hand, because small plans generally do not file Schedule C, the number of covered service providers will be understated if a substantial number of them service only small plans. However, the Department believes that most small plans use the same service providers as large plans; therefore, the estimate based on the Schedule C filings by large plans is reasonable.[11]

Schedule C data was also used to count the number of covered plan-service provider arrangements. On average, defined benefit plans employ more covered service providers per plan than defined contribution plans, and large plans use more covered service providers per plan than small plans. In total, the Department estimates that defined benefit plans have over 136,000 arrangements with covered service providers, while defined contribution plans have over 2 million arrangements. The Department does not have sufficient data to estimate the number of these arrangements that will require a guide because the required disclosures are contained in multiple or lengthy documents. Therefore, for purposes of the analysis, the Department assumes that all of these arrangements will require a guide.

In the interim final and final rule, the Department assumed that 50 percent of disclosures would be delivered electronically. The Department did not receive any comments regarding this assumption; therefore, the Department continues to assume that about 50 percent of disclosures between covered service providers and responsible plan fiduciaries are delivered only in electronic format.

The Department lacks data on the number of service providers that are currently providing a guide or other aid to help responsible plan fiduciaries understand the disclosures provided and find required information. Therefore, the Department has estimated benefits and costs of the rule assuming that currently covered service providers are not providing guides or other aids to their disclosures. To the extent that some covered service providers are already voluntarily providing guides, both benefits and costs will be overestimated.

Similarly, our assumption of 100 percent compliance with the 2012 final rule, if incorrect, would cause our estimate of time savings to be too high. In such a case, however, this proposed rule could have the effect of increasing compliance with the 2012 final rule, which would yield both time costs (associated with review of disclosures) and consumer protection benefits that have not been quantified in this impact analysis.

6. Benefits

The final regulation allows covered service providers to make the required disclosures through multiple documents. However, comments on the interim final rule raised concerns that providing many voluminous documents to fiduciaries could overwhelm them and the time and effort needed to find the relevant information still could be substantial. This proposed rule addresses this concern by requiring the covered service provider to provide the responsible plan fiduciary with a guide that specifically identifies the document and page or other specific locator, such as a section, that will allow the responsible plan fiduciary to quickly and easily find the required disclosures if the disclosures are not contained in a single document, or if the document is in excess of [RESERVED] number of pages. The positive net benefit of the guide requirement arises from specialization and economies of scale. Covered service providers are most familiar with the documents containing the required disclosures, and will make similar, if not identical, disclosures to many different responsible plan fiduciaries. Therefore, the Department expects that covered service providers will be able to find the information and create a guide, when required, at a lower cost than the responsible plan fiduciary. Some service providers will be able to spread these costs across hundreds, and in some cases, thousands, of arrangements.

The Department estimates that there are 2.2 million covered arrangements between 12,000 covered service providers and nearly 684,000 covered plans for which disclosures are required under the final rule. While some of these arrangements are simple, others are complex and would require much information to be disclosed. The Department is not aware of any information that currently exists that could be used to measure the time savings that would result from the guide in circumstances where a guide would be required.

[8] Estimates of the number of plans and participants are taken from the EBSA's 2011 Pension Research File, *http://www.dol.gov/ebsa/publications/form5500dataresearch.html#planbulletins.* Small pension plans are plans with generally less than 100 participants, as specified in the Form 5500 instructions.

[9] In order to be a covered service provider, the regulation also requires that a service provider must reasonably expect $1,000 or more in compensation, direct or indirect, to be received in connection with the services to the plan. 29 CFR 250.408b–2(c)(1)(iii).

[10] In order to provide a reasonable estimate, the Department used Schedule C service codes where it believed a majority of service providers would be covered service providers. The following codes were used: service providers with reported type codes corresponding to contract administrator, recordkeeping and information management, consulting (pension), custodial (other than securities), custodial (pension), trustee (individual), trustee (bank, trust company, or similar financial institution), insurance agents and brokers, insurance services, trustee (discretionary), trustee (directed), investment advisory (participant), investment advisory (plan), investment management, real estate brokerage, securities brokerage, valuation (appraisals, etc.), copying and duplicating, participant loan processing, participant communications, and foreign entities.

[11] While in general small plans are not required to file a Schedule C, some voluntarily file. Looking at Schedule C filings by small plans, the Department concluded that most small plans reporting data on Schedule C used the same group of service providers as most larger plans.

In order to produce an estimate of possible time savings, the Department conducted an informal study with two groups of staff. One group searched for specified information in plan and investment documents using a guide-like document, while the other group searched for the specified information in the same documents using a list of the documents in which the information could be found. The result of the informal study was that the group that used the guide-like document, on average, saved 30 minutes compared to that group that used the list. While only a subset (a convenience sample) of the information required to be disclosed by the final rule was searched for as part of the informal study, the results provide a basis for a conservative estimate of possible time savings that would result from the guide. Using this time savings as a proxy for the time savings that would be realized by a plan fiduciary, a total annual time savings of 342,000 hours would result (0.5 hours × 684,000 fiduciaries). If the responsible plan fiduciary's time were valued at $118 per hour, the value of the annual time saved would be $40.3 million.[12] [13]

The Department notes that the amount of time savings is uncertain. If the average time savings were only 20 minutes, the total value of the time saving would be $26.9 million, while the value of the time savings would be $60.4 million if the average time savings were 45 minutes. Time savings also will depend on the sophistication and abilities of the individual fiduciary reviewer. For instance, if a reviewing responsible plan fiduciary is sophisticated relative to the informal study's participants, the savings to this fiduciary would be more toward the lower point of this range, and the reverse would be true to the extent the reviewing responsible plan fiduciary is less sophisticated. Time savings might be greater to the extent that responsible plan fiduciaries will have to review changes to previously disclosed information, plans have multiple plan fiduciaries that will experience the time savings, or plans review bids from multiple service providers in response to requests for proposal.

An additional benefit of the guide requirement is that appropriate use of the guide will provide responsible plan fiduciaries with confidence that they have found the relevant information in the covered service provider's disclosures to fulfill their ERISA fiduciary responsibility to determine whether a contract or arrangement is reasonable. This confidence will lead to a further reduction in the time a responsible plan fiduciary spends searching through documents to make certain they have not missed additional relevant information. While the Department was unable to estimate this portion of the time savings, it has the potential to be large.

The guide document used in the informal study included pagination, because page numbers are used in most industry contracts and similar documents that contain the required disclosures, and the Department wanted to obtain an upper-bound estimate of the benefits that would be obtained through the most specific locator, a page number. The Department did not analyze the incremental benefits of providing pagination relative to providing the section or area by name or other identifier, because it does not have the necessary data on the prevalence and characteristics of other identifiers to perform a meaningful analysis. The Department is aware of numerous possible identifiers other than pagination, for example, by page and line, paragraph, section, chapter, part, and volume. In addition, in the case of electronic media, other identifiers include character, screen, Web page, link, and folder. However, unlike pagination, we have no information on the extent to which these identifiers are used in employee benefit contracts and similar documents. The Department, therefore, solicits comments on the prevalence and characteristics of identifiers other than pagination and their usefulness. The Department also solicits comments on whether there are any relevant federal or state regulatory or similar requirements or standards on effective and not misleading disclosures that should be considered by the Department. Information received will be used to analyze and attempt to quantify the incremental benefits of alternatives to pagination. Our premise is that there is a positive correlation between the precision of the identifier and the ease with which it can be located and the benefits realized, such that more precise and easily located identifiers will result in more time saved, and less precise identifiers will result in less time saved. For instance, if pagination is a more precise identifier than section, identification by section only will result in fewer benefits to plan fiduciaries than identification by pagination. Commenters are encouraged to be specific in identifying and describing the characteristics of identifiers. In addition, please also provide data, if available, on incremental costs of pagination relative to other identifiers.

7. Costs

As stated above, the proposed regulation modifies the requirements of the final rule by requiring covered service providers that provide the required disclosures in multiple or lengthy documents to provide a guide to the disclosures to responsible plan fiduciaries that will enable responsible plan fiduciaries to effectively review the disclosures made under the final regulation. The hour and cost burden associated with the guide requirement result from preparing and distributing the guide. As noted above, the Department estimates that approximately 12,000 covered service providers, 684,000 covered plans, and 2.2 million arrangements with covered plans would be affected by this proposed rule.

Covered service providers are responsible for locating the information and preparing the guide. In the initial year, service providers will have to locate the required information in the disclosures and create the guide. The Department believes that covered service providers will incur lower costs to locate this information than responsible plan fiduciaries, because they are more familiar with the required disclosure documents. Once the covered service provider locates the information in the documents, it can be used to create multiple guides.

While the final rule covers contracts and arrangements, the burden of creating the guide will be proportional to the number of products and services included in the contracts. In order to estimate the total cost associated with the guide requirement, the Department must determine the number of products and services that will require a guide. The Department is uncertain regarding the number of products or services;

[12] EBSA estimates of 2013 labor rates include wages, other benefits, and overhead based on the National Occupational Employment Survey (June 2012, Bureau of Labor Statistics) and the Employment Cost Index (September 2012, Bureau of Labor Statistics). Total labor costs were estimated to average $126.07 per hour over the period for legal professionals, $67.76 for financial professionals, and $29.14 per hour for clerical staff. This estimate uses the average labor rate of a financial manager, $117.88, as a proxy for a plan fiduciary's labor rate.

[13] Many disclosures will stay the same over time, and therefore fiduciaries could experience lesser savings two years after implementation of the rule (and every year beyond) because they would already have gone through the upfront process of learning which sections of which documents contain the necessary disclosures. On the other hand, plans may put out bids for service providers, for example, once every three to five years, at which time they may review disclosures from multiple service providers and many assets, thereby experiencing abnormally high time savings if they have access to disclosure guides. Given these offsetting effects, the Department assumes that the estimate presented here represents a plausible average across years.

however, the Department believes that the total number of products offered by financial services firms exceeds the total number of services provided by other service providers. In 2012, there were a total of 16,380 mutual funds, closed-end funds, exchange traded funds, and unit investment trusts.[14] There also were 776 financial service firms that provided investment management services in the U.S. Seventy-six percent of these firms were independent fund advisors and the rest were brokerage firms, banks and thrifts, insurance companies, or non-U.S. fund advisors.

Due to the uncertainty regarding the number of products and services that would be subject to the guide requirement, the Department has created low-range, medium-range, and high-range estimates. The Department calculated these estimates by multiplying the number of products offered by financial service firms (16,380) by three, four and five resulting in a low-range estimate of 49,140 products and services, a middle-range estimate of 65,520 products and services, and a high-range of 81,900 products and services.

In order to estimate the costs associated with the guide requirement, the Department also must estimate the time required to create a guide for each unique product or service. The Department lacks information on the time required by covered service providers to create a guide. The Department believes it is reasonable to assume that it will take a covered service provider no more than one-half hour to locate the required information in its own document. Once the information is found and the appropriate document, page, and (if applicable) section number is noted, the covered service provider can construct the guide. The Department estimates that the relevant information could be found and the guide could be constructed using a total of three hours of a financial professional or similar professional's time with a labor rate of $67.76 per hour, including time to review the document for accuracy.[15] The Department constructs a low-range estimate using two hours, a medium-range estimate using three hours, and a high-range estimate using four hours.

Based on the foregoing, the Department's low-range estimate of the cost covered service providers would incur to create their guides for the products and services is approximately $6.7 million annually (3 × 16,380 products and services × 2 hours[16] × $67.76), its medium-range estimate is $13.3 million annually (4 × 16,380 products and services × 3 hours[17] × $67.76), and its high-range estimate is $22.2 million annually (5 × 16,380 products and services × 4 hours[18] × $67.76).

The Department also conducted a threshold analysis in the Uncertainty section, below, which demonstrates the reasonableness of the assumption that the cost of requiring covered service providers to create a guide is less than the estimated benefit of $40.3 million annually.

The required disclosures, including the guide, can be delivered electronically at minimal costs, because material and mailing costs are not incurred for guides that are delivered electronically. Similar to the final rule, this regulatory impact analysis assumes that about 50 percent of the guides will be sent electronically (1.1 million guides representing 50 percent of the approximately 2.2 million contracts or arrangements) with minimal associated cost. The Department expects guides that are distributed on paper will be one to two pages in length, and that no additional postage will be required, because the guide will be included with the other disclosures being sent to the responsible plan fiduciary. If the guide is two pages, the associated material and printing cost will be $108,000 (1.1 million guides × 2 pages × $0.05 per page).

8. Uncertainty

The Department lacks complete data and empirical evidence to estimate the cost for covered service providers to create the guide. However, the Department believes that the costs to produce the guide will be less than the benefit derived from providing it to responsible plan fiduciaries for several reasons. For example, the burden will be on the covered service provider to provide the location of the required disclosures. This should reduce overall search time, because the covered service provider is more familiar with the documents than the responsible plan fiduciary. In addition, economies of scale will further reduce the costs, since service providers frequently offer multiple products that use similar documents and service multiple clients with the same products. Therefore, a single or very similar guide could be used for many similar products and clients with little or no marginal cost impact. In addition, the Department expects reduced costs to result, because, on average, responsible plan fiduciaries are expected to have higher wages than the financial professional the Department anticipates will construct the guides.

There are several ways covered service providers can develop guides. With respect to guides that include information about investment products (e.g., mutual funds, bank collective funds, or insurance products), the Department believes that over time, the market will evolve such that the issuers of investment products will furnish product-specific investment-related fee and expense information and other material needed to create a guide directly to covered service providers or to a third party electronic data base containing such information, because the issuers can prepare and disseminate the data in the most cost-effective manner. Covered service providers, such as recordkeepers that offer a platform of designated investment alternatives to a covered plan, will receive the fee and expense information and incorporate it into the guides they prepare for responsible plan fiduciaries.

In order to estimate the total cost associated with the guide requirement, the Department must estimate the total number of services and products for which a guide must be prepared. The Department lacks sufficient data to make this estimate. However, the Department believes that the total number of products offered by financial services firms exceeds the total number of services provided by other service providers. In 2012, there were a total of 16,380 mutual funds, closed-end funds, exchange traded funds, and unit investment trusts.[19] There also were 776 financial service firms that provided investment management services in the U.S. Seventy-six percent of these firms were independent fund advisors and the rest were brokerage firms, banks and thrifts, insurance companies, or non-U.S. fund advisors.

In order to create a reasonable upper bound for the total number of products and services that will have to be disclosed in a guide, the Department assumes that five times the number of

[14] 2013 Investment Company Fact Book, *http://www.icifactbook.org/,* retrieved 11 September 2013.

[15] The Department estimates 2013 hourly labor rates include wages, other benefits, and overhead based on data from the National Occupational Employment Survey (June 2012, Bureau of Labor Statistics) and the Employment Cost Index (September 2012, Bureau of Labor Statistics); the 2012 estimated labor rates are then inflated to 2013 labor rates.

[16] The total associated hour burden is 98,300 hours.

[17] The total associated hour burden is 196,600 hours.

[18] The total associated hour burden is 327,600 hours.

[19] 2013 Investment Company Fact Book, *http://www.icifactbook.org/,* retrieved 11 September 2013.

products offered by financial service firms or 81,900 products and services (16,380 × 5) would require a guide. This estimate accounts for all products and services subject to the guide requirement, and includes circumstances in which the content necessary to create the guide is provided directly to a covered service provider who incorporates it into its own guide for the products and services it provides to the covered plan. For example, recordkeepers often provide a variety of services to plans, including maintaining a platform of designated investment alternatives, as well as administration and monitoring of participant and beneficiary transactions (e.g., enrollment, payroll deductions and contributions, offering designated investment alternatives, and other covered plan investments, loans, withdrawals and distributions). When a recordkeeper enters into a contract or arrangement with a covered plan to provide such services and the designated investment alternatives consist of mutual funds, the recordkeeper may receive investment-related fee and expense data from a mutual fund company, or a third-party electronic database, and the recordkeeper will incorporate this information into the guide for its contract or arrangement with the covered plan.[20]

As stated earlier, the mid-range estimate of the benefits to be derived from creating and providing the guide was $40.3 million. If the Department assumes that an individual with a labor rate of $67.76 per hour creates the guide, then the use of, on average, 7.4 hours[21] to create the guide for each product or service would cause the costs of the proposed rule to equal its estimated benefits. This 7.4-hour total would entail finding all the required information, noting the page and section number, and entering the information on the guide. The Department believes that nearly seven hours is more than adequate time to perform this function and thus the rule's costs are likely to be less than or equal to its benefits.

The Department performed a sensitivity analysis by increasing the estimate of the total number of products. This estimate was obtained by multiplying the number of financial services products (16,380) by seven and ten and then calculating the break-even average number of hours associated with preparing a guide. As the total number of hours to be allocated stayed the same, the associated average hours per product were 5.3 and 3.7 hours respectively as the number of products increases. As implied by the upper bound of four hours for guide creation mentioned in the Cost section, above, the Department believes that 3.7 hours would be more than adequate, on average, to create a guide for a single product or service or to add a product or service to an existing guide, and thus, even using an extremely high assumption regarding the number of affected products per financial services firm, the rule's costs are likely to be less than or equal to its benefits.

The Department's estimates assume that costs to create the guide would remain constant over time. However, the Department expects there will be a downward trend for such costs in future years, because covered service providers (i) already will have guides for most products and services and only would need to update them as appropriate, and (ii) already will have created a template for the guide and will be familiar with how to incorporate information regarding new products and services into the template.

The Department welcomes public comments regarding its estimates of the benefits and costs of the proposed rule. The Department is particularly interested in information and data regarding the potential for time savings to plan fiduciaries, the number of products, services, contracts and arrangements for which a guide would be required, the costs required to create the guide (including costs incurred for system changes and costs related to placing page or section number references in the guide), the potential for economies of scale in constructing the guide, and current best practices in the pension plan service provider industry for providing guides or summaries to clients.

9. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601, et seq.) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551, et seq.) and which are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposal is not likely to have such an impact, section 604 of the RFA requires that the agency present a regulatory flexibility analysis (RFA) describing the rule's impact on small entities and explaining how the agency made its decisions with respect to the application of the rule to small entities. Small entities include small businesses, organizations and governmental jurisdictions.

a. Need for and Objectives of the Rule

Service providers to pension plans increasingly have complex compensation arrangements that may present conflicts of interest. Thus, small plan fiduciaries face increasing difficulty in carrying out their duty to assess whether the compensation paid to their service providers is reasonable. This proposed rule is designed to help both large and small plan fiduciaries identify and locate the information they need to negotiate with and select service providers who offer high quality services at reasonable rates and to comply with their fiduciary duties. The Department's requirement for covered service providers to provide a guide to responsible plan fiduciaries will be especially important to small plan fiduciaries as they review and analyze the required disclosures.

b. Affected Small Entities

The Department has limited data on the number of small entities affected by the rule. Using the Schedule C data from the Form 5500 the Department estimates that 11,800 service providers listed on the Schedule C have fees reported that total less than $7 million. This estimate of the number of small entities should be viewed as an upper bound as these service providers most likely have other sources of revenue besides pension plans, and fees from the vast majority of small plans are also not captured in this estimate. These service providers generally consist of professional service enterprises that provide a wide range of services to plans, such as investment management or advisory services for plans or plan participants, and accounting, auditing, actuarial, appraisal, banking, consulting, custodial, insurance, legal, recordkeeping, brokerage, third party administration, or valuation services. Many of these service providers have special education, training, and/or formal credentials in fields such as ERISA and benefits administration, employee compensation, taxation, actuarial science, law, accounting, or finance.

c. Compliance Requirements

The classes of small service providers subject to the proposed rule include

[20] The estimate also accounts for the situations when covered service providers must include content in the guide regarding indirect compensation received in connection with services described pursuant to paragraph (c)(1)(iv)(A) of the rule.

[21] This number was derived by dividing the $40.3 million mid-range estimate of the cost of the guide by $67.76 per hour and dividing this quotient by the estimated 49,140 products and services that will require a guide.

service providers who are ERISA fiduciaries (for example, because they manage plan investments or are fiduciaries to investment vehicles holding plan assets in which the covered plan has a direct entity investment), who provide services as registered investment advisers to plans, who receive indirect compensation (or certain compensation from related parties) in connection with provision of specified services (namely, accounting, auditing, actuarial, appraisal, banking, certain consulting, custodial, insurance, participant investment advisory, legal, recordkeeping, securities or other investment brokerage, third party administration, or valuation services) or who provide recordkeeping or brokerage services involving a platform of investment options for participant-directed individual account plans.

These small covered service providers are required to disclose certain written information to responsible plan fiduciaries in connection with their service contracts or arrangements with covered plans. These proposed regulations require that covered service providers furnish the responsible plan fiduciary with a guide specifically identifying the document, page, and (if applicable) number where the required information is located. Such information includes a description of the services included in the arrangement and what direct and indirect compensation will be received in connection with the arrangement. Service providers whose arrangements include making investment products available to plans additionally must disclose specified investment-related information about such products. The required disclosures must be provided to the responsible plan fiduciary reasonably in advance of the parties entering into the contract or arrangement for covered services. Preparing compliant disclosures often will require knowledge of financial products and services and related compensation and revenue sharing arrangements.

As noted earlier in the impact analysis, there are economies of scale in the creation of guides. It would follow that, per product or service, small service providers would experience a cost of guide creation that is higher than the average discussed in section F.7, above.

d. Agency Steps To Minimize Negative Impacts

The Department took a number of steps to minimize any negative impact of the proposed rule on small service providers. One of the main reasons the Department chose to require covered service providers to provide a guide to responsible plan fiduciaries, rather than a summary, was that a guide would help small plan fiduciaries locate important information disclosed in multiple, often long and complex documents at a lower compliance cost to covered service providers.

The policy justification for these requirements includes benefits to plan fiduciaries, who will realize savings in the form of reduced search costs more than commensurate to the compliance costs shouldered by covered service providers. Small plan fiduciaries are likely to benefit most. Small covered service providers, while shouldering the cost of providing disclosure, likely will often pass these costs on to their plan clients, who, in turn, are estimated to reap a net benefit, on average, that will more than offset this shifted compliance cost.

10. Paperwork Reduction Act

As part of its continuing effort to reduce paperwork and respondent burdens, the Department of Labor conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Department is soliciting comments concerning the proposed information collection request (ICR) included in this proposed rule, which would amend OBM Control Number 1210–0133, Contracts or Arrangements Under Section 408(b)(2)—Fee Disclosure. A copy of the ICR may be obtained by contacting the individual identified below in this notice. The Department has submitted a copy of the proposed information collection to OMB in accordance with 44 U.S.C. 3507(d) for review of its information collections. The Department and OMB are particularly interested in comments that:

- 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 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.

Comments should be submitted to the addresses listed in the **ADDRESSES** section at the beginning of this Notice and received by the Department on or before June 10, 2014. Comments also may be submitted to the Office of Management and Budget at the following address: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* OMB requests that comments be received within 30 days of publication of the Notice of Proposed Rulemaking to ensure their consideration. A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=[201208-1210-001]* or by contacting G. Christopher Cosby, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Room N 5647, Washington, DC 20210. Telephone (202) 219–8410; Fax: (202) 219 4745. These are not toll free numbers.

The information collection requirements of the proposed rule are contained in paragraph (c)(1)(iv)(H), which requires covered service providers to provide responsible plan fiduciaries with a guide specifically identifying the document, page number, and (if applicable) section number where the required data is located within multiple or complex documents.

The Department requested comments regarding a guide requirement when the interim final regulation was published. Although no public comments were received that specifically addressed the paperwork burden analysis of the information collections at the interim final rule stage, the comments that were

submitted and described earlier in this preamble, contained information relevant to the costs and administrative burdens attendant to this proposal. The Department took such public comments into account in connection with developing this proposed rule and the paperwork burden analysis summarized below.

Annual Hour Burden

As stated earlier in this preamble, the Department estimated an hour burden range for the guide requirement of: 98,300 hours with an equivalent cost of $6.7 million annually (low-estimate), 196,600 hours with an equivalent cost of $13.4 million annually (medium-estimate), and 327,600 hours with an equivalent cost of $22.2 million annually (high-estimate). The Department's methodology for estimating the hour burden is discussed in detail in the Costs section of the Regulatory Impact Analysis, above.

Annual Cost Burden

As stated earlier in this preamble, the Department estimated that the material and printing cost burden associated with creating the guide would be $108,000 annually. The Department's methodology for estimating the cost burden is discussed in detail in the Costs section of the Regulatory Impact Analysis, above.

These paperwork burden estimates are summarized as follows:

Type of Review: Revision of existing collection.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure.

OMB Control Number: 1210–0133.

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

Estimated Number of Respondents: 12,000 annually.

Estimated Number of Responses: 2.2 million.

Frequency of Response: Annually; occasionally.

Estimated Annual Burden Hours: 196,600 hours annually.

Estimated Annual Burden Cost: $108,000 annually.

11. Congressional Review Act

The proposed rule is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et seq.) and, if finalized, will be transmitted to Congress and the Comptroller General for review. The proposed rule is not a ''major rule'' as that term is defined in 5 U.S.C. 804, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

12. Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as well as Executive Order 12875, the proposed rule does not include any Federal mandate that may result in expenditures by State, local, or tribal governments in the aggregate of more than $100 million, adjusted for inflation, or increase expenditures by the private sector of more than $100 million, adjusted for inflation.

13. Federalism Statement

Executive Order 13132 (August 4, 1999) outlines fundamental principles of federalism, and requires the adherence to specific criteria by Federal agencies in the process of their formulation and implementation of policies that have substantial direct effects on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. The proposed rule does not have federalism implications because it has no substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Section 514 of ERISA provides, with certain exceptions specifically enumerated, that the provisions of Titles I and IV of ERISA supersede any and all laws of the States as they relate to any employee benefit plan covered under ERISA. The requirements implemented in the proposed rule do not alter the fundamental reporting and disclosure requirements of the statute with respect to employee benefit plans, and, as such, have no implications for the States or the relationship or distribution of power between the national government and the States.

List of Subjects in 29 CFR Part 2550

Employee benefit plans, Exemptions, Fiduciaries, Investments, Pensions, Prohibited transactions, Reporting and recordkeeping requirements, and Securities.

For the reasons set forth in the preamble, the Department of Labor proposes to amend chapter XXV, subchapter F, part 2550 of title 29 of the Code of Federal Regulations as follows:

SUBCHAPTER F—FIDUCIARY RESPONSIBILITY UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

■ 1. The authority citation for part 2550 is revised to read as follows:

Authority: 29 U.S.C. 1135 and Secretary of Labor's Order No. 1–2011, 77 FR 1088 (Jan. 9, 2012). Sec. 2550.401c–1 also issued under 29 U.S.C. 1101. Sec. 2550.404a–1 also issued under sec. 657, Pub. L. 107–16, 115 Stat. 38. Sections 2550.404c–1 and 2550.404c–5 also issued under 29 U.S.C.1104. Sec. 2550.408b–1 also issued under 29 U.S.C. 1108(b)(1) and sec. 102, Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1. Sec. 2550.408b–19 also issued under sec. 611, Pub. L. 109–280, 120 Stat. 780, 972, and sec. 102, Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1. Sec. 2550.412–1 also issued under 29 U.S.C.1112.

■ 2. Amend 2550.408b–2 by:

■ a. Adding paragraph (c)(1)(iv)(H):

■ b. Revising paragraph (c)(1)(v)(B)*(2)* to read as follows:

§ 2550.408b–2 General statutory exemption for services or office space.

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(H) *Guide to initial disclosures.*

(*1*) If the information that must be disclosed pursuant to paragraph (c)(1)(iv)(A) through (G) of this section is not contained in a single document, or if the document is in excess of [RESERVED] pages, the covered service provider shall furnish the responsible plan fiduciary with a guide specifically identifying the document and page or other sufficiently specific locator, such as a section, that enables the responsible plan fiduciary to quickly and easily find the following information, as applicable to the contract or arrangement:

(*i*) The description of services to be provided to the covered plan, as required by paragraph (c)(1)(iv)(A) of this section;

(*ii*) The statement concerning services to be provided as a fiduciary and/or as a registered investment adviser, as required by paragraph (c)(1)(iv)(B) of this section;

(*iii*) The description of all direct compensation, as required by paragraph (c)(1)(iv)(C)(*1*) of this section;

(*iv*) The description of all indirect compensation, as required by paragraph (c)(1)(iv)(C)(*2*) of this section;

(*v*) The description of any compensation that will be paid among related parties, as required by paragraph (c)(1)(iv)(C)(*3*) of this section;

(*vi*) The description of any compensation for termination of the contract or arrangement, as required by paragraph (c)(1)(iv)(C)(*4*) of this section;

(*vii*) The description of all compensation (and/or a reasonable estimate of the cost to the covered plan) for recordkeeping services, as required by paragraph (c)(1)(iv)(D) of this section; and

(*viii*) For covered service providers described in paragraphs (c)(1)(iii)(A)(*2*) or (c)(1)(iii)(B) of this section, the description of any compensation, annual operating expenses, and ongoing expenses (or, if applicable, total annual operating expenses) set forth in paragraph (c)(1)(iv)(E)(*1*) and (*2*), as required by paragraphs (c)(1)(iv)(E)(*1*) and (*2*) and (c)(1)(iv)(F)(*1*) of this section.

(*2*) The guide described in paragraph (c)(1)(iv)(H)(*1*) of this section shall identify a person or office, including contact information, that the responsible plan fiduciary may contact regarding the disclosures provided pursuant to this section.

(*3*) The covered service provider shall furnish the guide described in paragraph (c)(1)(iv)(H)(*1*) of this section in a separate document.

* * * * *

(v) * * *

(B) * * *

(*2*) A covered service provider must, at least annually, disclose any changes to the information required by paragraph (c)(1)(iv)(E), (F), and (H) of this section.

* * * * *

Signed at Washington, DC, this 27th day of February, 2014.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2014–04868 Filed 3–11–14; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2014–0004]

Extension of Deadline for Requesting To Testify at the Public Hearings on the Proposed Changes To Require Identification of Attributable Owner

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of public hearings and extension of period for requesting to testify.

SUMMARY: The United States Patent and Trademark Office (Office) published a notice on January 24, 2014, proposing changes to the rules of practice to require that the attributable owner, including the ultimate parent entity, be identified during the pendency of a patent application and at specified times during the life of a patent, and seeking written comments on the proposed changes. This initiative is one of a number of executive actions issued by the Administration that are designed to ensure issuance of the highest-quality patents, enhance competition by providing the public with more complete information about the competitive environment in which innovators operate, improve market efficiency for patent rights by making patent ownership information more readily and easily available, reduce abusive patent litigation by helping the public defend itself against frivolous litigation, and level the playing field for innovators. The Office published a notice on February 20, 2014 indicating that it was conducting two public hearings to introduce the proposed changes and directly receive feedback from the public. The notice published on February 20, 2014 also extended the period for comment on the proposed rules until April 24, 2014. The Office is now extending the deadline for requesting to testify at either public hearing until March 12, 2014.

DATES: *Public Hearing Dates:* The first public hearing will take place on March 13, 2014, from 1 p.m. Eastern Daylight Time (EDT) until 4 p.m. EDT, in Alexandria, Virginia.

The second public hearing will take place on March 26, 2014, from 9 a.m. Pacific Daylight Time (PDT) until noon PDT, in San Francisco, California.

Requests To Provide Oral Testimony: Those wishing to provide oral testimony must submit a request to do so in writing no later than March 12, 2014. Members of the public who wish to attend solely to observe need not submit a request to attend.

ADDRESSES: *Public Hearings:* The first public hearing will take place at: Madison Auditorium North, Concourse Level, United States Patent and Trademark Office Headquarters, 600 Dulany Street, Alexandria, Virginia 22314.

The second public hearing will take place at: The University of California Hastings College of the Law, Louis B. Mayer Lounge, 198 McAllister Street, San Francisco, California 94102.

Requests To Provide Oral Testimony: Requests to provide oral testimony at either public hearing must be sent by electronic mail message over the Internet addressed to: *aohearingrequest@uspto.gov.*

FOR FURTHER INFORMATION CONTACT: James Engel, Senior Legal Advisor (571) 272–7725), or Erin M. Harriman, Legal Advisor (571) 272–7747), Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy.

SUPPLEMENTARY INFORMATION: The Office recently published a notice of proposed rulemaking proposing to require the disclosure of ownership information about patents and applications and requesting comments about the voluntary reporting of licensing offers and commitments and making them available online. *See Changes to Require Identification of Attributable Owner,* 79 FR 4105 (Jan. 24, 2014). Under the proposed rulemaking, the Office plans to collect information on the ''attributable owner'' of a patent or application, which includes the titleholders, entities with rights to enforce the patent, and entities with effective control over anyone reported in the first two categories, called the ''ultimate parent entities.''

The Office also published a notice that it was conducting two public hearings (the first in Alexandria, Virginia, and the second in San Francisco, California) to introduce the proposed changes and directly receive feedback from the public. *See Notice of Public Hearings and Extension of Comment Period on the Proposed Changes to Require Identification of Attributable Owner,* 79 FR 9677 (Feb. 20, 2014). The notice palso extended the period for comment on the proposed rules until April 24, 2014. The Office is now extending the deadline for requesting to testify at either public hearing until March 12, 2014, to provide interested members of the public with additional time to request to provide testimony at this public hearing.

Members of the public who wish to provide oral testimony at either public hearing must submit a timely request (*i.e.,* must submit a request to provide oral testimony no later than March 12, 2014). Requests to provide oral testimony at either public hearing must indicate the following information: (1) The name of the person desiring to speak; (2) the person's contact information (telephone number and electronic mail address); (3) the organization(s) the person represents, if any; and (4) the hearing location where the person prefers to speak. A person

must be physically present at the hearing location to provide oral testimony; virtual testimony via telephone or webcast is not available. Based on the requests received, an agenda of scheduled speakers will be sent to those speaking and posted on the Office's Internet Web site at *http://www.uspto.gov.* The number of speakers and time allotted to each speaker may be limited to ensure that all persons speaking will have a meaningful chance to do so.

Members of the public who wish to attend solely to observe need not submit a request to attend. In addition, the public is welcome to submit written comments in response to the proposed changes in addition to, or lieu of, presenting oral testimony at these public hearings.

The Office also plans to make the public hearings available via Web cast. Web cast information will be available on the Office's Internet Web site closer to the public hearing dates. A transcript of the public hearings will be available for viewing via the Office's Internet Web site at *http://www.uspto.gov,* and will be available for public inspection at the Office of the Commissioner for Patents, currently located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia 22314, upon request.

Dated: March 6, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2014–05281 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2010–0332; FRL–9907–74–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve rule revisions to the Texas State Implementation Plan (SIP) for the Volatile Organic Compound (VOC) Control Techniques Guidelines (CTG) category for Offset Lithographic Printing, including the Reasonably Available Control Technologies (RACT) requirements for this CTG category for the Houston-Galveston-Brazoria (HGB) and the Dallas-Fort-Worth (DFW) 1997 8-hour ozone nonattainment areas. This rulemaking addresses the 2006 CTG entitled, ''Lithographic Printing Materials and Letterpress Printing Materials,'' as well as the corresponding RACT analysis for both the HGB and DFW 1997 8-hour ozone nonattainment areas. This action is in accordance with sections 110, 172(c) and 182 of the federal Clean Air Act (the Act, CAA).

DATES: Comments must be received on or before April 11, 2014.

ADDRESSES: Submit your comments, identified by Docket No. [EPA–R06–OAR–2010–0332], by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions.
- *Email:* Mr. Guy Donaldson at *donaldson.guy@epa.gov.* Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Mail or delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. [EPA–R06–OAR–2010–0332]. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Belk, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, telephone (214) 665–2164, fax (214) 665–6762, email address *belk.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

Outline

I. Background
  A. What actions are we proposing?
  B. What is RACT?
II. Evaluation
  A. Which CTG source category is addressed in this action, and how do Texas' Rule Revisions compare to the CTG?
  B. What is Texas' approach and analysis for RACT for HGB and DFW for this CTG source category, and do the Revisions meet RACT Requirements?
III. Proposed Action
IV. Statutory and Executive Order Reviews

I. Background

A. What actions are we proposing?

The three submittals sent to the EPA from the TCEQ which are addressed in this action are: (a) VOC CTG Update: CTG Category Offset Lithographic Rulemaking, submitted April 5, 2010, (b) the 2010 HGB Attainment Demonstration SIP Revision for the 1997 8-hour Ozone Nonattainment Area, RACT Analysis for this CTG Category, submitted April 6, 2010, and (c) the 2010 DFW RACT, Rule, and Contingency SIP Revision for the 1997

8-hour Ozone Nonattainment Area, RACT Analysis for this CTG Category, submitted April 6, 2010.

The April 5, 2010 rulemaking submittal provides revisions to 30 TAC, Chapter 115 Control of Air Pollution from Volatile Organic Compounds, Subchapter E, Division 4, ''Offset Lithographic Printing.'' In this action, we are proposing to approve Texas' 2010 rule revisions for Offset Lithographic Printing. These rules apply to the HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties) and DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant counties).

In addition, we are proposing to approve the portions of two separate submittals that contain Texas' RACT assessment for the Offset Lithographic Printing source category for the HGB and DFW 8-hour ozone nonattainment areas. These two submittals are: The 2010 HGB Attainment Demonstration SIP Revision, and the 2010 DFW RACT, Rule, and Contingency SIP Revision, each dated April 6, 2010. Based on our review and evaluation of Texas' assessment in the HGB AD SIP Revision, including Appendix D ''Reasonably Available Control Technology Analysis'' containing a RACT assessment for Offset Lithographic Printing for the HGB area, we are proposing to find that Texas has met the RACT requirements for Offset Lithographic Printing for the HGB 8-hour ozone nonattainment area under section 182(b). Also, based on our review and evaluation of Texas' assessment in the DFW RACT, Rule, and Contingency SIP Revision, including Section 4 and Appendix A containing a RACT assessment for Offset Lithographic Printing for the DFW area, we are proposing to find that Texas has met the RACT requirements for Offset Lithographic Printing for the DFW 1997 8-hour ozone nonattainment area under section 182(b).

B. What is RACT?

Clean Air Act (CAA) section 172(c)(1) provides that SIPs for nonattainment areas must include reasonably available control measures including RACT for sources of emissions. The EPA has defined RACT as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. See 44 FR 53761, September 17, 1979. Section 172(c)(1) of the Act requires that SIPs for nonattainment areas ''provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the primary National Ambient Air Quality Standards (NAAQS).''

Section 182(b)(2) of the Act requires states to submit a SIP revision and implement RACT for moderate and above ozone nonattainment areas. For a Moderate, Serious, or Severe Area, a major stationary source is one which emits, or has the potential to emit, 100, 50, or 25 tons per year (tpy) or more of VOCs or nitrogen oxides (NO_X), respectively. See CAA sections 182(b), 182(c), and 182(d). The EPA provides states with guidance concerning what types of controls could constitute RACT for a given source category through the issuance of CTG and Alternative Control Techniques (ACT) documents. See *http://www.epa.gov/ttn/naaqs/ozone/ctg_act/index.htm* (URL dating May 23, 2012) for a listing of EPA-issued CTGs and ACTs for VOC.

Under CAA section 183(b), EPA is required to periodically review and, as necessary, update CTGs. For the offset lithographic printing source category, on November 8, 1993, EPA published a draft CTG for offset lithographic printing (58 FR 59261). After reviewing comments on the draft CTG and soliciting additional information to help clarify those comments, EPA published an ACT document in June 1994 that provided supplemental information for states to use in developing rules based on RACT for offset lithographic printing. In 2006, 2007 and 2008, EPA issued a number of CTGs, including one for Offset Lithographic Printing and Letterpress Printing which provided recommendations for RACT for these sources.

In accordance with the 2006, 2007 and 2008 CTGs, Texas revised its Chapter 115 regulations to address these VOC RACT control measures. The revisions to Chapter 115 regulations that correspond to the 2006 EPA-issued CTG for Offset Lithographic Printing and the related RACT analysis for both HGB and DFW are the subject of this rulemaking action. In this action, we consider that consistency with the CTG represents RACT. See the Technical Support Document (TSD) for further discussion of CTGs and RACT.

The HGB Area was designated as Severe for the 1997 8-hour ozone NAAQS. See 73 FR 56983, October 1, 2008. Thus, per section 182(d) of the CAA, a major stationary source in the HGB Area is one which emits, or has the potential to emit, 25 tpy or more of VOCs or NO_X.

On April 30, 2004, the EPA designated the DFW area as a moderate nonattainment area under the 1997 8-hour ozone standard, with an attainment date of June 15, 2010 (see 69 FR 23858). However, the DFW area failed to attain the 1997 ozone standard by June 15, 2010, and was therefore reclassified as a serious ozone nonattainment area (see 75 FR 79302, December 20, 2010).[1] Thus, per section 182(d) of the CAA, a major stationary source in the DFW Area is one which emits, or has the potential to emit, 50 tpy or more of VOCs or NO_X.

II. Evaluation

A. Which CTG source category is addressed in this action, and how do Texas' Rule Revisions compare to the CTG?

Table 1 below shows the VOC CTG source category and the corresponding sections of 30 TAC Chapter 115 which fulfill the applicable RACT requirements under section 182(b) of the Clean Air Act.

TABLE 1—CTG SOURCE CATEGORY AND CORRESPONDING TEXAS VOC RACT RULES

Source category in HGB Area	CTG reference document	Chapter 115, fulfilling RACT
Offset Lithographic Printing.	Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing, EPA–453/R–06–002—September 2006.	§§ 115.440–449.

[1] On April 30, 2012, the EPA promulgated designations under the 2008 ozone standard (see 77 FR 30088, published May 21, 2012). In that action, the EPA designated Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant and Wise counties as a moderate ozone nonattainment area. This action does not address the nonattainment area for the 2008 ozone standard.

This action addresses changes to Texas' VOC rules affecting offset lithographic printing sources in the DFW and Houston Galveston Brazoria HGB 1997 8-hour ozone nonattainment areas. These rule revisions reduce the VOC content limits on fountain solutions used by sources that were subject to the previous Chapter 115 rules. These rules also limit the VOC content of fountain and cleaning solutions used by certain sources that were exempt from the previous Chapter 115 rules.

In general, these rule revisions require the owner or operator of an affected offset lithographic printing line to reduce the VOC content of the fountain solution and the cleaning solution used in the printing process. For reducing the VOC content of the fountain solution, these rule revisions provide several compliance options including: Reducing the alcohol content of the refrigerated solution; further reducing the alcohol content of the unrefrigerated solution; or using reformulated materials to eliminate alcohol in the solution. For reducing the VOC content of the cleaning solution, these rule revisions also provide several options, including using low-VOC cleaning solutions; using low-VOC cleaning solution in conjunction with work practice standards; or using low vapor pressure cleaning solutions in conjunction with work practice standards.

Letterpresses. The 2006 CTG recommends controlling VOC emissions from letterpress printing. This SIP revision does not include rule changes for letterpress printing sources because review of the point source emissions inventory, Title V Permits and central registry databases did not identify any letterpresses that would be subject to the CTG recommended controls.

Heatset Offset Lithographic Presses. The 2006 CTG recommends requiring an add-on air pollution control device on each individual heatset web offset-lithographic press with the uncontrolled potential to emit at least 25 tpy from ink oils volatilized in the dryer. In addition, the CTG recommends increasing the control efficiency requirement from 90% to 95% for control devices installed after the rule effective date. This SIP revision does not include new rule changes for heatset presses because the State found that the existing rules are at least as effective or more effective than the 2006 CTG recommendations. For control devices installed before the effective date of the rule, in the HGB area, the existing Chapter 115 rules either meet or exceed EPA's recommendations for control devices installed before the effective date of the rule. In the DFW area, the existing level of control on heatset presses identified in the area either meets or exceeds the CTG recommendation for control devices. For control devices installed after the effective date of the rule, the 2006 CTG recommendation to require a 95% control efficiency was determined by the State to be no more stringent than the existing rules which require control devices with an efficiency of at least 90% to be installed on all heatset offset lithographic presses located on a property with combined VOC emissions (when uncontrolled) of at least 50 tpy in the DFW area and at least 25 tpy in the HGB area. The State found that the existing rule ''is effectively more stringent than the CTG recommended threshold for installation of control devices based on 25 tpy of VOC from the dryer because the majority of emissions (approximately 75%) come from sources other than the dryer.'' Additionally, the 2006 CTG recommends setting the control efficiency requirement of the control equipment based on the first installation date of the equipment, regardless of the location. The State intentionally did not revise its SIP to incorporate this recommendation due to a concern that ''such a policy may encourage the installation of older less efficient equipment and could also create significant practical enforceability issues for commission investigators with regard to verifying the first installation date of the control equipment.'' Based upon our review, we agree with the State's determination for this source category.

Fountain Solution. The 2006 CTG recommends limiting the fountain solution content to 5.0% alcohol substitutes or less by weight and no alcohol in the fountain solution. Prior to these revisions, for major sources, the previous Chapter 115 rules contained an option limiting the fountain solution content to 3.0% alcohol substitutes or less by weight and no alcohol in the fountain solution for printing operations located on a property in the DFW area with combined VOC emissions of at least 50 tpy when uncontrolled and in the HGB area with combined VOC emissions of at least 25 tpy when uncontrolled. For these major printing sources that were previously subject to this more stringent limit, these revisions retain a limit of 3.0% alcohol substitutes or less by weight and no alcohol in the fountain solution to avoid backsliding. Small businesses were not previously subject to these rules. However, in this action, small businesses are now included, and this SIP revision offers several options which are as stringent as the 2006 CTG to help mitigate the financial impact of these regulations. These options for smaller sources include the 2006 CTG recommendation to limit the fountain solution content to 5% alcohol substitutes or less by weight and no alcohol in the fountain solution. Additionally, the compliance date for smaller sources was extended to March 1, 2012 to provide additional time for these facilities to determine the most cost-effective compliance strategies and to implement any necessary changes.

Cleaning Solution. The 2006 CTG recommends limiting the VOC content of cleaning solutions used in offset lithographic printing operations to 70.0% VOC by weight in conjunction with work practice standards. The Texas rule revisions require the owner or operator of an affected offset lithographic printing line to reduce the VOC content of the cleaning solutions used in the printing process and provide several options for complying, including the following: Using low-VOC cleaning solutions; using low-VOC cleaning solution in conjunction with work practice standards; or using low vapor pressure cleaning solutions in conjunction with work practice standards. These revisions retain the existing Chapter 115 rule requiring a cleaning solution content limit of 70% by volume in conjunction with work practice standards as an option. Also, these revisions retain the previously existing Chapter 115 option to limit the cleaning solution content to 50% VOC by volume. Because the existing rules were determined by TCEQ to be at least as stringent as the 2006 CTG recommendations, TCEQ included these options to retain the flexibility afforded to owners and operators subject to the previous rules. The 2006 CTG also recommends specific work practices for cleaning solutions used by offset lithographic printing lines with uncontrolled potential to emit at least 3.0 tpy of VOC. These rule revisions include the CTG's recommended work practice standards for cleaning solutions.

Monitoring, Recordkeeping, and Testing Requirements. All affected sources are required to comply with monitoring, recordkeeping, and testing requirements to demonstrate continuous compliance with the content limits in these rule revisions.

Non-Substantive Revisions. In addition to the revisions described above to implement RACT for offset lithographic printing, these revisions include approvable grammatical, stylistic, and various other non-substantive changes to update the rule

in accordance with current requirements, to improve readability, to establish consistency in the rules, and to conform to standards in the ''Texas Legislative Council Drafting Manual,'' dated September 2008.

B. What is Texas' approach and analysis for RACT for HGB and DFW for this CTG source category, and do the revisions meet RACT requirements?

Under CAA sections 182(b)(2)(A) and (B), states must insure RACT is in place for each source category for which EPA issued a CTG. As a part of a June 13, 2007 submittal TCEQ conducted a RACT analysis to demonstrate that the RACT requirements for CTG sources in the HGB 8-hour ozone nonattainment Area have been fulfilled. The TCEQ conducted its analyses by: (1) Identifying all categories of CTG and major non-CTG sources of VOC and NO_X emissions within the HGB Area; (2) Listing the state regulation that implements or exceeds RACT requirements for that CTG or non-CTG category; (3) Detailing the basis for concluding that these regulations fulfill RACT through comparison with established RACT requirements described in the CTG guidance documents and rules developed by other state and local agencies; and (4) Submitting negative declarations when there are no CTG or major Non-CTG sources of VOC emissions within the HGB Area. The TCEQ revised its rules for Offset lithographic printers and supplemented its 2007 analysis in its April 6, 2010 submittals in response, in part, to EPA's issuance of the CTG for Offset Lithographic printing.

We have reviewed these revisions to Chapter 115 for Offset Lithographic Printing and have determined that they are in are in agreement with EPA's CTG documents listed in Table 1 above. See our TSD prepared in conjunction with this document. Because these revisions are in agreement with our CTG, we are proposing that they satisfy RACT requirements, and by implementing these measures Texas is meeting the VOC RACT requirements for this source category in the HGB and DFW 1997 8-hour ozone nonattainment Areas. In addition, in its April 6, 2010, submittals to EPA for HGB and DFW, TCEQ states that it has reviewed the HGB and DFW VOC rules for Offset Lithographic Printing and certifies that they satisfy RACT requirements for the 1997 8-hour ozone standard by the application of control technology that is reasonably available considering technological and economic feasibility. We are proposing to approve these determinations that Texas VOC rules for Offset Lithographic Printing sources are in agreement with the CAA's RACT requirements and as a result the Texas SIP satisfies the RACT requirements for this CTG source category in the HGB and DFW Areas under the 1997 8-hour ozone standard.

III. Proposed Action

We are proposing to approve Texas' 2010 rule revisions for the VOC CTG source category identified in Table 1, Offset Lithographic Printing. In addition, we are proposing to find that for this CTG category Texas has RACT-level controls in place for the HGB and DFW Areas under the 1997 8-hour ozone standard.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. If a portion of the plan revision meets all the applicable requirements of this chapter and Federal regulations, the Administrator may approve the plan revision in part. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices that meet the criteria of the Act, and to disapprove state choices that do not meet the criteria of the Act. Accordingly, this proposed action approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 25, 2014.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2014–05384 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0542; FRL–9907–86–Region 6]

Extension of Public Comment Period for Proposed Action; Texas; Revisions to the New Source Review State Implementation Plan; Flexible Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On February 12, 2014, the Environmental Protection Agency (EPA) published in the **Federal Register** a proposed rule to conditionally approve the Texas New Source Review (NSR) State Implementation Plan (SIP) for establishing the Flexible Permit Program and requested comments by March 14, 2014. EPA is extending the original public comment period of 30 days for the proposed rule until April 4, 2014.

DATES: Comments must be received on or before April 4, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2013–0542, by one of the following methods:

- *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Email: Ms. Stephanie Kordzi at *kordzi.stephanie@epa.gov.*
- Mail or delivery: Ms. Stephanie Kordzi, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2013–0542. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253.

FOR FURTHER INFORMATION CONTACT: Ms. Stephanie Kordzi (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Ave (6PD–R), Suite 1200, Dallas, TX 75202–2733. Telephone (214) 665–7520, email at *kordzi.stephanie@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. On February 12, 2014, we published in the **Federal Register** a proposed rule on the flexible permit program in Texas. In the proposal, we requested comment by March 14, 2014. We received a request from the Environmental Integrity Project on February 27, 2014, to extend the comment period to a total of 90 days from the original 30 day public comment period. After careful analysis, we decided to extend the comment period out an additional 21 days. The extension length was based on providing commenters an additional 17 days following the Texas Commission on Environmental Quality (TCEQ) public hearing scheduled for March 18, 2014. This extension will provide an opportunity for submission of rebuttal and supplementary information until April 4, 2014.

List of Subjects in 40 CFR Part 52

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

Dated: March 5, 2014.

Wren Stenger,

Multimedia Planning and Permitting Division Director Region 6.

[FR Doc. 2014–05382 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9907–65–Region 1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the O'Connor Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 1 is issuing a Notice of Intent to Delete the O'Connor Superfund Site (Site) located in Augusta, Maine, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Maine, through the Maine Department of Environmental Protection, have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by April 11, 2014.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1983–0002, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- Email: *connelly.terry@epa.gov.*
- Fax: 617 918–0373.
- Mail: Terrence Connelly, US EPA Region 1, Mailcode OSRR07–1, 5 Post Office Square, Suite 100, Boston, MA 02109–3919.
- Hand delivery: US EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109–3912. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1983–0002. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any

personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the 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 statue. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at: EPA Records and Information Center, 5 Post Office Square, First Floor, Boston, MA 02109–3912, Monday–Friday 8:00 a.m.–5:00 p.m. and Lithgow Public Library, 45 Winthrop St., Augusta, Maine 04330, Monday–Thursday 9:00 a.m.–8 p.m., Friday 9:00 a.m.–5 p.m., Saturday 9:00 a.m.–12:00 p.m.

FOR FURTHER INFORMATION CONTACT: Terrence Connelly, Remedial Project Manager, U.S. Environmental Protection Agency, Region 1, Mailcode OSRR07–1 5 Post Office Square, Boston, MA 02109–3912, (617) 918–1373, email: *connelly.terry@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this issue of the **Federal Register**, we are publishing a direct final Notice of Deletion of O'Connor, also known as the F. O'Connor Company, Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the *Rules* section of this issue of the **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: February 27, 2014.

H. Curtis Spalding,

Regional Administrator, Region 1.

[FR Doc. 2014–05225 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[EPA–HQ–OPPT–2013–0815; FRL–9906–09]

Records Related to OSHA's Construction Standard for Lead and Renovations of Public and Commercial Buildings; TSCA Section 21 Petition; Reasons for Agency Response

AGENCY: Environmental Protection Agency (EPA).

ACTION: Petition; reasons for Agency response.

SUMMARY: This document provides the reasons for EPA's response to a petition it received under the Toxic Substances Control Act (TSCA). The TSCA section 21 petition was received from the National Center for Healthy Housing, the International Union of Painters & Allied Trades, the Lead and Environmental Hazards Association, and the National Association of Lead and Healthy Homes Grantees (petitioners) on October 31, 2013. The petitioners requested EPA to promulgate a rule pursuant to TSCA section 8(d) requiring property managers, building owners, and contractors disturbing lead-based paint in public and commercial buildings (P&CBs) to submit to EPA certain records related to the Occupational Safety and Health Administration's (OSHA's) construction standard for lead. After careful consideration, EPA denied the TSCA section 21 petition by letter on January 28, 2014, for the reasons discussed in this document.

DATES: The EPA's response to this TSCA section 21 petition was signed on January 28, 2014.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Ryan Schmit, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–0610; email address: *schmit.ryan@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of particular interest to building owners, property managers and contractors who disturb painted surfaces in P&CBs. 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.

B. How can I access information about this petition?

The docket for this TSCA section 21 petition, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0815 is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West Bldg., Rm. 3334, 1301 Constitution Ave. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. TSCA Section 21

A. What is a TSCA section 21 petition?

Under TSCA section 21 (15 U.S.C. 2620), any person can petition EPA to initiate a rulemaking proceeding for the issuance, amendment, or repeal of a rule under TSCA sections 4, 6, or 8 or an order under TSCA sections 5(e) or 6(b)(2). A TSCA section 21 petition must set forth the facts that are claimed to establish the necessity for the action requested. EPA is required to grant or deny the petition within 90 days of its filing. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. A petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking proceeding within 60 days of either a denial or the expiration of the 90-day period.

B. What criteria apply to a decision on a TSCA section 21 petition?

Section 21(b)(1) of TSCA requires that the petition ''set forth the facts which it is claimed establish that it is necessary'' to issue the rule or order requested. 15 U.S.C. 2620(b)(1). Thus, TSCA section 21 implicitly incorporates the statutory standards that apply to the requested actions. Section 8(d) of TSCA authorizes EPA to require the submission of unpublished health and safety studies initiated or conducted by, or known to or reasonably ascertainable by, manufacturers, processors, and distributors of chemical substances or mixtures. Studies may be excluded ''if the Administrator finds that submission of lists of such studies are unnecessary to carry out the purposes of [TSCA].'' 15 U.S.C. 2607(d)(1).

In addition, TSCA section 21(b)(4)(B) provides the standards a court must use to decide whether to order EPA to initiate rulemaking in the event of a lawsuit filed by the petitioner after denial of a TSCA section 21 petition: ''If the petitioner demonstrates to the satisfaction of the court by a preponderance of the evidence that . . . there is a reasonable basis to conclude that the issuance of such a rule . . . is necessary to protect health or the environment against an unreasonable risk of injury,'' the court shall order the EPA Administrator to initiate the requested action. 15 U.S.C. 2620(b)(4)(B). Accordingly, EPA relied on the standards in TSCA section 21 and in the provisions under which actions have been requested to evaluate this TSCA section 21 petition.

III. Summary of the TSCA Section 21 Petition

A. What action was requested?

On October 31, 2013, the National Center for Healthy Housing, the International Union of Painters and Allied Trades, the Lead and Environmental Hazards Association, and the National Association of Lead and Healthy Homes Grantees petitioned EPA to promulgate a rule pursuant to TSCA section 8(d) requiring property managers, building owners, and contractors disturbing lead-based paint in P&CBs to submit to EPA certain records related to OSHA's construction standard for lead. Specifically, the petition asks EPA to collect the following records:

1. Personal or area air sampling data and any resultant exposure assessments conducted pursuant to 29 CFR 1926.62(d).
2. Employee medical surveillance data and any resultant evaluation pursuant to 29 CFR 1926.62(j) or medical removals of employees removed from current exposure to lead pursuant to 29 CFR 1926.62(k).
3. Paint analysis results and any resultant studies that were used to determine whether or not initial exposure monitoring should be required pursuant to 29 CFR 1926.62(n)(4).
4. Data and studies considered in the development of a compliance plan and in the development of any updates pursuant to 29 CFR 1926.62(e)(2), including: descriptions of each activity in which lead is emitted; descriptions of the specific means employed to achieve compliance and, where engineering controls were required, engineering plans and studies used to determine methods selected for controlling exposure to lead.
5. Air monitoring data collected pursuant to 29 CFR 1926.62(e)(2) which documents the source of lead emissions.
6. Data considered in the evaluation of the effectiveness of mechanical ventilation in controlling exposure under 29 CFR 1926.62(e)(3) (Ref. 1, p. 2).

B. What support do the petitioners offer?

The petitioners suggest that the documents received under a TSCA section 8(d) reporting rule would provide EPA with ''critical information'' it needs to analyze lead hazards created by renovations of P&CBs as required by the Lead-Based Paint Hazard Reduction Act of 1992 (Ref. 1, p. 2). The petitioners also generally refer to the dangers of lead and the hazards, including those from the renovation of residences found by EPA in the 2008 Renovation, Repair and Painting rule, and the need to similarly protect all Americans from lead hazards created by the renovation of P&CBs (Ref. 1).

In reference to the OSHA lead standards and the P&CB rulemaking analysis, the petitioners cite to public comments made surrounding EPA's June 26, 2013 public meeting on the P&CB rulemaking, including those from the National Apartment Association (Ref. 2), the Independent Electrical Contractors (Ref. 3), the Associated General Contractors of New York State (Ref. 4), the National Institute of Building Sciences (Ref. 5), the National Roofing Contractors Association (Ref. 6), and the Commercial Properties Coalition (Ref. 7).

IV. Disposition of TSCA Section 21 Petition

A. What was EPA's response?

After careful consideration, and for the following reasons, EPA denied the petitioners' request that EPA promulgate a reporting rule pursuant to TSCA section 8(d). EPA will, however, seek to obtain this type of information in an alternative manner. A copy of the Agency's response, which consists of a letter to the petitioners, is available in the docket for this TSCA section 21 petition.

B. What is EPA's reason for this response?

For the purpose of making its decision, EPA evaluated the information presented or referenced in the petition as well as the Agency's authority and requirements under TSCA sections 8 and 21. After careful consideration, EPA denied the request based on the petitioners' failure to set forth sufficient facts establishing that it is necessary to initiate a TSCA section 8(d) reporting rule. In addition, while the records requested by the petitioners are potentially useful, they are not necessary to carry out the purposes of TSCA or to support the P&CB rulemaking analysis. Furthermore, to the extent that such information could nonetheless be informative, promulgating a TSCA section 8(d) rule is not an efficient or effective way to get the information.

EPA believes that it is not necessary or appropriate to promulgate a TSCA

section 8(d) rulemaking at this time. First, EPA consulted with OSHA and determined that in many circumstances, a number of the records requested by the petitioners do not actually need to be maintained by employers under OSHA's construction standard for lead. For example, most building owners and property managers are not required to keep the requested records because the routine maintenance activities commonly performed by their employees are not subject to OSHA's construction standard for lead. Second, construction employers performing renovation work involving lead-based paint may not need to keep all of the records in question if their employees are not exposed above the standard's permissible exposure limit (PEL) or action level. Third, in OSHA's experience, employers that do not comply with the PEL are unlikely to comply with the standard's recordkeeping requirements, further lessening the amount of responsive information available. Thus, based on consultations with OSHA, EPA believes the amount and type of information the Agency could realistically expect to receive under a reporting rule would be significantly limited.

EPA also has reservations regarding the potential for this information to inform the P&CB rulemaking analysis. For example, as indicated by OSHA, air sampling records are most commonly found in the form of a simple report indicating whether samples are above or below an applicable permissible exposure limit. Information contextualizing this exposure data is not likely to be ascertainable from employers' OSHA records. Without such contextual information, these records would be of limited utility to EPA in modeling exposure and identifying and evaluating hazards in P&CBs.

Based on the expected limitations in the availability and utility of the records to EPA's analysis of lead-based paint hazards created by renovations in P&CBs, EPA does not believe that the expenditures of time and resources inherent in proposing and finalizing a TSCA section 8(d) rule are justified. Nonetheless, EPA will seek to obtain this type of information in a more targeted, efficient, and less burdensome manner. Specifically, EPA is already working with OSHA to determine the availability of lead sampling and exposure data in OSHA enforcement records. Pursuant to its authority under TSCA, EPA will also issue information request letters to a smaller, targeted group of entities. This approach will allow EPA to collect and assess the utility of available OSHA records identified by the petitioners, as well as collect other, potentially relevant information, without being limited in scope to ''health and safety studies'' under TSCA section 8(d).

Finally, in addition to previous and ongoing efforts to obtain additional data and information on lead and renovations in P&CBs from industry, the general public, and other Federal agencies, EPA is preparing to conduct an industry survey to collect various types of information from the public and commercial building industry (Ref. 8). This survey, ''Survey of the Public and Commercial Building Industry,'' is specifically designed to target additional information EPA expects may be useful to the P&CB analysis (Ref. 8).

V. References

As indicated under **ADDRESSES**, a docket has been established for this document under docket ID number EPA–HQ–OPPT–2013–0815. The following is a listing of the documents that are specifically referenced in this action. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. National Center for Healthy Housing, International Union of Painters & Allied Trades, Lead and Environmental Hazards Association, National Association of Lead and Healthy Homes Grantees. Citizen Petition to EPA Regarding OSHA Exposure Assessments in Renovations of Public and Commercial Buildings. October 31, 2013. Available at: *http://www.epa.gov/opptintr/chemtest/pubs/Section_21_on_PnCBs_Resubmit_10.31.2013.pdf.*

2. National Apartment Association comment posted July 11, 2013 at EPA–HQ–OPPT–2010–0173–0186.

3. Independent Electrical Contractors comment posted June 3, 2013 at EPA–HQ–OPPT–2010–0173–0176.

4. Associated General Contractors of New York State comment posted on April 30, 2013 at EPA–HQ–OPPT–2010–0173–0161.

5. National Institute of Building Sciences comment posted on April 3, 2013 at EPA–HQ–OPPT–2010–0173–0153.

6. National Roofing Contractors Association comment posted July 12, 2010 at EPA–HQ–OPPT–2010–0173–0073.

7. Commercial Properties Coalition comment posted April 3, 2013 at EPA–HQ–OPPT–2010–0173–0154.

8. EPA. Agency Information Collection Activities; Proposed Collection; Comment Request; Notice. **Federal Register** (78 FR 73520, December 6, 2013) (FRL–9902–85)

List of Subjects in 40 CFR Chapter I

Environmental protection, Lead, OSHA, Public and commercial buildings, Renovation.

Dated: February 7, 2014.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–05392 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 206

[Docket ID: FEMA–2014–0013]

RIN 1660–AA80

Hazard Mitigation Grant Program (HMGP); Program Administration by States

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Emergency Management Agency (FEMA) is seeking public comment on implementing a provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act regarding State administration of the Hazard Mitigation Grant Program (HMGP). The provision directs FEMA to establish criteria to delegate authority to States to administer HMGP. FEMA is seeking input from the public to help inform the development of this new method of program delivery.

DATES: Written comments must be submitted on or before May 12, 2014.

ADDRESSES: *mailto:* You may submit comments, identified by Docket ID: FEMA–2014–0013, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail/Hand Delivery/Courier: Office of Chief Counsel, Federal Emergency

Management Agency, 500 C Street SW., Washington, DC 20472–3100.

To avoid duplication, please use only one of these methods. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For instructions on submitting comments, see the Public Participation portion of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Cecelia Rosenberg, Federal Insurance and Mitigation Administration, DHS/FEMA, 1800 South Bell Street, Arlington, VA 20598–3015. Phone: (202) 646–3321. Email: *Cecelia.Rosenberg@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the advance notice of proposed rulemaking (ANPRM). FEMA specifically invites comments that relate to the economic, environmental, or federalism effects that might result from implementation of any final rule stemming from this ANPRM. Comments most helpful to FEMA will address one or more of the questions identified in this notice, and will include as much explanation of the commenter's views as possible. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided. If you submit a comment, please include the Docket ID for this rulemaking, FEMA–2014–0013.

A. Privacy Act

Please be aware that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual who submitted the comment (or signed the comment, if submitted on behalf of an association, business, labor union, etc.). For more information, you may want to review the Federal Docket Management System system of records notice published in the **Federal Register** on March 24, 2005 (70 FR 15086).

B. Submission of Sensitive Information

Do not submit comments that include trade secrets, or confidential commercial or financial information to the public regulatory docket. Please submit such comments separately from other comments on the rule. Comments containing this type of information should be appropriately marked as containing such information and submitted by mail to the address specified in the **ADDRESSES** section of this ANPRM. If FEMA receives a request to examine or copy this information, FEMA will treat it as any other request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Department of Homeland Security's FOIA regulation found in 6 Code of Federal Regulations (CFR) part 5 and FEMA's regulations found in 44 CFR part 5.

II. Background

A. General Description of the Hazard Mitigation Grant Program

The Hazard Mitigation Grant Program (HMGP or Program) provides grants to States, Indian Tribal governments, and U.S. Territories (all of which are collectively called ''State'' or ''States'' in this notice) to implement long-term hazard mitigation measures after a major disaster declaration. The HMGP is intended to reduce the loss of life and property resulting from natural hazards and to help States implement mitigation measures during recovery from a disaster. The HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C. 5170c. States wishing to participate in the program must request an HMGP grant as part of their request for disaster assistance. See 44 CFR 206.36(c)(4), 206.40(a), and 206.432.

HMGP funds may be used for mitigation planning and mitigation projects that will reduce or eliminate damage, loss, or suffering from future disasters. Projects must contribute to a long-term solution to an existing or anticipated hazard. For example, elevation of a home to reduce the risk of flood damages is considered hazard mitigation, but buying sandbags and pumps to fight the flood is not. In addition, a project's anticipated benefits must be equal to or more than the cost of implementing the project, which is demonstrated through a benefit cost analysis that compares the cost of the project to the benefits anticipated to occur over the lifetime of the project. Funds may be used to protect either public or private property. In the post-disaster context, the quicker the program is implemented, the more effectively it aids individuals and communities in their recovery efforts.

Both at the time of the request for assistance and at the time FEMA obligates funds to the State, the State must have a FEMA-approved State Mitigation Plan. Section 322 of the Stafford Act, 42 U.S.C. 5165(a). As part of the State planning process, States identify and rank mitigation activities that the State will support if funding is available. HMGP project applications, known as subapplications, are developed and submitted to the State by State agencies, local jurisdictions, Indian Tribal governments, and private non-profit organizations. Section 322 of the Stafford Act, 42 U.S.C. 5165(b) requires local or Tribal governments to each have a mitigation plan as a condition of receiving HMGP funding. Proposed projects must be consistent with the goals and objectives of the State Mitigation Plan and relevant Local or Tribal Mitigation Plan. The projects selected must also meet minimum criteria identified in 44 CFR part 206. The criteria are designed to ensure that cost-effective and beneficial projects are selected for funding.

To properly manage its HMGP grant, the State is required by 44 CFR 206.437 to prepare an Administrative Plan, which is different than a State Mitigation Plan. The Administrative Plan details the State's HMGP processes and procedures. It governs program operations and describes how the State will ensure that proposed projects meet all regulatory criteria. Among other requirements, the Administrative Plan must identify the general staffing and resource needs to manage the HMGP; provide details on how the State will seek, review, and select applications for projects; describe how the State will forward selected applications to FEMA; and describe how the State will manage projects approved by FEMA.

The Stafford Act sets forth criteria to calculate the amount of funding available for the HMGP under any particular declaration for disaster assistance. FEMA may provide a State with an HMGP grant that is an amount up to 15 percent of the estimated total disaster grants awarded by FEMA for the major disaster. States may qualify for a larger percentage if they have an Enhanced State Mitigation Plan. 42 U.S.C. 5170c. In addition to meeting the State Mitigation Plan requirements, the Enhanced plan must demonstrate, among other factors, that the State is committed to a comprehensive mitigation program, that the State uses available mitigation funding effectively, and that it is capable of managing the increased funding.

For a declared disaster, FEMA can fund up to 75 percent of eligible costs for FEMA-approved projects. The State must provide a 25 percent match, which can be cash, in-kind, or fashioned from a combination of cash and in-kind sources. The State generally sets its own deadline for subapplication submittal, but all subapplications must be submitted by the State to FEMA within

12 months from the date of disaster declaration. 44 CFR 206.436(d). After a disaster, the State is encouraged to coordinate HMGP activities with recovery and reconstruction efforts so that States can maximize mitigation opportunities.

Upon Presidential approval of a State's request for disaster assistance and upon signing of a FEMA/State HMGP grant management agreement, the State becomes a grantee and is responsible for providing and managing subgrants from the overall grant award to eligible entities. The State establishes funding priorities and criteria for selecting proposed mitigation activities, solicits program interest, and helps subapplicants determine eligibility and develop their subapplications. Eligible subapplicants include State agencies, local governments, Indian Tribal Governments, and some private not-for-profit organizations (all of which are also known as ''program participants''). The State, as grantee, establishes deadlines for submission of those subapplications, and selects and forwards subapplications to FEMA for final project eligibility review. FEMA reviews the entire subapplication, with an emphasis on technical feasibility—whether the project will substantially reduce the risk of future damage—as well as engineering and cost-effectiveness. Concurrently, FEMA reviews the subapplication to ensure that it contains all required information regarding potential impacts to environmental and historic resources, and that FEMA has the necessary information to fulfill its environmental planning and historic preservation (EHP) review responsibilities.

Prior to making funding decisions for the HMGP, FEMA is required by law to evaluate the impacts of the proposed mitigation action on the quality of the human environment. The EHP requirements include compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470 et seq., and the Endangered Species Act (ESA), 16 U.S.C. 1531 et seq. Other requirements contained in Executive Orders ensure that FEMA evaluates and avoids adverse impacts to floodplains and wetlands, and avoids adverse and disproportionate environmental impacts on low-income and minority populations. Executive Order (EO) 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice for Low Income and Minority Populations.

If a subapplication is approved by FEMA, funds are obligated to the State as part of the overall grant. The State then disburses the funding to the successful subapplicant who becomes the subgrantee. The State must ensure that subgrantees adhere to all programmatic, administrative and audit requirements. The State does this by monitoring and evaluating compliance with programmatic requirements and monitoring the progress of completing funded projects. The State submits quarterly reports to FEMA indicating the status and completion date for each approved project. The State must ensure project completion and closeout, or settlement, of all the financial obligations related to the subgrant. In addition, the State evaluates the effectiveness of completed projects as part of their mitigation planning processes.

States perform all of these functions in a managerial role as they do not make the final eligibility and funding decisions. Those decisions fall within FEMA's purview, as the overall administrator of the grant.

B. Early Steps Towards Delegation—The Managing State Concept

In 1998, FEMA introduced the Managing State Concept (MSC) for implementation of the HMGP in selected States. Thirteen States that wished to assume a greater role in the application review and approval process participated in the MSC. No Indian Tribal governments or Territories participated in the MSC. The MSC was seen as a means to enhance FEMA-State collaborative partnerships, and an opportunity to provide States with an increased level of flexibility in program management. The MSC was also aimed at streamlining the implementation of the HMGP, which is a significant consideration for program delivery in the aftermath of a disaster; and facilitates incorporating mitigation into the recovery process.

FEMA first initiated the MSC through the use of three individual FEMA-State operational agreements. The first agreement was entered into in May 1998 with Florida. In August 1998, North Dakota and Ohio signed agreements. Each agreement was formalized through a Memorandum of Understanding (MOU) specifically tailored to each State.

During implementation of the MSC, FEMA conducted partnership evaluations to review the MSC's progress. These evaluations included State staffs, FEMA program and financial specialists, attorneys, and Inspector General auditors. Based on these evaluations, in March of 2000 FEMA expanded the MSC to other interested States. Fundamental elements from the three initial agreements served as the basis for agreements with the new States. These fundamentals included negotiating Managing State roles based on a State's capabilities and continuing partnership evaluations as an essential element. Ultimately, ten additional States were selected for participation.

Significantly, under the MSC, FEMA retained program administration responsibilities including final approval of subapplications and environmental reviews. The MSC consisted of agreements to implement processes that would expedite program delivery, but FEMA still retained sole authority to administer the program. Eventually, States stopped participating in the program for various reasons, and FEMA effectively dissolved the MSC with the publication of the 2010 Hazard Mitigation Assistance Unified Guidance.

C. Next Steps Toward Delegation—Program Administration by States

On October 30, 2000, Congress passed the Disaster Mitigation Act of 2000, Public Law 106–390, 114 Stat. 1552 (Oct. 30, 2000). The Act amended Section 404 of the Stafford Act by adding statutory authority for HMGP ''Program Administration by the States'' (PAS), including Indian Tribal governments and Territories. The amendment contained many provisions similar to the MSC but with several significant changes.

Specifically, the amendments to Section 404 of the Stafford Act direct FEMA to delegate program administration responsibilities to eligible, interested States. The amendments require the President to establish criteria for the approval of requests. The criteria, which must be developed in consultation with States and local governments, must require, at a minimum, that the State have an approved State Hazard Mitigation Plan, demonstrated ability to manage the HMGP, and demonstrated commitment to mitigation activities. Finally, the amendments provide FEMA with the authority to withdraw delegated program responsibilities if the State is not administering the program in a satisfactory manner. These PAS provisions provide FEMA with a statutory mandate to advance beyond the former MSC and fully develop State administration of the HMGP.

Since passage of the Disaster Mitigation Act, FEMA did not implement PAS because it was implementing the MSC. After the MSC was terminated, one State expressed interest in PAS participation. That State submitted an application to FEMA, but

criteria had not been developed for that method of program delivery so the application could not be adequately reviewed.

In January of 2013, the President signed into law the Sandy Recovery Improvement Act of 2013 (SRIA), Public Law 113–2, 127 Stat. 4 (Jan. 29, 2013). SRIA amended Section 404(c) of the Stafford Act, adding a provision allowing FEMA to carry out a pilot program for PAS if FEMA determines it is necessary to expeditiously implement PAS and until such time as the Administrator promulgates regulations to implement PAS. Consistent with the SRIA mandate, FEMA is currently carrying out a pilot program for PAS.

Concurrently and consistent with the authority under the Stafford Act to promulgate program implementation regulations, FEMA is publishing this ANPRM and requesting the public's input on a number of general PAS-related concepts to develop a comprehensive program and implementing regulations.

SRIA's amendment to Section 404(c) applies to all major disasters or emergencies declared on or after SRIA's enactment date, January 29, 2013, and for major disasters or declarations for which the application period for processing requests for HMGP funding is still open as of SRIA's enactment date. Under the PAS pilot, FEMA delegates certain program responsibilities to the State. Participation in the program is voluntary and States can select the grants management activities they would like to perform. To participate in the program, States must have an approved State Mitigation Plan, demonstrated ability to manage the HMGP, and demonstrated commitment to mitigation activities.

To determine whether a State has a ''demonstrated ability to manage the HMGP'' FEMA reviews HMGP grants activity within the past four quarters from the date of the State's request. FEMA's review for State demonstrated ability to manage HMGP includes reviewing documentation to determine the following:

- Whether in the past the State has submitted (and FEMA has approved) the State HMGP Administrative Plan within 90 days of the disaster declaration date;
- Whether the State has submitted applications in an electronic data system such as FEMA's National Emergency Management Information System (NEMIS) or has completed a FEMA data collection form and application review checklist (or beginning in FY13, the Eligibility and Completeness checklist);
- Whether the State has submitted an Eligibility and Completeness checklist for all applications;
- Whether the State has provided requested information to FEMA for an application, enabling FEMA to approve the application within 60 days of subgrant application submittal for at least 75% or more of the applications (depending on the number of applications submitted); Whether 100% of the applications can be approved by FEMA within 90 days of application;
- Whether within the past five years from the date of application submittal, State staff have completed FEMA sponsored trainings (for instance, on Hazard Mitigation Assistance, Benefit Cost Analysis, Environment and Historic Preservation and Mitigation Planning);
- If the State has submitted a request to extend the application period, whether the request was submitted 30 days before the end of the application period; and
- If the State submitted a request to extend the period of performance, whether the request was submitted at least 60 days before the end of the application period and/or period of performance.

A State must meet additional requirements before FEMA will delegate responsibility for specific activities. Depending on the nature of the requested delegation, FEMA's review may include determining the following:

- Whether past quarterly progress and financial reports are complete and were submitted on time;
- Whether past extension requests were supported by information in quarterly progress reports;
- Whether subgrant close-out and financial reconciliation were completed within six months of work completed;
- Whether grant program and financial close-out activities were completed within 90 days of the end of the period of performance;
- Whether there were no drawdowns requested or performed after the liquidation period has ended;
- Whether financial procedures and systems meet FEMA grants management standards;
- Whether there are any major findings on the last single audit obtained by the State related to Hazard Mitigation Assistance activities; and
- Whether all local hazard mitigation plans submitted to FEMA in the past four quarters are at least ''approvable pending adoption.''

Under the pilot, applicants are required to use FEMA forms or documentation agreed upon by FEMA for application completeness review, benefit cost analysis, progress reporting, and financial reporting.

To document a State's ''Demonstrated Commitment to Mitigation Activities,'' FEMA requires States to provide documentation of existing processes and activities in the following categories: (1) State management of a mitigation, hazard safety, and/or insurance program; (2) planning capability and authority to support risk reduction in the planning processes of local communities (e.g., statewide building codes); (3) State provision of resources and funding to support mitigation activities within local communities; and (4) State commitment to floodplain management.

If the State PAS application is approved, the State enters into an operational agreement with FEMA and updates the Administrative Plan to document how the State will implement the HMGP with reduced oversight from FEMA. As part of the rulemaking process, FEMA will use insight gained from implementing the pilot to draft program regulations.

D. Developing PAS Regulations

To successfully implement PAS, FEMA must determine how the program will operate, and how available resources can facilitate program performance. FEMA performs numerous and varied responsibilities in the administration of the HMGP. These include keeping States informed of the anticipated amount of available funding, reviewing subapplications selected by a State, and deciding if the subapplication proposals meet program requirements and merit funding. As part of this process, FEMA conducts detailed reviews of project information, examines the schedule, scope of work, engineering and technical feasibility, and cost-effectiveness, and performs environmental analyses. All of these reviews can affect a project's scope of work, budget, and delivery. Following an award of subgrant funding to the State, FEMA provides additional technical assistance and monitors quarterly reports to ensure subgrants are implemented as planned and on schedule.

To develop PAS, FEMA is exploring the extent to which its determinations regarding cost-effectiveness, technical feasibility and engineering, and final eligibility and funding can be made at the State level. FEMA is also exploring whether there are EHP responsibilities that FEMA may legally delegate to the States under applicable Federal law, and that the grantee or subgrantee would be interested in assuming. Consistent with Federal EHP laws,

including NEPA, the NHPA, the ESA, as well as EOs 11988 (Floodplain Management) and 11990 (Protection of Wetlands), FEMA has final review and approval authority on the environmental impact of a proposed Federal action or undertaking. Only FEMA can perform certain EHP responsibilities, such as formal consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the ESA, or preparing an environmental impact statement under NEPA. However, FEMA may delegate EHP responsibilities related to preparation for environmental review to the States. Those responsibilities include providing enough background information to assess the environmental impact of the Federal action on historic properties, endangered and threatened species, critical habitats, wetlands, floodplains, and on low income and minority populations. The responsibilities could also include initiating communication with appropriate Federal agencies, such as the USFWS, or United States Army Corps of Engineers (USACE), and with State regulatory agencies including the State or Tribal Historic Preservation Office for the purposes of allowing those agencies to identify any potential impacts from the project, and to allow FEMA to prepare the required documentation on project impacts and decisions.

PAS eligibility criteria may consider the quality of State planning activities (administrative and mitigation planning), the availability of State financial resources for program administration, and a State's ability to perform all grant objectives in a timely manner. The PAS program will continue to support HMGP principles of fairness and transparency, and incorporate long term recovery. FEMA will provide appropriate guidance tools, and include standards for meeting and maintaining PAS status, and processing appeals. In summary, to participate in PAS a State should demonstrate an expanded ability to manage the Program to ensure that they will be able to successfully assume Federal-level responsibilities.

III. Questions for Commenters

FEMA welcomes public comment on all aspects of PAS, but would derive particular benefit from commenters addressing one or more of the following questions:

1. *Criteria for PAS Designation:* FEMA seeks input on how to assess the State's ability to manage the HMGP throughout the program lifecycle. What approval criteria and documentation should FEMA consider when reviewing State requests for PAS designation? What metrics should be used? How should these be measured? How far back should past performance be measured (the last four quarters, 3 years, 5 years)? Possible considerations are:

a. The extent of technical and organizational resources committed to the program, such as whether staff have completed FEMA Hazard Mitigation Assistance-related trainings;

b. Ability to prepare and approve cost effective applications and to adhere to technical and program requirements; ability to use anticipated benefits or losses avoided in ranking projects for funding; ability to calculate actual losses avoided as a result of completed mitigation activities;

c. Ability to submit complete and eligible subapplications, prepared by the State or local communities, within 12 months of the disaster declaration date and any additional extensions (for example, whether FEMA needs to request additional information to complete subapplication reviews, and if the State uses the minimum application review checklist to validate that subapplications are complete);

d. Ability to perform EHP responsibilities that can be delegated to States by FEMA under applicable Federal laws;

e. Past experience in assisting and monitoring local governments in developing and completing mitigation activities (whether there is a monitoring and auditing process in place, and whether quarterly reports are submitted to FEMA on time);

f. Ability to maintain sound financial management (no major findings in audit reports);

g. Ability to complete the grant in the regulatory timeframe (for instance, closeout activities are completed 90 days after the end of the period of performance, extension requests are supported by information in quarterly reports, and no more than two six-month extensions are required);

h. Ability to close out the subgrants and the grant within the existing programmatic timeframe (i.e., whether subgrant activities are closed out within 90 days after the activities have been completed);

i. Ability to manage other FEMA grants especially when the State has no recent experience with HMGP (evaluating past performance using data from Flood Mitigation Assistance Grants, Pre-Disaster Mitigation Grants, or other FEMA grants).

2. *Enhanced State or Tribal Mitigation Plan:* What should the relationship be, if any, between having a FEMA-approved Enhanced Mitigation Plan and receiving a PAS designation? Questions include the following:

a. Should PAS approval be required before FEMA approves an Enhanced Plan?

b. Should a FEMA-approved Enhanced Plan be required for PAS designation?

c. Should an Enhanced Plan have no relationship to PAS designation?

d. Should there be another relationship between the two?

e. If Enhanced Plans are not required, how should States document losses avoided for completed mitigation projects?

3. *Commitment to Mitigation:* FEMA seeks input on how to assess the State's demonstration of commitment to mitigation. Possible examples of commitment to mitigation include State management of mitigation, hazard safety or insurance programs, statewide planning or building code authorities, State resources that are dedicated to support mitigation activities in local communities, and demonstrated State commitment to floodplain management. What documentation should FEMA consider in reviewing a State's request and granting a PAS designation?

4. *Model Federal Performance Measures:* What performance measures from other State-administered Federal programs could be considered or incorporated in PAS designation requests?

5. *Administrative Planning:* FEMA's program regulations at 44 CFR 206.437 and the State Administrative Plan set out minimum criteria. What additional elements, if any, should FEMA consider requiring in Administrative Plans for States with PAS designation?

6. *Decision Making Processes:* When States have an expanded role in application approval, how can States demonstrate impartial and consistent selection and management of applications when they are also eligible to be program participants and submit and manage their own subapplications (independent panels, blind applications, cost benefit ratio or other means)? What decision making documentation should FEMA consider?

7. *Interaction:* FEMA seeks input on the level and type of coordination necessary between eligible applicants and the public where the State has an expanded role in administering HMGP. What should be the level of interaction between FEMA, the State, local governments, and other program participants regarding day-to-day program administration (e.g., solicitation of applications, progress reporting, record-keeping, and closeout)?

8. *Factors Affecting Delegation:* Should PAS designation include limits or factors (such as the magnitude of the declared disaster or the number of open events) that would affect the level of State responsibility granted by FEMA? If so, what should these limits or factors be?

9. *EHP Requirements and Responsibilities Under PAS:* FEMA seeks input from States and other stakeholders as to which EHP responsibilities should be delegated to States under applicable Federal law. For instance:

a. Should States be able to initiate communication with appropriate agencies such as the USFWS, USACE, or State regulatory agencies (for instance, the State or Tribal Historic Preservation Office) for the purposes of identifying potential project environmental impacts or other considerations within these agencies' jurisdiction?

b. Should States be delegated the responsibility to collect information necessary for performing categorical exclusions and the eight-step floodplain or wetland analyses?

c. Could the States, rather than FEMA, engage other Federal agencies to streamline unified review where possible?

d. What abilities and resources are needed to assume these types of responsibilities?

e. What guidance from FEMA would States need to assume these or other similar EHP responsibilities?

f. What methods or processes from other Federal programs should be considered?

g. Are there existing State processes that perform a similar function?

10. *Performance Evaluation:* FEMA seeks input on criteria to assess performance of those States that receive PAS designations (e.g., grants management, technical and engineering feasibility, cost effectiveness, plan requirements, and EHP responsibilities and requirements):

a. What elements/metrics should be used in this assessment?

b. How frequently should FEMA assess a State's performance under PAS (quarterly, annually, 3 years, 5 years, or other)?

c. What measures should FEMA use to address or correct deficiencies in performance?

d. What level of monitoring or oversight should FEMA use to assess compliance with Federal EHP requirements?

11. *Program Evaluation:* How could the analysis of program benefits (economic, environmental, public health and safety, equity) justifying program costs be an indicator of state performance?

12. *Significant Non-compliance:* FEMA seeks input on what would constitute a significant non-compliance deficiency warranting temporary withdrawal or full termination of PAS designation. Areas of concern include subgrant eligibility determinations, cost effectiveness reviews, grant management, plan requirements, and EHP responsibilities and requirements. Under what circumstances should failure to meet requirements and responsibilities established by FEMA result in removal of a PAS designation? What criteria should FEMA consider using for PAS reinstatement? What other remedies should FEMA consider if a PAS jurisdiction fails to comply with Program requirements?

13. *Electronic Systems:* What, if any, are the States' concerns regarding the use of existing FEMA grant reporting and management electronic systems (such as NEMIS) when mandated for PAS participation?

14. *Participation:* What factors could FEMA consider and use to facilitate and encourage State participation in PAS?

15. *Tribal Considerations:* What factors should FEMA consider and use to encourage Tribal participation in PAS? What are the potential challenges for Tribes in applying for and maintaining PAS designation?

16. *Challenges and Resources:* What are the potential challenges for States in maintaining PAS designation (such as keeping key personnel, covering multiple disaster and recovery needs, or liability concerns)? What resources do States need to successfully implement PAS (management cost support, training, guidance, job-aids, or other resources)?

17. *Program Participants Impacts:* How would program participants be impacted when their State administers HMGP under a PAS designation? What are the potential benefits (increased access to funding, decreased duplication, faster obligation of funding, or other benefits)? What are the potential costs (e.g., increased time and paperwork, longer obligation timeframes)?

18. *State Impacts:* How would States be impacted by administering HMGP under a PAS designation? What are the potential benefits? What are the potential costs?

19. *State Interest:* For FEMA's State, Indian Tribal government and Territory stakeholders: Would your State or Tribe consider applying for the PAS option for your next disaster declaration?

20. *Overall Effect:* Do you think PAS would be beneficial in streamlining the provision of funding under the HMGP? Do you think PAS would be beneficial in implementing more effective hazard mitigation projects? If so, how?

IV. Conclusion

Comments most helpful to FEMA will address one or more of the questions identified above, and will include a detailed explanation of the commenter's views. FEMA also invites comments that relate to the economic, environmental, or federalism effects that commenters believe might result from any PAS program implementation model. All comments received will be considered by FEMA in designing future PAS program implementation regulations.

Dated: March 6, 2014.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–05437 Filed 3–11–14; 8:45 am]

BILLING CODE 9110–13–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 4, and 12

[PS Docket Nos. 13–75 and 11–60; Report No. 3001]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: In this document, a Motion for Clarification or, In the Alternative, Petition for Partial Reconsideration (Petition) has been filed in the Commission's Rulemaking proceeding by Intrado, Inc., on behalf of itself and its affiliate, Intrado Communications, Inc.

DATES: Oppositions to the Petition must be filed on or before March 27, 2014. Replies to an opposition must be filed on or before April 7, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eric P. Schmidt, Attorney Advisor, Public Safety and Homeland Security Bureau, (202) 418–1214 or *eric.schmidt@fcc.gov<mailto:eric.schmidt@fcc.gov.>*

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 3001, released February 27, 2014. The full text of Report No. 3001 is available for viewing and copying in

Room CY–B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160).

Subject: Improving 9–1–1 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies, FCC 13–158, published at 79 FR 3123, January 17, 2014 and at 79 FR 7589, February 10, 2014, in PS Docket Nos. 13–75 and 11–60. Published pursuant to 47 CFR 1.429(e). *See* § 1.4(b)(1) of the Commission's rules.

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

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Notices

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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

Office of the Secretary

Privacy Act of 1974; Deletion of System of Records USDA/OES–1, Correspondence and Document Management System, and Creation of Two New Systems of Records: USDA/OES–2, Correspondence and Document Management System; and USDA/RD–2, Enterprise Content Management

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of deletion of system of records and creation of two new systems of records; request for comment.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the U.S. Department of Agriculture (USDA) gives notice of deletion of an existing system of records, USDA/OES–1, Enterprise Content Management, and the creation of two new systems of records entitled USDA/OES–2, Correspondence and Document Management System, and USDA/RD–2, Enterprise Content Management.

DATES: This notice will be adopted without further publication in the **Federal Register** on May 12, 2014 unless modified by a subsequent notice to incorporate comments received from the public. Written or electronic comments must be received by the contact person listed below on or before April 11, 2014.

ADDRESSES: You may submit written or electronic comments on this notice by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- Mail: Director of the Office of the Executive Secretariat (OES), U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250–3300.
- Email: *Sally.Liska@osec.usda.gov*.
- Fax: (202) 720–2166.

All comments will become a matter of public record and should be identified as ''Correspondence and Document Management/Enterprise Content Management System of Records Comment,'' making reference to the date and page number of this issue of the **Federal Register**. Comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call Sally Liska at (202) 720–7100 to make an appointment to read comments.

FOR FURTHER INFORMATION CONTACT: Director of the Office of the Executive Secretariat (OES), U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250–3300, telephone: (202) 720–7100.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974, notice is given that USDA proposes to delete the Privacy Act system of records entitled ''USDA/OES–1, USDA Enterprise Content Management (ECM)'' and create two new Privacy Act systems of records entitled ''USDA/OES–2, Correspondence and Document Management System,'' and ''USDA/RD–2, Enterprise Content Management.'' The proposed changes are needed to reflect USDA organizational governance changes that will result from the upgrade of one of the information system modules currently included in the USDA/OES–1.

The current system of records entitled USDA/OES–1 addresses three components or modules within ECM: the Enterprise Correspondence Management Module (ECMM), the General Use Module (GUM), and the Content Analysis Module (CAM). ECM is administered and maintained by Rural Development (RD). One of the ECM modules (ECMM) is being replaced by a new information system, the Correspondence and Document Management System (CDMS). The new CDMS application is being developed on a separate cloud-based platform and will be administered and maintained by the Office of the Executive Secretariat (OES). USDA proposes to align the systems of records with the respective USDA organizations responsible for information system administration. As such, USDA proposes to delete the system of records USDA/OES–1 and incorporate remaining and new ECM modules into a new system of records USDA/RD–2, and create a new system of records USDA/OES–2 to address the new CDMS.

USDA/OES–2 Correspondence and Document Management System

Pursuant to the Privacy Act, 5 U.S.C. 552a, USDA is creating a new system of records, Correspondence and Document Management System (CDMS) to be maintained by the Office of the Executive Secretariat. CDMS will be designed for use by the employees and officers of USDA to manage documents associated with a wide range of Secretarial and other controlled correspondence. CDMS will include information regarding individuals, primarily information such as the name, address, and other contact information incidental to their correspondence addressed to the Secretary of Agriculture and various other officers and employees of USDA. In a few cases, it includes supplementary information about the individual, most often voluntarily provided by that individual.

The purpose of CDMS is to help USDA employees manage correspondence and other documents at any organizational level from initial receipt through completion and archival storage. Department officials are included in the correspondence drafting and policymaking process through a managed clearance and control system. The system incorporates workflow capabilities that enable documents to be routed within or among USDA agencies and offices for collaborative input or review, and security that ensures information is available only to authorized personnel.

The system will be developed on a secure, cloud-based platform. This cloud-based solution is in adherence with the December 2010 *''25 Point Implementation Plan to Reform Federal Information Technology Management,''* published by Vivek Kundra, then U.S. Chief Information Officer. The ''cloud first'' mandate launched by the Office of Management and Budget requires government technology managers to choose a cloud-based solution whenever a secure, reliable, cost-effective cloud option exists before any information technology development programs are implemented.

USDA/RD–2 Enterprise Content Management

Pursuant to the Privacy Act, 5 U.S.C. 552a, USDA is creating a new system of

records, Enterprise Content Management (ECM), to be maintained by Rural Development (RD). ECM is based upon a suite of document management applications that have been specifically designed for use by the employees and officers of USDA to manage documents associated with a wide range of administrative and business processes. ECM is designed and operated to support effective management of government documents.

The purpose of ECM is to help USDA employees manage documents at any organizational level from initial receipt through completion and archival storage. At present, there are 20 modules that comprise ECM, 17 of which include personally identifiable information: General Use Module (GUM), Packers and Stockyards Automated System (PSAS), Packers and Stockyards workflow module (GIPSA), COD Telephone and Utilities (COD), Invoice Processing (IP), Acquisition Management (AQM), ASCBF Miscellaneous Payments (MisPay), Content Analysis Module (CAM), Acquisition Approval Requests (AAR), Agriculture Foreign Investment Disclosure Act (AFIDA), Customer Service Call Management Module (CSCM), DCFO Receipt Module (DCFO), Farm Loan Program Module (FLP), Federal Grain Inspection Service Module (FGIS), Grants Review Module (GR), Performance Appraisal Module (PA), Rural Business Service Module (RBS), OGC Case Management Module (OGC), Tax Service Module (Tax), and Electronic Personal Security Folder Module (e-PSF).

Signed in Washington, DC, on February 18, 2014.

Thomas J. Vilsack,

Secretary.

USDA/OES–2 CORRESPONDENCE AND DOCUMENT MANAGEMENT SYSTEM

SYSTEM NAME:

USDA Correspondence and Document Management System (CDMS) USDA/OES–02.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The system will be located on the Salesforce Force.com cloud-based platform at a secure computing facility in Ashburn, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals corresponding with USDA, from the public, private, and political sectors; system users, managers, and Systems Administrators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system may include the following: correspondence inquiries from the public, private, political, and internal sectors, and related documents, from the beginning of the inquiry up to and including the resolution and response back to the originator; and internal directives, memoranda of understanding, and other internal controlled correspondence that requires signature by the Secretary, Deputy Secretary, or Agency heads. The system will include information regarding individuals, primarily information such as the name, address, and other contact information incidental to their correspondence addressed to the Secretary of Agriculture and various other officers and employees of USDA. In a few cases, it may also include other information about the individual, voluntarily provided by that individual in the correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, et seq.; 44 U.S.C. 3504 note; 44 U.S.C. 3501, et seq.; 44 U.S.C. 3541, et seq.

PURPOSE(S):

CDMS will be designed for use by the employees and officers of USDA to manage documents associated with a wide range of Secretarial and other controlled correspondence including incoming and outgoing correspondence and drafts. Built-in Customer Relationship Management (CRM) features will allow Department officials to monitor the incoming and outgoing correspondence and drafts throughout the process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information may be disclosed to the Department of Justice when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

2. Information may be disclosed to a court or adjudicative body in a proceeding when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

3. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or Tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutorial responsibility of the receiving entity.

4. Information may be disclosed to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

5. Records from this system of records may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

6. Information may be disclosed to agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

7. Information may be disclosed to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the

suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in hard copy formats at USDA and in electronic format on servers and computers located in the United States and managed by the SalesForce cloud solution provider.

RETRIEVABILITY:

These records may be retrieved by the document control number, date, name of correspondent, or subject.

SAFEGUARDS:

Computer records are maintained in a secure password-protected environment managed by the cloud solution provider, and access is limited to those who have a need to know. Access to the physical application servers is strictly controlled using multiple physical access control security systems. Permission-level assignments allow users access only to those functions for which they are authorized. System users, managers, and CDMS System Administrators have access to the data in the system. Access is controlled by the e-Authentication System on the USDA Intranet, and roles are determined by the application administrators. Paper records are maintained in a secure, limited-access area, which is locked during non-duty hours. Access to the paper records is monitored and controlled by USDA employees in the Office of the Executive Secretariat.

RETENTION AND DISPOSAL:

The retention of data in the system is in accordance with applicable USDA Records Disposition Schedules as approved by the National Archives and Records Administration. Records are maintained for varying periods of time, and temporary records are disposed of by shredding when the retention period is complete.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of the Executive Secretariat, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250.

NOTIFICATION PROCEDURES:

Individuals who want to know whether this system of records contains information about them, who want to access their records, or who want to contest the contents of a record, should make a written request to the Director, Office of the Executive Secretariat, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250. Individuals must furnish the following information for their records to be located and identified:

A. Full name or other identifying information necessary or helpful in locating the record;

B. Why you believe the system may contain your personal information;

C. A statement indicating the type of request being made (i.e., access, correction, or amendment) and whether a personal inspection of the records or a copy of them by mail is desired;

D. Signature.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to their records should follow the Notification Procedures. Individuals requesting access are also required to provide adequate identification, such as a driver's license, employee identification card, social security card, or other identifying document. Additional identification procedures may be required in some instances.

CONTESTING RECORD PROCEDURES:

Individuals requesting correction or amendment of their records should follow the Notification Procedures and the Record Access Procedures and also identify the record or information to be changed, giving specific reasons for the change.

RECORD SOURCE CATEGORIES:

Information in this system of records is primarily provided by the individual corresponding with USDA or Agency officials, such as managers and supervisors, responding to individuals or Members of Congress.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

USDA/RD–2 Enterprise Content Management

SYSTEM NAME:

Enterprise Content Management (ECM) USDA/RD–2

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The system is hosted on servers located within secure USDA computing environments at the National Information Technology Center in Kansas City, Missouri, and at the Information Technology Services Web Farm in St. Louis, Missouri. Paper records are stored and maintained in limited-access areas, which are locked during business hours. Access to the paper records is monitored and controlled by USDA employees in the offices of the respective ECM module business owners.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals corresponding with USDA; individuals and groups doing business with USDA from the public, private, and political sectors; system users, managers, and systems administrators; and USDA contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invoices from entities doing business with USDA; documents related to USDA regulatory activity; loan and grant applications; agency funding requests; USDA personnel documents, handbooks, policies and procedure documentation; security checks on USDA employees and contractors; and work and case-tracking documents from the Office of General Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, et seq.; 44 U.S.C. 3504 note;, 44 U.S.C. 3501 et seq., 44 U.S.C. 3541, et seq.

PURPOSE(S):

The ECM system is designed for use by the employees and officers of USDA to manage documents associated with a wide range of administrative and business processes. There are 20 components or modules used by various USDA offices and agencies to manage workflow, correspondence, and other business processes; 17 of these modules include personally indentifiable information and are listed below:

1. General Use Module (GUM) is used by multiple USDA agencies and offices to manage administrative document processes. These processes include managing Rural Development Multi-Family Housing tenant certifications, payments, audits, and back-file of older documents, as well as Centralized Servicing Center audits and compliance documents. Guaranteed loan lender review processes are also handled within ECM. Operations Center ID requests are stored in ECM as well as

Rural Development OCIO requests for automation turnover documents, Rural Development Alternative Agriculture Research and Commercialization Corporation loans and grants documentation, departmental OCIO Acquisition Approval Requests, Capital Planning and Investment Control (CPIC) requests from 2009 and 2011, GIPSA annual reports, APB IAS correspondence, and travel vouchers.

2. Packers and Stockyards Automated System (PSAS) is used by the Grain Inspection, Packers and Stockyards Administration (GIPSA) to store data on GIPSA-regulated entities. For more detailed information, see 78 FR 20087, April 3, 2013.

3. Packers and Stockyards workflow module (GIPSA) is used by the USDA Packers and Stockyards Program (P&SP) under GIPSA to track tasks and documents related to the various regulatory activities. For more detailed information, see 78 FR 20087, April 3, 2013.

4. COD Telephone and Utilities (COD) is an ECM module implemented to process USDA telephone and utility invoices. Documents in this Module include copies of telephone bills and utility invoices from USDA Offices. This module assists with the electronic transfer of information into the invoice payment system.

5. Invoice Processing (IP) is used by USDA agencies and offices to store all USDA invoices in a centralized repository. This module assists USDA employees with processing and tracking the status of the invoices and transmitting the invoices to the various USDA payment systems.

6. Acquisition Management (AQM) is used by the Forest Service to manage the document approval of acquisition requests for their procurement staff. This module allows Forest Service employees to view and approve/deny funding requests.

7. ASCBF Miscellaneous Payments (MisPay) is used by the Forest Service to store documents related to payments made outside of the Integrated Acquisition System (IAS). Information stored in ECM includes vendor information including contract number, vendor name, address, and invoice amount.

8. Acquisition Approval Requests (AAR) is used by the Office of the Chief Information Officer in Washington, DC, to Manage Information Technology acquisition requests greater than $25,000.00. This module allows USDA employees to review and approve/deny the requests.

9. Customer Service Call Management Module (CSCM) is used to track incoming telephone calls made to the National Agricultural Statistics Service (NASS) and keep a running record of telephone inquiries made to that Agency.

10. DCFO Receipt Module (DCFO) is used to track and store funds requests and receipts processed by the staff of the Deputy Chief Financial Officer for Rural Development in St. Louis. DCFO is used for processing these funds requests including pre-authorized debits, customer initiated payments, and requests for wire transfer.

11. Farm Loan Program Module (FLP) is used by the Farm Service Agency (FSA) to manage their internal work assignments, such as requests for updating Farm Program Loan information and servicing actions performed on FLP loans.

12. Grants Review Module (GR) is used by Rural Development, Rural Utilities Service (RUS) to track the review of broadband grant applications. RUS staff uses the module to review the applications and approve/deny them.

13. Performance Appraisal Module (PA) is used by the Food and Nutrition Service (FNS) to store employee performance appraisals.

14. Rural Business Service Module (RBS) is used by the Rural Business Service Alternative Agriculture Research to store Business and Cooperative Program Assessment Reviews (BCPAR) documentation.

15. OGC Case Management Module (OGC) is used by OGC to manage and track work assignments and store documents relating to those assignments. For more detailed information, see 43 FR 51321, November 2, 1978.

16. Tax Service Module (TAX) is used by the Rural Development Centralized Servicing Center to process property tax documents by verifying the property information and processing the payment of the property taxes.

17. Electronic Personal Security Folder Module (e-PSF) is used by the Office of Homeland Security and Emergency Coordination (OHSEC) to adjudicate contractor and USDA personnel security reviews by reviewing and analyzing investigations of USDA employee and contractor candidates and determining eligibility for Federal or Federal contractor employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information may be disclosed to the Department of Justice when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

2. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or Tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutorial responsibility of the receiving entity.

3. Information may be disclosed to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

4. Records from this system of records may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

5. Information may be disclosed to agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

6. Information may be disclosed to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or

fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

7. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on servers located within secure computing Environments at the National Information Technology Center in Kansas City, Missouri.

RETRIEVABILITY:

These records may be retrieved by the document control number, date, data fields associated with the document, subject, or content within the document.

SAFEGUARDS:

Computer records are maintained in a secure password-protected environment managed by the cloud solution provider, and access is limited to those who have a need to know. Access to the physical application servers is strictly controlled using multiple physical access control security systems. Permission-level assignments allow users access only to those functions for which they are authorized. System users, managers, and System Administrators have access to the data in the system. Access is controlled by the e-Authentication System on the USDA Intranet, and roles are determined by the application administrators. Paper records are maintained in a secure, limited-access area, which is locked during non-duty hours, and which requires a USDA employee identification badge or visitor pass to enter.

RETENTION AND DISPOSAL:

The retention of data in the system is in accordance with applicable USDA Records Disposition Schedules as approved by the National Archives and Records Administration. Hard-copy records are maintained by varying periods of time, and temporary records are disposed of by shredding when the retention period is complete.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Department of Agriculture, Rural Development, Office of the Chief Information Officer, Enterprise Technologies Branch, Branch Chief, 4300 Goodfellow Blvd., St. Louis, MO 63120

NOTIFICATION PROCEDURES:

Individuals who want to know whether this system of records contains information about them, who want to access their records, or who want to contest the contents of a record, should make a written request to the Office of the Chief Information Officer, Enterprise Technologies Branch, Branch Chief, 4300 Goodfellow Blvd., St. Louis, MO 63120. Individuals must furnish the following information for their records to be located and identified:

A. Full name or other identifying information necessary or helpful in locating the record;

B. Why you believe the system may contain your personal information;

C. A statement indicating the type of request being made (i.e., access, correction, or amendment) and whether a personal inspection of the records or a copy of them by mail is desired;

D. Signature.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to their records should follow the Notification Procedures. Individuals requesting access are also required to provide adequate identification, such as a driver's license, employee identification card, social security card, or other identifying document. Additional identification procedures may be required in some instances.

CONTESTING RECORD PROCEDURES:

Individuals requesting correction or amendment of their records should follow the Notification Procedures and the Record Access Procedures and also identify the record or information to be changed, giving specific reasons for the change.

RECORD SOURCE CATEGORIES:

Information in this system of records is primarily provided by the individual or entities corresponding or doing business with USDA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(5) the e-PSF and Performance Appraisal Modules are claiming an exemption. In addition, any records contained in the OGC Case Management Module that may be exempt from disclosure in accordance with another Privacy Act System of Records are also exempt under this system.

[FR Doc. 2014–05351 Filed 3–11–14; 8:45 am]

BILLING CODE 3410–9X–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FV–14–0007]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

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 for the Child Nutrition Labeling Program.

DATES: Comments on this notice must be received by May 12, 2014 to be assured of consideration.

Additional Information or Comments: Contact Patricia Tung-Tayman, Contract Services Section, Inspection Branch, Specialty Crops Inspection Division, Fruit and Vegetable Program, AMS, U.S. Department of Agriculture, STOP 0247, 1400 Independence Ave. SW., telephone: (202) 720–0367 and FAX: (202) 690–3824; or Internet: *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Title: Child Nutrition Labeling Program.

OMB Number: 0581–0261.

Expiration Date of Approval: 3 years from approval.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Child Nutrition (CN) Labeling Program is a voluntary technical assistance service to aid schools and institutions participating in the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP) in determining the contribution toward the food-based meal pattern requirements of these programs. (See Appendix C to 7 CFR Parts 210, 220, 225, and 226 for more

information on this program). The existence of a CN label on a product assures schools and other Child Nutrition Program operators that the product contributes to the meal pattern requirements as printed on the label. However, there is no Federal requirement that commercial products must have a CN label statement in order to be included in meals served by schools and institutions. AMS officially opened the CN Labeling Program Operations Office on January 19, 2010.

To participate in the CN Labeling Program, a manufacturer submits a label application to AMS for evaluation. AMS reviews the product formulation to determine the contribution a serving of the product makes towards the food-based meal pattern requirements. The application form submitted to AMS is the same application form that a manufacturer submits to the USDA's Food Safety and Inspection Service (FSIS) Labeling and Program Delivery Division for review of meat and poultry labels. Participation in the CN Labeling Program is voluntary and manufacturers who wish to place a CN label on their products must comply with CN Labeling Program requirements.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 15 minutes per response.

Respondents: Manufacturers who produce food for the school foodservice.

Estimated Number of Respondents: 202.

Estimated Total Annual Responses: 3030.

Estimated Number of Responses per Respondent: 15.

Estimated Total Annual Burden on Respondents: 757.50 hours.

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. Comments may be sent to Patricia Tung-Tayman, Contract Services Section, Inspection Branch, Specialty Crops Inspection Division, Fruit and Vegetable Program, AMS, U.S. Department of Agriculture, STOP 0247, 1400 Independence Ave. SW., telephone: (202) 720–0367 and FAX: (202) 690–3824; or Internet: *http://www.regulations.gov*. All comments received will be available for public inspection during regular business hours at the same address.

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: March 7, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–05373 Filed 3–11–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–NOP–13–0096; NOP–13–07]

National Organic Standards Board (NOSB): Notice of Intent To Renew Charter and Call for Nominations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice: Intent to renew charter and call for nominations.

SUMMARY: The National Organic Standards Board (NOSB) was established to assist in developing standards for substances to be used in organic production and to advise the Secretary on the implementation of the Organic Foods Production Act of 1990 (OFPA). Through this Notice, USDA is announcing its intent to renew the Charter of the NOSB; the current charter expires on May 10, 2014. The USDA is also requesting nominations to fill four (4) upcoming vacancies on the NOSB. The positions to be filled are: environmentalist (1 position), producer (1 position), handler (1 position), and retailer (1 position). The Secretary of Agriculture will appoint one person to each of these 4 positions to serve a 5-year term of office that will commence on January 24, 2015, and run until January 24, 2020.

DATES: The current NOSB Charter expires on May 10, 2014. Written nominations must be postmarked on or before May 15, 2014.

ADDRESSES: Nomination applications are to be sent to Rita Meade, USDA–AMS–NOP, 1400 Independence Avenue SW., Room 2648-So., Ag Stop 0268, Washington, DC 20250, or via email to *Rita.Meade@ams.usda.gov*. Electronic submittals by email are preferred.

FOR FURTHER INFORMATION CONTACT: Michelle Arsenault, (202) 720–0081; Email: *Michelle.Arsenault@ams.usda.gov*; Fax: (202) 205–7808 or Rita Meade, (202) 260–8636; Email: *Rita.Meade@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: The OFPA of 1990, as amended (7 U.S.C. Section 6501 *et seq.*), requires the Secretary to establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods. The OFPA includes the requirement that the Secretary establish an NOSB in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2 *et seq.*). The purpose of the NOSB is to assist in the development of a proposed National List of Allowed and Prohibited Substances and to advise the Secretary on the implementation of the OFPA.

Pursuant to the FACA, notice is hereby given that the Secretary of Agriculture intends to renew the NOSB for two years. The NOSB is of a continuing nature due to the changes in organic production and marketing brought about through advancements in science and technology. Committee members are appointed by the Secretary of Agriculture and serve five-year terms.

The NOSB is composed of 15 members; including 4 organic producers, 2 organic handlers, a retailer, 3 environmentalists, 3 public/consumer representatives, a scientist, and a certifying agent. Through this Notice, USDA is seeking nominations to fill the following four (4) upcoming NOSB vacancies: environmentalist (1 position), producer (1 position), handler (1 position), and retailer (1 position). As per the OFPA, individuals seeking appointment to the NOSB at this time must: have expertise in areas of environmental protection and resource conservation; must be an individual who owns or operates an organic farming operation; must be an individual that owns or operates an organic handling operation; or must be an individual who owns or operates a retail establishment with significant trade in organic products.

Selection criteria includes such factors as: understanding of organic principles and practical experience in the organic community; demonstrated experience in the development of public policy such as participation on public or private advisory boards, boards of directors or other comparable organizations; participation in standards development or involvement in educational outreach activities; a commitment to the integrity of the organic food and fiber industry; the

ability to evaluate technical information and to fully participate in Board deliberation and recommendations; and the willingness to commit the time and energy necessary to assume Board duties; demonstrated experience and interest in organic production; organic certification; support of consumer and public interest organizations; demonstrated experience with respect to agricultural products produced and handled on certified organic farms; and such other factors as may be appropriate for specific positions.

To nominate yourself or someone else, please submit: a resume, a cover letter, and a Form AD–755, which can be accessed at: *www.ocio.usda.gov/forms/doc/AD-755.pdf*. Resumes must be no longer than 5 pages, and include at the beginning a summary of the following information: Current and past organization affiliations; areas of expertise; education; career positions held; any other notable positions held. You may also submit a list of endorsements or letters of recommendation, if desired. Resume and completed requested background information are required for a nominee to receive consideration for appointment by the Secretary.

Nominations are open to all individuals without regard to race, color, religion, gender, national origin, age, mental or physical disability, marital status, or sexual orientation. To ensure that the recommendations of the NOSB take into account the needs of the diverse groups that are served by the Department, membership on the NOSB shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The information collection requirements concerning the nomination process have been previously cleared by the Office of Management and Budget (OMB) under OMB Control No. 0505–0001.

Dated: March 6, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–05372 Filed 3–11–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0109]

Notice of Request for Extension of Approval of an Information Collection; South American Cactus Moth; Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: 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 an extension of approval of an information collection associated with the regulations for the interstate movement of regulated articles to prevent the spread of South American cactus moth.

DATES: We will consider all comments that we receive on or before May 12, 2014.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0109-0001.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0109, 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-2013-0109* 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 regulations for the interstate movement of regulated articles to prevent the spread of South American cactus moth, contact Dr. Robyn Rose, National Policy Manager, PHP, PPQ, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737–1231; (301) 851–2283. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2283.

SUPPLEMENTARY INFORMATION:

Title: South American Cactus Moth; Quarantine and Regulations.

OMB Control Number: 0579–0337.

Type of Request: Extension of approval of an information collection.

Abstract: As authorized by the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture, either independently or in cooperation with States, may carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests that are new to or not widely distributed within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA), which administers regulations to implement the PPA.

In accordance with the regulations in ''Subpart—South American Cactus Moth'' (7 CFR 301.55 through 301.55–9), APHIS restricts the interstate movement of cactus moth host material, including nursery stock and plant parts for consumption, from infested areas of the United States to help prevent the artificial spread of South American cactus moth into noninfested areas of the United States. The regulations contain requirements for the interstate movement of regulated articles and involve information collection activities, including a USDA–APHIS, Plant Protection and Quarantine (PPQ) Compliance Agreement (PPQ Form 519); USDA–APHIS, PPQ Limited Permit (PPQ Form 530); and USDA–APHIS, PPQ Certificate (PPQ Form 540).

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities 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 0.324 hours per response.

Respondents: State plant health officials.

Estimated annual number of respondents: 7.

Estimated annual number of responses per respondent: 4.857.

Estimated annual number of responses: 34.

Estimated total annual burden on respondents: 11 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 6th day of March 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–05349 Filed 3–11–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Revision of Land Management Plan for the Nantahala and Pisgah National Forests

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Revise the Land and Resource Management Plan and prepare an Environmental Impact Statement.

SUMMARY: As directed by the National Forest Management Act, the USDA Forest Service is preparing the Nantahala and Pisgah National Forests' revised land management plan (forest plan) and will also prepare an Environmental Impact Statement (EIS) for this revised forest plan. This notice briefly describes the nature of the decision to be made, a general proposed action based on the preliminary identified need to change the existing plan, and information concerning public participation. It also provides estimated dates for filing the EIS and the name and address of the responsible agency official and the individuals who can provide additional information. Finally, this notice identifies the applicable planning rule that will be used for completing this plan revision. The revised forest plan will supersede the existing forest plan that was approved by the Regional Forester in 1987, and significantly amended in 1994. The existing forest plan will remain in effect until the revised forest plan takes effect.

DATES: Comments concerning the preliminary need for change and proposed action provided in this notice will be most useful in the development of the draft revised forest plan and EIS if received by April 28, 2014. The agency expects to release a draft revised forest plan and draft EIS for formal comment by April 1, 2015 and a final revised forest plan and final EIS by June 30, 2016.

ADDRESSES: Comments may be sent via email to: *https://cara.ecosystem-management.org/Public//CommentInput?Project=43545* or via facsimile to 828–257–4263. Send or deliver written comments to: National Forests in North Carolina, Attention: Nantahala and Pisgah Plan Revision Team, 160A Zillicoa Street, Asheville, NC 28801.

FOR FURTHER INFORMATION CONTACT: Ruth Berner, Forest Planner, National Forests in North Carolina, 160A Zillicoa Street, Asheville, NC, (828) 257–4862, or at *NCplanrevision@fs.fed.us.* Information regarding this revision is also available at the National Forests in North Carolina Web site: *www.fs.usda.gov/goto/nfsnc/nprevision.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time Monday through Friday.

SUPPLEMENTARY INFORMATION:

A. Lead and Cooperating Agencies

The USDA Forest Service is the lead agency on revision of the forest plan and the Bureau of Land Management is designated as a cooperating agency in the plan revision.

B. Name and Address of the Responsible Official

The responsible official who will approve the Record of Decision is Kristin Bail, Forest Supervisor for the National Forests in North Carolina, 160A Zillicoa Street, Asheville, NC 28801.

C. Nature of the Decision To Be Made

The Nantahala and Pisgah National Forests (NFs) are preparing an EIS to revise the existing forest plan. The EIS process is meant to inform the Forest Supervisor so that she can decide which alternative best meets the diverse needs of people while conserving the forests' resources, as required by the National Forest Management Act and the Multiple Use Sustained Yield Act. The revised forest plan will describe the strategic intent of managing the Nantahala and Pisgah NFs into the next 10 to 15 years and will address the identified need to change the existing land management plan. A description of the preliminary need for change is provided below. The revised forest plan will provide management direction in the form of desired conditions, objectives, suitability determinations, standards, guidelines, and a monitoring program. It may make changes to the structure and delineation of the Management Areas described in the existing plan, along with possible changes to administratively designated areas and recommendations for changes to other designations. The revised forest plan will also provide a description of the plan area's distinctive roles and contributions within the broader landscape. It is also important to identify the types of decisions that will not be made within the revised forest plan. The authorization of project-level activities on the forests is not a decision made in the forest plan but occurs through subsequent project specific decision-making. Though some strategic guidance may be provided, the designation of routes and trails for motorized vehicle travel, equestrian and mountain bike use are not considered during plan revision, but will be addressed through subsequent planning processes. Some issues (*e.g.,* hunting regulations), although important, are beyond the authority or control of the National Forest System and will not be considered. No decision regarding oil and gas leasing availability will be made, though standards will be brought forward or developed that would serve as mitigations should an availability decision be necessary in the future. No decision will likely be made regarding the management of individual roads, such as might be associated with a Travel Management plan under 36 CFR Part 212.

D. Need for Change and Proposed Action

According to the National Forest Management Act, forest plans are to be revised on a 10 to 15 year cycle. The purpose and need for revising the current forest plan is (1) the forest plan is over 25 years old, (2) since the forest plan was approved in 1987, there have been changes in economic, social, and ecological conditions, new policies and priorities, and new information based on monitoring and scientific research, and (3) to address the preliminary identified needs to change the existing

plan, which are summarized below. Extensive public and employee involvement, along with science-based evaluations, have helped to identify theses preliminary needs to change the existing forest plan.

The Proposed Action is to revise the forest plan to address these identified needs to change the existing forest plan. Alternatives to the Proposed Action will be developed to address the significant issues that will be identified through scoping.

What follows is a summary of the preliminary identified needs for change. A more fully developed description of the preliminary need for change, which has been organized into several resource and management topic sections, is available for review on the plan revision Web site at: *www.fs.usda.gov/goto/nfsnc/nprevision.*

Throughout the Plan

There is a need for the revised plan to address how forest management in all resource areas should be prioritized given varying levels of money and personnel likely to be available over the course of the planning cycle.

There is a need to reconsider the number, arrangement, boundaries of, and plan direction for the management areas.

There is a need to recognize the role of the Nantahala and Pisgah NFs in supporting local economies.

There is a need to include plan direction regarding potential climate change impacts.

There is a need to incorporate opportunities for working across boundaries to manage landscapes with adjacent land managers such as state and federal partners and other land management entities.

Lands and Boundaries of the National Forest

There is a need to ensure the revised plan contains sufficient direction for dealing with land adjustment opportunities.

Minerals and Energy

There is a need to update and clarify plan direction regarding recreational metal detecting, mineral collection, and gold panning; direction for potential energy and mineral developments; and direction for managing geologic hazards.

Timber Production and Non-Timber Forest Products

There is a need to reconsider which areas of the national forests are suitable for timber production, and there is a need to update plan direction for non-timber forest products.

Restoring Ecosystems and Rare Habitats

There is a need to provide direction to proactively manage, maintain, or restore ecosystems, watersheds and rare habitats, to better control non-native invasive species, and to reconsider riparian area management.

There is a need for management direction regarding municipal watersheds and groundwater.

There is a need to include direction for improving aquatic passage in streams.

Wildlife Habitat

There is a need to reconsider direction for wildlife habitat diversity provided in the 1987 Plan. Young forest is in short supply and other habitat components are in need of adjustment.

There is a need to provide direction for managing elk habitat in anticipation of their expanding range.

Scenery

There is a need to update the scenery management system.

Designated Areas

There is a need to clarify and update plan direction regarding designated areas.

There is a need to conduct an inventory and evaluation of potential additions to Wilderness and identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System. There is a need to reconsider previous recommendations for Wilderness and update plan direction regarding management of Wilderness and Wilderness Study Areas, and other designated areas.

Roads

There is a need to update plan direction for managing roads.

Cultural Resources

There is a need to update plan direction for managing cultural resource sites.

Conservation Education

There is a need for the plan to promote opportunities for conservation.

Recreation

There is a need to be responsive to changing trends in regard to services, activities and types of facilities desired by the public, but balance those with fiscal reality. The trends in demographics such as the expectation for an older and more ethnically diverse population, the need to promote outdoor physical activities, especially among youth, and the desire to support local cultures and economies should all be considered in establishing a path forward for recreation management on Nantahala and Pisgah NFs.

Trails

There is a need for the plan to better address the sustainability of the trail systems considering changing trends in use, conditions, and maintenance capacity.

Special Uses

There is a need to update plan language regarding special use permitting. Language should be reexamined to determine if it conveys support for appropriate special uses of the national forest that provide public benefits, including economic and other community benefits, while ensuring forest resource impacts are minimized.

E. Public Involvement

Fourteen public meetings from February 2013 through December 2013 were held to solicit comments, opinions, data, and ideas from members of the public as well as representatives of other governmental and non-governmental organizations. Attendance at the 14 meetings totaled over 800 and over 1000 written comments were received.

Comments were also received by email. Eight of the 14 meetings focused on information regarding the assessment phase of the plan revision process, while six of the 14 meetings focused on developing the preliminary need for change statements. Comments received from all of the 14 public meetings, along with information obtained from the assessment, were used to develop the preliminary need for change statements. A draft Assessment was released to the public in September 2013 and comments received from the public since that time have been used to refine the Assessment. Any comments related to the Assessment received following the publication of this Notice may be considered in describing the Affected Environment part of the Environmental Impact Statement.

F. Issues and Preliminary Alternatives

Information gathered during this scoping period, as well as other information, will be used to prepare the draft EIS. At this time, the Nantahala and Pisgah National Forests are seeking input on the Proposed Action. From these comments the Forest Service will identify issues that will serve as a focus for developing a proposed plan and alternatives to be analyzed in the EIS.

G. Scoping Process

Written comments received in response to this notice will be analyzed to complete the identification of the need to change the existing plan, further develop the proposed action, and identify potential significant issues. Significant issues will, in turn, form the basis for developing alternatives to the proposed action. Comments on the preliminary need to change and proposed action will be most valuable if received by April 28, 2014, and should clearly articulate the reviewer's opinions and concerns. Comments received in response to this notice, including the names and addresses of those who comment, will be part of the public record. Comments submitted anonymously will be accepted and considered, however, see Section I concerning the Objection process and the requirements for filing an objection. Refer to the Forest's Web site (*www.fs.usda.gov/goto/nfsnc/nprevision*) for information on when public meetings will be scheduled for refining the proposed action and identifying possible alternatives to the proposed action.

H. Applicable Planning Rule

Preparation of the revised forest plan for the Nantahala and Pisgah National Forests began with the publication of a Notice of Initiation in the **Federal Register** on October 3, 2013 [78 FR 61329] and was initiated under the planning procedures contained in the 2012 Forest Service planning rule (36 CFR 219 (2012)).

I. Decision Will Be Subject to Objection

The decision to approve the Revised Land Management Plan for the Nantahala and Pisgah National Forests will be subject to the Objection process identified in 36 CFR Part 219 Subpart B (219.50 to 219.62). According to 36 CFR 219.53(a), those who may file an objection are individuals and entities who have submitted substantive formal comments related to a plan revision during the opportunities provided for public comment during the planning process.

J. Permits or Licenses Required To Implement the Proposed Action

No permits or licenses are needed for the development of a Land and Resource Management Plan.

K. Documents Available for Review

The complete Preliminary Need for Change document, the Assessment Report including specialist reports, summaries of the public meetings and public meeting materials, and public comments are posted on the Forest's Web site at: *www.fs.usda.gov/goto/nfsnc/nprevision.* As necessary or appropriate, the material available on this site will be further adjusted as part of the planning process using the provisions of the 2012 planning rule.

Authority: 16 U.S.C. 1600–1614; 36 CFR Part 219 [77 FR 21260–21273].

Dated: March 3, 2014.

Julia K. Riber,

Acting Forest Supervisor.

[FR Doc. 2014–05374 Filed 3–11–14; 8:45 am]

BILLING CODE 3410–ES–P

DEPARTMENT OF AGRICULTURE

Forest Service

Idaho Panhandle Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Idaho Panhandle Resource Advisory Committee (RAC) will meet in Coeur d'Alene, Idaho. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review proposals for forest projects and recommend funding for selected proposals.

DATES: The meeting will be held on April 4, 2014, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Idaho Panhandle National Forest's Supervisor's Office, 3815 Schreiber Way, Coeur d'Alene, Idaho.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received Idaho Panhandle National Forest's Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Mary Farnsworth, Forest Supervisor and Designated Federal Official, by phone at 208–765–7369.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.idahorac.org/category/idahopanhandle/*. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 28, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Jason Kirchner, RAC Coordinator, Idaho Panhandle RAC, 3815 Schreiber Way, Coeur d'Alene, Idaho, 83815; or by email to *jdkirchner@fs.fed.us,* or via facsimile to 208–765–7307.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: March 5, 2014.

Mary Farnsworth,

Forest Supervisor.

[FR Doc. 2014–05371 Filed 3–11–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1932]

Reissuance of Grant of Authority and Merger Into One Zone; Foreign-Trade Zone 66, Wilmington, NC, Foreign-Trade Zone 67, Morehead City, NC, and Foreign-Trade Zone 214, Kinston, NC

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Foreign-Trade Zones (FTZ) Board (the Board) has considered the application (docketed 12/19/13) submitted by the North Carolina Department of Transportation (NCDOT), grantee of FTZ 66 (Wilmington, North Carolina) and FTZ 67 (Morehead City, North Carolina), requesting that the grant of authority for FTZ 214 (Kinston, North Carolina) be reissued to NCDOT and that FTZ 66, FTZ 67 and FTZ 214 be merged into one zone to be designated as FTZ 214. Existing Site 1 of FTZ 66 will be renumbered as Site 5 of FTZ 214 and existing Sites 1 and 2 of FTZ 67 will be renumbered as Sites 6 and 7 of FTZ 214. NCDOT has accepted such reissuance subject to approval by the FTZ Board. Upon review, the Board finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest.

Therefore, the Board approves the application and recognizes the North Carolina Department of Transportation as the new grantee for Foreign-Trade Zone 214 and the merger of FTZ 66, FTZ 67 and FTZ 214 into one zone to be designated as FTZ 214, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Signed at Washington, DC, this 28th day of February, 2014.

Paul Piquado,

Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2014–05248 Filed 3–11–14; 8:45 a.m.]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–996, A–428–843, A–588–872, A–580–872, A–401–809, A–583–851]

Non-Oriented Electrical Steel From the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden and Taiwan: Postponement of Preliminary Determinations of Antidumping Duty Investigations

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

DATES: March 12, 2014.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun at (202) 482–5760 (the People's Republic of China (PRC)); Patrick O'Connor at (202) 482–0989 (Germany); Thomas Martin at (202) 482–3936 (Japan); Dmitry Vladimirov at (202) 482–0665 (the Republic of Korea (Korea)); Drew Jackson at (202) 482–4406 (Sweden); and Karine Gziryan at (202) 482–4081(Taiwan), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Postponement of Preliminary Determinations

On November 18, 2013, the Department of Commerce (the ''Department'') published a notice of initiation of antidumping duty investigations of non-oriented electrical steel from the PRC, Germany, Japan, Korea, Sweden and Taiwan.[1] The notice of initiation stated that the Department, in accordance with section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the ''Act''), and 19 CFR 351.205(b)(1), would issue its preliminary determinations for these investigations, unless postponed, no later than 140 days after the date of the initiation. The preliminary determinations of these antidumping duty investigations are currently due no later than March 26, 2014.

On February 28, 2014, AK Steel Corporation (''Petitioner''), pursuant to section 733(c)(1)(B) of the Act and 19 CFR 351.205(b)(2) and (e), made a timely request for postponement of the preliminary determinations in these investigations.[2] Petitioner requested a 50-day postponement of the preliminary determinations in order to provide the Department with sufficient time to review the questionnaire responses and issue appropriate requests for clarification and additional information.

For the reasons stated above and because there are no compelling reasons to deny the request, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations to no later than 190 days after the date on which the Department initiated these investigations. Therefore, the new deadline for issuing these preliminary determinations is May 15, 2014. In accordance with section 735(a)(1) of the Act, the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: March 5, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–05427 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Non-Oriented Electrical Steel From the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden and Taiwan: Initiation of Antidumping Duty Investigations,* 78 FR 69041 (November 18, 2013).

[2] *See* Letter from Petitioner to the Secretary of Commerce, ''Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden and Taiwan: Request for Postponement of the Preliminary Determinations'' (February 28, 2014).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Consistency Certification for a Proposed Project in Sterling, New York; Notice of Closure of the Administrative Appeal Decision Record

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of Closure—Administrative Appeal Decision Record.

SUMMARY: This announcement provides notice that the decision record for an administrative appeal filed with the Secretary of Commerce (Secretary) by Mark Smolinski (Appellant) has closed. No additional information, briefs, or comments (not previously submitted and made part of the decision record prior to closure) will be considered by the Secretary in deciding the appeal.

DATES: The administrative appeal decision record closed on February 28, 2014.

ADDRESSES: Materials from the appeal record are available at NOAA, Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Gladys P. Miles, Attorney-Advisor, NOAA, Office of General Counsel, 301–713–7384, or at *gcos.comments@noaa.gov*.

SUPPLEMENTARY INFORMATION: On August 22, 2013, the Secretary of Commerce (Secretary) received a ''Notice of Appeal'' filed by Mark Smolinski, pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR part 930, Subpart H. The appeal is taken from an objection by the New York Department of State to a consistency certification for a U.S. Army Corps of Engineer permit needed for the installation of a solar panel array onto an existing dock located in Sterling, New York. Notice of this appeal was published in the **Federal Register** on September 23, 2013. *See* 78 FR 58288.

A CZMA consistency appeal decision is based on information contained in the administrative appeal record developed by the parties. Under the CZMA, the Secretary must close the decision record for an appeal no later than 160 days after notice of the appeal is first published in the **Federal Register**. See 16 U.S.C. 1465(b). Consistent with these requirements, the Secretary closed the administrative appeal decision record for the federal consistency appeal filed by Mr. Smolinski on February 28, 2014. No further information, briefs, or comments (not previously submitted and made part of the decision record prior to closure) will be considered by the Secretary in deciding the appeal.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

Dated: March 7, 2014.

Jeffrey S. Dillen,

Acting Chief, Oceans & Coasts Section, NOAA of General Counsel.

[FR Doc. 2014–05416 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–BD34

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Fishery Management Plan for the Exclusive Economic Zone of St. Thomas/St. John

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

ACTION: Supplemental Notice of Intent (NOI) to prepare a draft environmental impact statement (DEIS); scoping meetings; request for comments.

SUMMARY: NMFS, Southeast Region, in collaboration with the Caribbean Fishery Management Council (Council), intends to prepare a DEIS to describe and analyze a range of management alternatives for management actions to be considered when developing and establishing a Comprehensive Fishery Management Plan (FMP) for the exclusive economic zone (EEZ) of St. Thomas/St. John. The purpose of this Supplemental NOI is to inform the public of upcoming opportunities to provide comments on the actions to be addressed in the DEIS, as specified in this notice.

DATES: Written comments on the scope of issues to be addressed in the DEIS must be received by NMFS by April 11, 2014. A second round of scoping meetings will be held in April 2014. For specific dates and times, see **SUPPLEMENTARY INFORMATION**, under the heading, ''Scoping Meetings''.

ADDRESSES: You may submit comments on the DEIS, identified by ''NOAA–NMFS–2013–0094'', by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0094,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Miguel Lugo, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701, or to the Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the scoping document may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/caribbean/island_based/index.html*.

The scoping meetings will be held in Puerto Rico and in the U.S. Virgin Islands. For specific locations, see **SUPPLEMENTARY INFORMATION**, under the heading, ''Scoping Meetings''.

FOR FURTHER INFORMATION CONTACT: Miguel Lugo, phone 727–824–5305, email *Miguel.Lugo@noaa.gov;* or Graciela García-Moliner, phone 787–766–5927, email *Graciela.Garcia-Moliner@noaa.gov*.

SUPPLEMENTARY INFORMATION: Currently, the Council manages Federal fisheries in the U.S. Caribbean under four species-based FMPs: The Spiny Lobster FMP of Puerto Rico and the U.S. Virgin Islands (Spiny Lobster FMP), the Reef Fish FMP of Puerto Rico and the U.S. Virgin Islands (Reef Fish FMP), the Corals and Reef Associated Plants and Invertebrates FMP of Puerto Rico and the U.S. Virgin Islands (Coral FMP), and the FMP for the Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (Queen Conch FMP). The fishers, fishing community representatives, and the local governments of Puerto Rico and the U.S. Virgin Islands (USVI) have frequently requested the Council consider the differences between the islands or island groups when addressing fisheries management in the U.S. Caribbean to recognize the unique attributes of each U.S. Caribbean island. By developing island-based FMPs, NMFS and the Council would better account for differences among the U.S. Caribbean islands with respect to culture, markets, gear, seafood preferences, and the ecological impacts that result from these differences.

At its 145th meeting, held on March 26–27, 2013, the Council decided to transition from species-based fisheries management to island-based fisheries management. If approved, a

comprehensive FMP for fisheries management off St. Thomas/St. John, in conjunction with similar comprehensive FMPs for fisheries management off Puerto Rico and off St. Croix, would replace the existing species-based FMPs.

Also at its March meeting, the Council voted to hold scoping meetings in July 2013 to receive public feedback on possible actions and alternatives to consider during the development of the St. Thomas/St. John FMP, the Puerto Rico FMP, and the St. Croix FMP. Based on public feedback received at the July scoping meetings, the Council decided at its 148th Meeting, held December 11–12, 2013, to hold a second round of scoping meetings to present a more robust set of actions and alternatives. The Council could develop the comprehensive FMPs without significant changes to current Federal fisheries management. For example, the 2010 Caribbean Annual Catch Limit (ACL) Amendment (76 FR 82404, December 30, 2011) and the 2011 Caribbean ACL Amendment (76 FR 82414, December 30, 2011) established ACLs by island or island group with specific ACLs for the St. Thomas/St. John EEZ. The spatial and species-based attributes of these St. Thomas/St. John ACLs, likely, would not change when developing the new FMP.

However, a re-arrangement from species-based FMPs to island-based FMPs also provides an opportunity for the Council to update management regulations that are outdated or do not reflect the current state of issues in the St. Thomas/St. John EEZ. In the comprehensive St. Thomas/St. John FMP, the Council is considering management measures to modify the composition of the fishery management units (FMUs) by adding or removing species, establishing management reference points for any new species added into the FMUs, and modifying or establishing additional management measures. If regulations are to be changed, additional analyses to assess the impacts to the social, biological, economic, ecological, and administrative environments will be required.

To implement the proposed provisions of this new FMP, the Council will develop a DEIS for the comprehensive St. Thomas/St. John FMP that describes and analyzes the proposed management alternatives. The new FMP will provide the best available scientific information regarding the management of St. Thomas/St. John EEZ fisheries, within the context of Federal fisheries management in the U.S. Caribbean. Those alternatives will include, but are not limited to, a ''no action'' alternative regarding the continuation of species-based Federal fishery management in St. Thomas/St. John, as well as alternatives to revise the management of U.S. Caribbean fisheries when developing the comprehensive St. Thomas/St. John FMP. In addition, there will be alternatives to modify the current FMUs including, but not limited to, the ''no action'' alternative. Other actions could be included in the DEIS in response to public feedback during the scoping process.

In accordance with NOAA's Administrative Order NAO 216–6, Section 5.02(c), the Council and NMFS have identified preliminary environmental issues as a means to initiate discussion for scoping purposes only. These preliminary issues may not represent the full range of issues that eventually will be evaluated in the DEIS.

After the DEIS associated with the development of the Comprehensive St. Thomas/St. John FMP is completed, it will be filed with the Environmental Protection Agency (EPA). After filing, the EPA will publish a notice of availability of the DEIS for public comment in the **Federal Register**. The DEIS will have a 45-day comment period. This procedure is pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and to NOAA's Administrative Order 216–6 regarding NOAA's compliance with NEPA and the CEQ regulations.

The Council and NMFS will consider public comments received on the DEIS in developing the final environmental impact statement (FEIS), and before voting to submit the FMP to NMFS for Secretarial review, approval, and implementation.

NMFS will announce in the **Federal Register** the availability of the FMP for public review during the Secretarial review period. During Secretarial review, NMFS will also file the FEIS with the EPA for a final 30-day public comment period. This comment period will be concurrent with the Secretarial review period and will end prior to final agency action to approve, disapprove, or partially approve the FMP.

NMFS will announce in the **Federal Register**, all public comment periods on the FMP, its proposed implementing regulations, and the associated FEIS. NMFS will consider all public comments received during the Secretarial review period, whether they are on the FMP, the proposed regulations, or the FEIS, prior to final agency action.

Scoping Meetings

All scoping meetings are scheduled for the weeks of April 7 and 14, 2014 (start times and locations are specified below). Participants at the scoping meetings may comment on any of the island-based FMPs (the Puerto Rico FMP, the St. Croix FMP, and the St. Thomas/St. John FMP) during any of the scoping meetings. The meetings will be physically accessible to people with disabilities. Request for sign language interpretation or other auxiliary aids should be directed to the Council (see **ADDRESSES**).

Supplemental Island-Based Scoping Meetings in Puerto Rico

- April 7, 2014, 7 p.m. to 10 p.m.—at the Parador and Restaurant El Buen Café, #381, Rd. #2, Hatillo, Puerto Rico.
- April 8, 2014, 7 p.m. to 10 p.m.—at the Mayaguez Holiday Inn, 2701 Hostos Avenue, Mayaguez, Puerto Rico.
- April 9, 2014, 7 p.m. to 10 p.m.—at the Asociación de Pescadores Unidos de Playa Húcares, Carr. #3, Km. 65.9, Naguabo, Puerto Rico.
- April 10, 2014, 7 p.m. to 10 p.m.—at the DoubleTree by Hilton San Juan, De Diego #105 Avenue, San Juan, Puerto Rico.
- April 14, 2014, 7 p.m. to 10 p.m.—at the Holiday Inn Ponce & Tropical Casino, 3315 Ponce By Pass, Ponce, Puerto Rico.

Supplemental Island-Based Scoping Meetings in the USVI

- April 7, 2014, 7 p.m. to 10 p.m.—at the Windward Passage Hotel, Charlotte Amalie, St. Thomas, U.S. Virgin Islands.
- April 8, 2014, 7 p.m. to 10 p.m.—at the Buccaneer Hotel, Estate Shoys, Christiansted, St. Croix, U.S. Virgin Islands.

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

Dated: March 4, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–05153 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Cangrejos Yacht Club Federal Consistency Appeal

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of appeal.

SUMMARY: This announcement provides notice that Cangrejos Yacht Club (CYC), has filed an administrative appeal with the Department of Commerce (Department), requesting that the Secretary override an objection by the Puerto Rico Planning Board (PRPB) to the proposed dredging project in the Boca de Cangrejos Channel in Carolina, Puerto Rico.

ADDRESSES AND DATES: You may submit written comments concerning this appeal or requests for a public hearing to NOAA, Office of General Counsel, Oceans and Coasts Section, Attn. Suzanne Bass, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, or via email to *gcos.comments@noaa.gov*. Comments or requests for a public hearing must be sent in writing postmarked or emailed no later than April 11, 2014.

SUPPLEMENTARY INFORMATION:

I. Notice of Appeal

On January 2, 2014, Pedro J. Bonilla, representing Cangrejos Yacht Club (CYC), filed notice of an appeal with the Secretary of Commerce (Secretary), pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR Part 930, Subpart H. The appeal is taken from an objection by the Puerto Rico Planning Board (PRPB) to the proposed dredging project in the Boca de Cangrejos Channel in Carolina, Puerto Rico.

Under the CZMA, the Secretary may override the PRPB's objection on grounds that the project is consistent with the objectives or purposes of the CZMA or otherwise necessary in the interest of national security. To make the determination that the proposed activity is ''consistent with the objectives or purposes of the CZMA,'' the Department must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of the applicable coastal management program. 15 CFR 930.121. Conversely, to make the determination that the proposed activity is ''necessary in the interest of national security,'' the Secretary must find that a national defense or other national security interest would be significantly impaired were the activity not permitted to go forward as proposed. 15 CFR 930.122. The Secretary may also, to promote efficient use of time and resources, first require the appellant and the State agency to submit briefs and supporting materials relevant only to procedural or jurisdictional issues. 15 CFR 930.127(e)(2).

II. Request for Public and Federal Agency Comments

We encourage the public and interested federal agencies to participate in this appeal by submitting written comments and any relevant materials supporting those comments. All comments received are a part of the public record. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible.

III. Public Hearing Request

You may submit a request for a public hearing using one of the methods specified in the **ADDRESSES** section of this notice. In your request, explain why you believe a public hearing would be beneficial. If we determine that a public hearing would aid the decisionmaker, a notice announcing the date, time, and location of the public hearing will be published in the **Federal Register**. The public and federal agency comment period will also be reopened for a ten-day period following the conclusion of the public hearing to allow for additional input.

IV. Public Availability of Appeal Documents

NOAA intends to provide access to publicly available materials and related documents comprising the appeal record on the following Web site: *http://coastalmanagement.noaa.gov/consistency/fcappealdecisions.html;* and during business hours, at the NOAA, Office of General Counsel in the location specified in the **ADDRESSES** and **DATES** section of this notice.

Dated: March 7, 2014.

Jeff Dillen,

Acting Section Chief, Oceans and Coasts Section, NOAA Office of General Counsel.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

[FR Doc. 2014–05420 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–22–1505–02–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD168

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's (Council) Groundfish Oversight Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Friday, March 28, 2014 at 9:30 a.m.

ADDRESSES: *Meeting address:* The meeting will be held at the Omni Hotel, One West Exchange Street, Providence, RI 02903; telephone: (401) 598–8000; fax: (401) 598–8200.

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 items of discussion in the committee's agenda are as follows:

The Groundfish Oversight Committee will meet to discuss draft alternatives for consideration in Amendment 18 (A18), an amendment to address fleet diversity and accumulation limits in the commercial groundfish fishery. There will be a review of Groundfish Plan Development Team (PDT) analysis with respect to A18 including an examination of: accumulation limits; permit banks; permit holdings data; United States/Canada quota trading for Eastern Georges Bank (EB) cod, EGB haddock, and Georges Bank yellowtail flounder; Handgear A fishery proposal; and recent spatial and temporal trends in fishing effort and biology of Gulf of Maine cod. They will review additional scoping period comments with respect to A18. Also on the agenda will be a discussion on progress toward developing draft alternatives for Framework Adjustment 52 (FW 52), a narrow and focused framework to revise commercial groundfish fishery accountability measures for Southern windowpane flounder and Northern windowpane flounder stocks. They will review PDT analysis with respect to FW 52 including an examination of: recent

windowpane flounder catches and discards and draft alternatives. Other business may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: March 7, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–05336 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD162

Endangered Species; File No. 18029

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Tasha Metz, Texas A&M University at Galveston, Department of Marine Biology, P.O. Box 1675, Galveston, TX 77551, has applied in due form for a permit to take loggerhead (*Caretta caretta*), green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before April 11, 2014.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18029 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division

- by email to *NMFS.Pr1Comments@noaa.gov* (include the File No. in the subject line of the email),
- by facsimile to (301) 713–0376, or
- at the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Rosa L. González or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year research permit to continue studying relative abundance, distribution, habitat use, and health status of the above sea turtle species in estuarine and nearshore waters in the northwestern Gulf of Mexico particularly off Texas and Louisiana. Research would be divided between two major projects: (1) Continuation of work started during the Natural Resource Damage Assessment documenting and assessing possible impacts of Deepwater Horizon oil and dispersants on sea turtles throughout selected beachfront, tidal pass and estuarine/bay habitats west of the Mississippi River Delta; and (2) continuation of assessing the impact of Fibropapilloma virus infection on recent increases in and continued growth of Texas' green turtle population. Annually, up to 60 loggerhead, 260 green, 310 Kemp's ridley, and 15 hawksbill sea turtles would be captured using nets (i.e., entanglement, cast nets, and dip net) and visual surveys would be performed. Captured turtles would be measured; weighed; photographed; tissue, scute, blood and fecal sampled; carapace marked; flipper and passive integrated transponder tagged; and have epibiota removed prior to release. A select number may be outfitted with satellite transmitters to track movements post-release.

Dated: March 6, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–05404 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD070

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Coast Guard Station Monterey Waterfront Repairs in Monterey, California

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from the United States Coast Guard (USCG) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting its Station Monterey waterfront repair in Monterey, California. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to USCG to incidentally take, by Level B Harassment only, marine mammals during the specified activity.

DATES: Comments and information must be received no later than April 11, 2014.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *itp.guan@noaa.gov.* Comments sent via email, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for comments sent to addresses other than those provided here.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

An electronic copy of the application may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* The following associated documents are also available at the same internet address: Environmental Assessment and marine mammal monitoring plan. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On June 27, 2013, NMFS received an application from USCG for the taking of marine mammals incidental to its Station Monterey waterfront repairs project. NMFS determined that the application was adequate and complete.

The USCG proposes to conduct its Station Monterey waterfront repairs work in Monterey, California. The proposed activity would occur between June 15 and October 15, 2014. The following specific aspects of the proposed activities are likely to result in the take of marine mammals: in-water pile removal and impact and vibratory pile driving. Take, by Level B Harassment only, of individuals of five species is anticipated to result from the specified activity.

Description of the Specified Activity

Overview

The USCG proposes to improve and maintain the structural integrity of the patrol boat pier (Pier) and potable waterline at USCG Station Monterey (Station) through the replacement of Pier piles and the water line.

The Station's area of responsibility extends 50 miles offshore for approximately 120 nautical miles of coastline, from Point Año Nuevo south to the Monterey-San Luis Obispo County line, encompassing 5,000 square miles. The Station's missions include maritime homeland security, search and rescue, maritime law enforcement, and public affairs. The Station works jointly with other agencies governing the Monterey Bay National Marine Sanctuary. The vessels that are used to support the Station's missions are 21 to 25 foot rigid-hull inflatable boats, a 41 foot utility boat, a 47 foot motor life boat, and an 87 foot patrol boat. In addition, a NOAA boat also uses the Pier.

Dates and Duration

The project is proposed for construction in June 2014. The proposed pile extraction and driving activities would occur between June 15 and October 15.

Under the Proposed Action, the repairs will require a maximum of 60 work days for completion. A work day is limited to a period beginning 2 hours after sunrise and ending 2 hours before sunset. The duration of the repairs, lasting approximately 60 work days, includes the time for removal of existing timber piles, new pile installations, and under-deck and above-deck repairs described below.

It is assumed that two piles per day would be both extracted and installed. Pile driving activities would therefore occur for an estimated maximum of 10 days of the total construction time. It is assumed that driving time would be about 20 to 25 minutes per pile (vibratory or impact). It is assumed that vibratory extraction of the existing piles would take about 10 minutes per pile. This would result in—at most—60 to 70 minutes of pile driving per day; or 8.5 to 10 hours of underwater and airborne noise generation from pile driving over the course of the project construction.

Specified Geographic Region

The Monterey Peninsula is 85 miles south of San Francisco, California, on the southern end of Monterey Bay. The Station is located at 100 Lighthouse Avenue in the City and County of Monterey, California (see Figure 1–1 in the IHA application).

The Pier is on the eastern portion of the Station's waterfront facility, along a jetty that extends approximately 1,300 feet east into Monterey Harbor. The Pier and floating docks are on the southern side of the Jetty. A paved access road runs approximately 800 feet along the Jetty. The Pier access road is accessible to the general public; however, the USCG facilities are secured by fencing. The eastern end of the Jetty is not accessible to the public. This area is inhabited throughout most of the year by seabirds, which use the Jetty for nesting during spring and summer; and by California sea lions, which use the Jetty as a haul-out site. Pacific harbor seals also use rocky outcroppings and waters within the larger Monterey Bay area for haul-out and foraging, respectively.

Detailed Description of Activities

The Pier was constructed in 1934, of timber and steel material, and is supported by 64 piles. In 1995, 47 of the original timber piles were replaced with 14 inch steel pipe piles, and the remaining 17 piles were covered polyvinyl chloride (PVC) wraps to extend their service life. These 17 timber piles are bearing piles that have exceeded their service life due to marine borers (i.e., marine organisms, such as mollusks, that feed on wood particles) and exposure to the marine

environment, and are therefore in need of replacement. The Pier deck and floating docks require repairs due to deterioration that has occurred from exposure to the marine environment and regular use of these facilities.

A galvanized steel pipe runs under the Pier and provides potable water to the Pier's floating docks. Exposure to the marine environment over time has resulted in severe corrosion of the water line, warranting its replacement.

The USCG proposes to remove and replace 17 timber piles that structurally support the Pier; replace the existing potable water line; and improve associated structures to maintain the structural integrity of the Pier and potable water line.

The proposed construction would involve removing the existing timber deck, timber stringers, steel pile caps, steel support beams, and hardware to access the 17 timber piles that need to be replaced. The timber piles, which are approximately 14 to 16 inches in diameter and are covered with PVC wraps, would be removed through use of a vibratory extractor.

Each timber pile would then be replaced with a steel pipe pile that would be up to 18 inches in diameter, have ½ inch-thick walls, and be positioned and installed in the footprint of the extracted timber pile. The new steel pipe piles would not be filled with concrete. Other material and hardware removed to conduct the pile replacement would be replaced with in-kind materials. Best management practices would be employed during demolition and construction activities to prevent debris from falling into the water.

Due to dense substrate at the project site, a majority of the steel pipe pile installation may require impact pile driving; however, pile driving would be conducted with a vibratory hammer to the extent feasible, with an impact hammer used for proofing the piles. Pre-drilling would be permitted and would be discontinued when the pile tip is approximately 5 feet above the required pile tip elevation. If the steel pipe pile cannot be driven 30 feet below the mudline with an impact hammer due to the substrate or Jetty armor, the pile would be posted onto the armor stone using 36 inch-diameter concrete pedestals and dowels anchored into the armor stone. Concrete slurry would be used to cement stone within 5 feet of posted steel pipe piles to further secure the piles.

A sound attenuation system (i.e., bubble curtain) would be used during impact hammer pile driving. The bubble curtain creates an underwater wall of air around the pile to dissipate in-water sound waves.

Pile extraction and driving equipment would be located on a barge positioned in a manner that would not impede access to the floating docks; would be at a point along the Pier access road that does not disrupt Pier access; and that is secured from pedestrian movements. Pile extraction and driving equipment would not be located on the existing Pier.

Several proposed ancillary repairs to the Pier deck and floating dock are associated with this project. Specifically, under-deck repairs would restore bearings at pedestals and sea walls with non-shrink grout pads, and replace underwater pile struts. Above-deck repairs would include removing abandoned mooring hardware, replacing missing sections of curb, and replacing isolated deck planks that have deteriorated. Repairs to the floating dock would include repairing tie rods, repairing concrete spall, relocating and securing gangway wear plate(s), replacing cleats, replacing missing rubstrips, and replacing underwater pile struts.

Repairs to the potable water line would involve in-kind replacement of approximately 175 feet of 3 inch-diameter galvanized piping. The existing water line is on the outboard beam of the Pier, and is mounted by hangers. The new water line would be supported every 4 feet in the same alignment as the existing configuration. Three top side water standpipes would be replaced as part of the water line replacement. All work for replacement of the potable water line would occur above Mean High Water.

The primary sources of underwater noise would be from the extraction of old piles and driving new steel pipe piles to support the Pier. The options for installing these piles include driving the piles the full length with an impact hammer (either diesel or hydraulic); or vibrating in the piles, with limited impact driving to proof the bearing of the piles; or partially installing the piles with an impact hammer and casting a cement footing at the interface of the jetty. At this time USGS has not decided what method will be used, so an analysis of both pile driving methods was conducted. Support piles would be between 14 and 18 inches in diameter. The analysis assumed the larger 18 inch size for the noise projections. Impact pile driving produces impulse noise, while vibratory pile extraction and driving produces non-impulse noise.

A review of underwater sound measurements for similar projects was undertaken to estimate the near-source sound levels for vibratory and impact pile driving. Sounds from similar-sized steel shell piles have been measured in water for several projects.

Vibratory Pile Installation Sound Generation

A review of available acoustic data for pile driving indicates that the recent Test Pile Program at Naval Base Kitsap at Bangor, Washington, provides the most extensive set of data. The project involved the installation of test piles of 24-, 36- and 48-inches in diameter using a vibratory driver. Most of the installed piles were 36 inches in diameter, and only one pile was 24-inch diameter. This Test Pile Program provided the average sound level based on the root mean squared (RMS) levels using a 10-second time constant. Most other data reported are based on maximum RMS values using a 1- to 10-second time constant (e.g., Caltrans Fish Guidance Manual 2009).

For 36-inch diameter piles driven by the Navy, the average RMS level for all pile driving events was 159 dB RMS at 33 feet or 10 meters. There was a considerable range in the RMS levels measured across a pile driving event, where the highest average RMS level was 169 dB RMS.

The range of vibratory sound levels at 33 feet or 10 meters reported by Caltrans is 155 dB for 12-inch diameter piles to 175 dB RMS for 36-inch diameter piles (based on maximum 1-second RMS levels). All of these piles were driven in relatively shallow water.

Noting that the piles to be used for this project will be smaller than those driven by the Navy for their Test Pile Program at Bangor, Washington, a near-source level of 168 dB RMS at 33 feet (10 meters) level was used to characterize the sound that would be produced from vibratory pile installation.

Impact Pile Driving Sound Generation

A review of existing data indicates that measurements conducted for the USCG Tongue Point Pier Repairs in the Columbia River are most representative. This project was located on the Columbia River near Astoria, Oregon. The purpose of the project was to repair the existing Tongue Point pier. The project included installation of 24-inch-diameter steel pipe piles to replace existing woodpiles, along with reconstruction of a concrete deck.

Data measured at the Tongue Point Pier Repair included similar types of pile driving on an existing pier in deep water. Although the length of the installed piles was similar to those proposed for this project, the diameters

were larger than proposed for this project. The difference in pile size should not result in much, if any, difference in the expected noise levels from pile driving.

Average sound levels measured at Tongue Point include peak pressures of 189 to 207 dB, RMS sound pressure levels of 178 to 189 dB, and SEL levels of 160 to 175 dB per strike at 33 feet (10 meters). Sound levels associated with vibratory installation of the piles were not measured on this project. The ambient levels measured in between pile driving ranged from a RMS level of 115 to 125 dB. Due to the difference in pile sizes, use of the Tongue Point data would likely overestimate sound levels expected at the proposed USCG Station Monterey project. Based on the Tongue Point sound measurements, unattenuated near-source impact pile driving levels applicable to this project are 208 dB peak, 195 RMS and 175 dB SEL. Note, a substantially higher RMS level of 195 dB was assumed rather than 189 dB that was measured for Tongue Point. Typically, there is an approximately 10 to 15 dB difference in peak and RMS sound pressure levels. Assuming the higher peak pressure of 208 dB, an RMS level of 195 dB would typically occur. To provide a conservative estimate, the higher RMS sound pressure level was assumed for this assessment.

Airborne Noise

Based on airborne noise levels measured during the Navy Test Pile Project in Bangor, Washington (NAVFAC 2012), the greatest unweighted maximum noise level (L_{max}) was measured at 102 dB re 20 μPa, and the average L_{max} 97 dB re μPa at 50 feet (15 m) from the source. For impact pile driving, the greatest L_{max} was 112 dB re 20 μPa and the average L_{max} 103 dB re 20 μPa at 50 feet (15 m) from the source.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species under NMFS jurisdiction most likely to occur in the proposed construction area include Pacific harbor seal (*Phoca vitulina richardsi*), California sea lion (*Zalophus californianus*), harbor porpoise (*Phocoena phocoena*), killer whale (*Orcinus orca*), and gray whale (*Eschrichtius robustus*). The southern sea otter (*Enhydra lutris*) is managed by the U.S. Fish and Wildlife Service and is not considered further in this proposed IHA notice. A summary of marine mammal species under NMFS jurisdiction and their abundance and ESA-status are listed in Table 1.

General information on the marine mammal species found in California waters can be found in Caretta *et al.* (2013), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/sars/pdf/po2012.pdf.* Refer to that document for information on these species. Specific information concerning these species in the vicinity of the proposed action area is provided below.

TABLE 1—LIST OF MARINE MAMMAL SPECIES UNDER NMFS JURISDICTION THAT OCCUR IN THE VICINITY OF THE USCG STATION MONTEREY WATERFRONT REPAIR AREA

Common name	Scientific name	Stock	ESA status	Abundance
California sea lion	*Zalophus californianus*	U.S.	Not listed	296,750
Harbor seal	*Phoca vitulina richardsi*	California	Not listed	30,196
Harbor porpoise	*Phocoena phocoena*	Monterey Bay	Not listed	1,492
Killer whale	*Orcinus orca*	Eastern North Pacific offshore	Not listed	240
		West coast transient	Not listed	354
Gray whale	*Eschrichtius robustus*	Eastern North Pacific	Not listed	19,126

California Sea Lion

Monterey Bay California sea lions are part of the U.S. stock, which begins at the U.S./Mexico border and extends northward into Canada. The U.S. stock was estimated at 296,750 in the 2012 Stock Assessment Report (SAR) and may be at carrying capacity, although more data are needed to verify that determination (Carretta *et al.* 2013). Because different age and sex classes are not all ashore at any given time, the population assessment is based on an estimate of the number of births and number of pups in relation to the known population. The current population estimate is derived from visual surveys, conducted in 2007, of the different age and sex classes observed ashore at the primary rookeries and haul-out sites in southern and central California, coupled with an assessment done in 2008 of the number of pups born in the southern California rookeries (Carretta *et al.* 2013). California sea lions are present year-round in Monterey Bay, with generally lower numbers during the summer months when some individuals return to southern California to breed.

California sea lions do not avoid areas with heavy or frequent human activity, but rather may approach certain areas to investigate. This species typically does not flush from a buoy or haulout if approached.

California sea lions are not listed under the ESA.

Harbor Seal

Harbor seals are members of the true seal family (Phocidae). For management purposes, differences in mean pupping date (Temte 1986), movement patterns (Jeffries 1985; Brown 1988), pollutant loads (Calambokidis *et al.* 1985), and fishery interactions have led to the recognition of three separate harbor seal stocks along the west coast of the continental U.S. (Boveng 1988). The three distinct stocks are: (1) Inland waters of Washington State (including Hood Canal, Puget Sound, Georgia Basin and the Strait of Juan de Fuca out to Cape Flattery), (2) outer coast of Oregon and Washington, and (3) California (Carretta *et al.* 2011). Harbor seals found in the vicinity of the proposed action area belong to the California stock.

Pacific harbor seals display year-round site fidelity, though they have been known to swim several hundred miles to find food or suitable breeding habitat. Although generally solitary in the water, harbor seals come ashore at haul-outs that are used for resting, thermoregulation, birthing, and nursing pups. Haul-out sites are relatively consistent from year to year (Kopec and Harvey 1995), and females have been recorded returning to their own natal haul-out when breeding (Green *et al.* 2006). In the vicinity of the proposed action area, Pacific harbor seals are not known to regularly use the Jetty as a haul-out site, but may use beaches or other relatively low-gradient areas to haul-out in the project area, and in areas north such as beaches along Cannery Row.

Pacific harbor seals are present year-round in Monterey Bay and would be expected in the project area, though in much lower numbers than California sea

lions (Lowry 2012). There are no known pupping sites in the vicinity of the project area, so Pacific harbor seal pups are not expected to be present during pile driving.

Harbor seals are not listed under the ESA.

Harbor Porpoise

The harbor porpoise is a member of the Phocoenidae family. In the eastern North Pacific, harbor porpoise are found in coastal and inland waters from Point Conception, California to Alaska and along at least the eastern Aleutian chain and eastern Bering Sea (Leatherwood *et al.* 1988). Along the west coast of the United States, harbor porpoise appear to have much less extensive home range and movement when compared to the same species in the east coast (Calambokidis and Barlow 1991). Recent genetic analyses of harbor porpoise population structure along the eastern North Pacific indicate that there is small scale subdivision within the U.S. portion of this range (Chivers *et al.* 2002). They are typically found in waters less than 80 m deep within bays, estuaries, and harbors. They generally occur in groups of two to five individuals, and are considered to be shy, nonsocial animals.

For management purposes, harbor porpoise found in Monterey Bay is treated as a separate stock (Monterey Bay stock). Harbor porpoises may be present year-round in Monterey Bay, but in relatively low numbers. Harbor porpoises are found in shallow sandy bottom regions of the Monterey Bay shelf (Monterey Bay Whale Watch 2012) often within 300 m of shore (Sekiguchi 1995). They tend to be more abundant in areas north of Monterey Bay (Barlow 1988).

Harbor porpoises are not listed under the ESA.

Killer Whale

The West coast transient and the eastern North Pacific offshore stocks of killer whale may be found near the project site. Nevertheless, killer whales are relatively uncommon, migratory inhabitants of Monterey Bay. It would be extremely rare that killer whales would venture into shallow waters close to the project area, particularly within the harbor to the south of the jetty. They have been included here because in June 2011, four killer whales were sighted in the harbor by local fishermen (NBC Bay Area 201), though the article reported that an occurrence such as this, so close to shore, was extremely rare.

None of these two killer whale stock is listed under the ESA.

Gray Whale

During the winter and spring, the entire Eastern North Pacific stock of gray whale population migrates along the coast, generally within 3 km of the Monterey Bay coastline, traveling to their summer feeding grounds in the Bering Sea and to their winter breeding grounds in Baja California. It is expected that gray whales would very rarely venture into the shallow waters of the project area, particularly into Monterey Harbor south of the jetty.

The Eastern North Pacific stock of gray whale is not listed under the ESA.

Potential Effects of the Specified Activity on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (in-water pile driving and pile removal) have been observed to impact marine mammals. This discussion may also include reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of a take (for example, with acoustics, we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measurable avoidance). This section is intended as a background of potential effects and does not consider either the specific manner in which this activity will be carried out or the mitigation that will be implemented, and how either of those will shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Proposed Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

Acoustic Impacts

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Based on available behavioral data, audiograms have been derived using auditory evoked potentials, anatomical modeling, and other data, Southall *et al.* (2007) designate ''functional hearing groups'' for marine mammals and estimate the lower and upper frequencies of functional hearing of the groups. The functional groups and the associated frequencies are indicated below (though animals are less sensitive to sounds at the outer edge of their functional range and most sensitive to sounds of frequencies within a smaller range somewhere in the middle of their functional hearing range):

- Low frequency cetaceans (13 species of mysticetes): functional hearing is estimated to occur between approximately 7 Hz and 22 kHz (however, a study by Au et al. (2006) of humpback whale songs indicate that the range may extend to at least 24 kHz);
- Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): functional hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High frequency cetaceans (eight species of true porpoises, six species of river dolphins, Kogia, the franciscana, and four species of cephalorhynchids): functional hearing is estimated to occur between approximately 200 Hz and 180 kHz; and
- Pinnipeds in Water: functional hearing is estimated to occur between approximately 75 Hz and 75 kHz, with the greatest sensitivity between approximately 700 Hz and 20 kHz.

As mentioned previously in this document, five marine mammal species (three cetacean and two pinniped species) are likely to occur in the proposed seismic survey area. Of the three cetacean species likely to occur in USCG's proposed project area, the gray whale is classified as a low-frequency cetacean, the killer whale is classified as a mid-frequency cetacean, and harbor porpoise is classified as a high-frequency cetacean (Southall *et al.* 2007). A species functional hearing group is a consideration when we analyze the effects of exposure to sound on marine mammals.

USCG and NMFS determined that in-water pile removal and pile driving during the Station Monterey waterfront repair project has the potential to result in behavioral harassment of marine mammal species and stocks in the vicinity of the proposed activity.

Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain

frequency ranges (Kastak *et al.* 1999; Schlundt *et al.* 2000; Finneran *et al.* 2002; 2005). TS can be permanent (PTS), in which case the loss of hearing sensitivity is unrecoverable, or temporary (TTS), in which case the animal's hearing threshold will recover over time (Southall *et al.* 2007). Since marine mammals depend on acoustic cues for vital biological functions, such as orientation, communication, finding prey, and avoiding predators, hearing impairment could result in the reduced ability of marine mammals to detect or interpret important sounds. Repeated noise exposure that leads to TTS could cause PTS.

Experiments on a bottlenose dolphin (*Tursiops truncates*) and beluga whale (*Delphinapterus leucas*) showed that exposure to a single watergun impulse at a received level of 207 kPa (or 30 psi) peak-to-peak (p-p), which is equivalent to 228 dB (p-p) re 1 μPa, resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within 4 minutes of the exposure (Finneran *et al.* 2002). No TTS was observed in the bottlenose dolphin. Although the source level of pile driving from one hammer strike is expected to be much lower than the single watergun impulse cited here, animals being exposed for a prolonged period to repeated hammer strikes could receive more noise exposure in terms of SEL than from the single watergun impulse (estimated at 188 dB re 1 μPa^2-s) in the aforementioned experiment (Finneran *et al.* 2002).

Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.* 2009). Masking can interfere with detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired.

Masking occurs at the frequency band which the animals utilize. Therefore, since noise generated from in-water vibratory pile driving and removal is mostly concentrated at low frequency ranges, it may have less effect on high frequency echolocation sounds by odontocetes (toothed whales). However, lower frequency man-made noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. It may also affect communication signals when they occur near the noise band and thus reduce the communication space of animals (e.g., Clark *et al.* 2009) and cause increased stress levels (e.g., Foote *et al.* 2004; Holt *et al.* 2009).

Unlike TS, masking can potentially impact the species at population, community, or even ecosystem levels, as well as individual levels. Masking affects both senders and receivers of the signals and could have long-term chronic effects on marine mammal species and populations. Recent science suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than 3 times in terms of SPL) in the world's ocean from pre-industrial periods, and most of these increases are from distant shipping (Hildebrand 2009). All anthropogenic noise sources, such as those from vessels traffic and pile driving and removal, contribute to the elevated ambient noise levels, thus intensify masking.

Nevertheless, the sum of noise from the proposed USCG Station Monterey waterfront repair construction activities is confined in an area that is largely bounded by jetty and landmass, therefore, the noise generated is not expected to contribute to increased ocean ambient noise. Due to shallow water depths near the jetty, underwater sound propagation for low-frequency sound (which is the major noise source from pile driving) is expected to be poor.

Finally, exposure of marine mammals to certain sounds could lead to behavioral disturbance (Richardson *et al.* 1995), such as: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities, changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping), avoidance of areas where noise sources are located, and/or flight responses (e.g., pinnipeds flushing into water from haulouts or rookeries).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, and reproduction. Some of these significant behavioral modifications include:

- Drastic change in diving/surfacing patterns (such as those thought to be causing beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cease feeding or social interaction.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography), and is also difficult to predict (Southall *et al.* 2007).

The proposed project area is not a prime habitat for marine mammals, nor is it considered an area frequented by marine mammals. Therefore, behavioral disturbances that could result from anthropogenic noise associated with USCG waterfront repair activities are expected to affect only a small number of marine mammals on an infrequent basis.

Visual Disturbance

The activities of workers in the project area may also cause behavioral reactions of marine mammals, such as pinnipeds flushing from the jetty or pier, or moving farther from the disturbance to forage. The jetty is partially accessible for public use and experiences moderate to heavy foot traffic from fishermen and tourists along the western portion of the jetty. The California sea lions use the fenced-off eastern portion of the jetty and the area beneath the pier as haul-out sites and appear to be well habituated to human activity, often tolerating humans at a distance of just a few feet beyond the fences or dock areas that separate humans from the hauled-out animals.

Observations made by Harvey and Hoover (2009) during previous repairs of the pier indicated very little disturbance of marine mammals, particularly on the eastern portion of the jetty. They concluded that the animals did not seem to be behaviorally modified by the presence of the construction activities. The only potential disturbance seemed to occur during diving operations, which may have startled some individuals. The presence of workers is likely to affect only animals within close proximity to the workers and is not expected to affect animals on the jetty outside of the work area. The presence of workers would not result in population level impacts or affect the long-term fitness of the species.

Anticipated Effects on Marine Mammal Habitat

No permanent impacts to habitat are proposed to or would occur as a result of the proposed project. The USCG's proposed Station Monterey waterfront repair activity would not increase the pier's existing footprint, and no new

structures would be installed that would result in the loss of additional habitat. Therefore, no restoration of the habitat would be necessary. A temporary, small-scale loss of foraging habitat may occur for marine mammals if marine mammals leave the area during pile extraction and driving activities.

Acoustic energy created during pile replacement work would have the potential to disturb fish within the vicinity of the pile replacement work. As a result, the affected area could temporarily lose foraging value to marine mammals. During pile driving, high noise levels may exclude fish from the vicinity of pile driving. Hastings and Popper (2005) identified several studies that suggest fish will relocate to avoid areas of damaging noise energy. The acoustic frequency and intensity ranges that have been shown to negatively impact fish (FHWG 2008) and an analysis of potential noise output of the proposed project, indicate that the distance from underwater pile driving at which noise has the potential to cause temporary hearing loss in fish over a distance of approximately 42 meters from pile driving activity, or approximately 0.003 km^2 inside the harbor south of the jetty. Therefore, if fish leave the area of disturbance, pinniped foraging habitat may have temporarily decreased foraging value when piles are driven using impact hammering.

The duration of fish avoidance of this area after pile driving stops is unknown. However, the affected area represents an extremely small portion of the total area within foraging range of marine mammals that may be present in the project area.

Monterey Bay is classified as Essential Fish Habitat (EFH) under the Magnuson-Stevens Fisheries Conservation and Management Act, as amended by the Sustainable Fisheries Act. The EFH provisions of the Sustainable Fisheries Act are designed to protect fisheries habitat from being lost due to disturbance and degradation. The act requires implementation of measures to conserve and enhance EFH. The Monterey Bay is classified as an EFH for 118 species of commercially important fish, 30 of which have potential to occur within the project area. Some of these species are likely prey to pinnipeds and occasionally southern sea otters. In addition to EFH designations, portions of the Monterey Bay are designated as a Habitat Area of Particular Concern (HAPC) for various fish species within the Pacific Groundfish, Pacific Coast Salmon, Highly Migratory Species, and Coastal Pelagic Fisheries management plans. These HAPC areas include kelp forest and rocky reef habitats, both of which occur in and adjacent to the Project Area.

Given the short daily duration of increased underwater and airborne noise levels associated with the project, the relatively small areas being affected, and the impact avoidance and minimization measures, the proposed project is not likely to have a permanent, adverse effect on EFH. Therefore, the project is not likely to have a long term adverse effect on marine mammal foraging habitat.

Because of the short duration and relative small area of the habitat that may be affected, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

For the proposed USCG Station Monterey waterfront repair activities, USCG worked with NMFS and proposed the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity. The primary purpose of these mitigation measures is to detect marine mammals within or about to enter designated exclusion zones corresponding to NMFS current injury thresholds and to initiate immediate shutdown or power down of the piling hammer, making it very unlikely potential injury or TTS to marine mammals would occur, and to reduce Level B behavioral of marine mammals would be reduced to the lowest level practicable.

Use of Noise Attenuation Devices

Noise attenuation systems (i.e., bubble curtains) will be used during all impact pile driving to interrupt the acoustic pressure and reduce the impact on marine mammals. By reducing underwater sound pressure levels at the source, bubble curtains would reduce the area over which both Level A and B harassment would occur, thereby potentially reducing the numbers of marine mammals affected.

With the bubble curtain system in place, the exclusion zone within which marine mammal injury could occur is eliminated.

Time Restriction

Work would occur only during daylight hours when visual monitoring of marine mammals can be implemented.

Establishment of Level B Harassment Zones of Influence

Before the commencement of in-water pile driving activities, USCG shall establish Level B behavioral harassment zones of influence (ZOIs) where received underwater sound pressure levels (SPLs) are higher than 160 dB (rms) and 120 dB (rms) re 1 μPa for impulse noise sources (impact pile driving) and non-impulses noise sources (vibratory pile driving and mechanic dismantling), respectively. The modeled maximum isopleths for ZOIs are listed in Table 2.

TABLE 2—MODELED LEVEL B HARASSMENT ZONES OF INFLUENCE FOR VARIOUS PILE DRIVING ACTIVITIES

Pile driving activities	Distance to 120 dB re 1 μPa (rms) (m)	Distance to 160 dB re 1 μPa (rms) (m)
Vibratory pile driving	2,400	NA
Impact pile driving (with bubble curtain)	NA	465

Once the underwater acoustic measurements are conducted during initial test pile driving, USCG shall adjust the size of the ZOIs, and monitor these zones as described under the Proposed Monitoring section below.

NMFS-approved protected species observers (PSOs) shall conduct initial survey of the exclusion zones to ensure that no marine mammals are seen within the zones before impact pile driving of a pile segment begins. If

marine mammals are found within the exclusion zone, impact pile driving of the segment would be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor would wait 15 minutes for pinnipeds and harbor porpoise and 30 minutes for gray and killer whales. If no marine mammals are seen by the observer in that time it can be assumed that the animal has moved beyond the exclusion zone. This 15-minute criterion is based on scientific evidence that harbor seals in San Francisco Bay dive for a mean time of 0.50 minutes to 3.33 minutes (Harvey and Torok, 1994), and the mean diving duration for harbor porpoises ranges from 44 to 103 seconds (Westgate *et al.,* 1995).

Soft Start

A ''soft-start'' technique is intended to allow marine mammals to vacate the area before the pile driver reaches full power. For vibratory hammers, the contractor will initiate the driving for 15 seconds at reduced energy, followed by a 1 minute waiting period when there has been downtime of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure would also apply to vibratory pile extraction.

For impact driving, an initial set of three strikes would be made by the hammer at 40 percent energy, followed by a 1 minute waiting period, then two subsequent three-strike sets before initiating continuous driving.

Shutdown Measures

Although no marine mammal exclusion zone exists due to the implementation of noise attenuation devices (i.e., bubble curtain), USCG shall discontinue pile driving or pile removal activities if a marine mammal within the ZOI appears disturbed by the work activity. Work may not resume until the animal leaves the ZOI, or 30 minutes have passed before the disturbed animal is last sighted.

Mitigation Conclusions

NMFS has carefully evaluated the applicant's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

(1.) Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2.) A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of pile driving and pile removal or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(3.) A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of pile driving and pile removal, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(4.) A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of pile driving, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

(5.) Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

(6.) For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. USCG submitted a marine mammal monitoring plan as part of the IHA application. It can be found at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* The plan may be modified or supplemented based on comments or new information received from the public during the public comment period.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

(1.) An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

(2.) An increase in our understanding of how many marine mammals are likely to be exposed to levels of pile driving that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;

(3.) An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Distribution and/or abundance comparisons in times or areas with

concentrated stimuli versus times or areas without stimuli;

(4.) An increased knowledge of the affected species; and

(5.) An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Proposed Monitoring Measures

USCG shall employee NMFS-approved PSOs to conduct marine mammal monitoring for its Station Monterey waterfront repair project.

Before the start of the waterfront repair work, baseline biological monitoring shall be conducted to survey the potential Level A and B harassment zones on 2 separate days within 1 week before the first day of construction. Biological information collected during baseline monitoring will be used for comparison with results of monitoring during pile driving and removal activities.

Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (e.g., Zeiss, 10 × 42 power).

Marine mammal visual monitoring shall be conducted from the best vantage point available, including the USCG pier, jetty, adjacent docks within the harbor, to maintain an excellent view of the exclusion zone and adjacent areas during the survey period. Monitors would be equipped with radios or cell phones for maintaining contact with work crews.

Vessel-based visual marine mammal monitoring within the 120 dB and 160 dB ZOIs shall be conducted during 10% of the vibratory pile driving and removal and impact pile driving activities, respectively.

Data collection during marine mammal monitoring will consist of a count of all marine mammals by species, a description of behavior (if possible), location, direction of movement, type of construction that is occurring, time that pile replacement work begins and ends, any acoustic or visual disturbance, and time of the observation. Environmental conditions such as weather, visibility, temperature, tide level, current and sea state would also be recorded.

Reporting Measures

USCG would be required to submit weekly monitoring reports that summarize the monitoring results, construction activities and environmental conditions to NMFS.

A final report would be submitted to NMFS within 90 days after completion of the proposed project.

In addition, NMFS would require USCG to notify NMFS' Office of Protected Resources and NMFS' Stranding Network within 48 hours of sighting an injured or dead marine mammal in the vicinity of the construction site. USCG shall provide NMFS with the species or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

In the event that an injured or dead marine mammal is found by USCG that is not in the vicinity of the Station Monterey construction site, USCG would report the same information as listed above as soon as operationally feasible to NMFS.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

As discussed above, in-water pile driving (vibratory and impact) and pile removal generate loud noises that could potentially harass marine mammals in the vicinity of the USCG's proposed Station Monterey waterfront repair.

Currently NMFS uses 120 dB re 1 μPa and 160 dB re 1 μPa at the received levels for the onset of Level B harassment for non-impulse (vibratory pile driving and removal) and impulse sources (impact pile driving) underwater, respectively. For airborne noises, NMFS uses 90 dB re 20 μPa and 100 dB re 20 μPa at the received levels for the onset of Level B harassment for harbor seal and all pinnipeds except harbor seal, respectively. Table 3 summarizes the current NMFS marine mammal take criteria.

TABLE 3—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND

Criterion	Criterion definition	Threshold
Underwater Noise		
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 μPa (cetaceans)/190 dB re 1 μPa (pinnipeds) root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 μPa (rms).
Level B Harassment	Behavioral Disruption (for non-impulse noise)	120 dB re 1 μPa (rms).
Airborne Noise		
Level B Harassment	Behavioral Disruption (for harbor seal)	90 dB re 20 μPa.
Level B Harassment	Behavioral Disruption (for pinnipeds other than harbor seal).	100 dB re 20 μPa.

The take calculations presented here relied on the best data currently available for marine mammal populations at the jetty and in the nearby waters of Monterey Bay. The population data used are discussed in each species take calculation subsection below. The formula below was developed for calculating take due to pile driving and is applied to each group-specific noise impact threshold. The formula is founded on the following assumptions:

- All piles to be installed would have a noise disturbance distance equal to the pile that causes the greatest noise disturbance (i.e., the piling furthest from shore, in this case the farthest east pile along the jetty).
- It is estimated that an average of two or three piles will be installed and removed per day. The best estimate of the number of days during which pile driving would occur is 10 days, and this was used in all modeling calculations.

• Mitigation (e.g., a noise attenuation system such as a bubble curtain) would be used during impact pile driving.

• An individual animal can only be taken once per method of installation during a 24 hour period.

The calculation for marine mammal take uses the following formula:

Take Estimate = (n × ZOI) × 10 days of activity

Where:

n (number of animals per unit area) = The density estimate used for each species. The unit of area is km^2.

ZOI (zone of influence) = the area encompassed by all locations where the sound pressure levels equal or exceed the threshold being evaluated.

Multiplying n × ZOI produces an estimate of the abundance of animals that could be present in the area of exposure per day. The final take estimate must be a whole number; therefore, values are rounded up to the next whole number.

The ZOI impact is the estimated range of noise impact for a given threshold. Because the work will be conducted near the jetty, underwater noise is not expected to spread spherically from the source. Underwater noise contours were therefore modeled using SoundPlan. The contours were then imported to ArcGIS to calculate the area within the contours and determine the AOI for each threshold. The ZOI for vibratory pile driving encompasses the area out to the 120 dB isopleth (Level B threshold), while the ZOI for impact driving encompasses the area out to the 160 dB isopleth (Level B threshold). It is assumed that an underwater noise attenuation system, such as a bubble curtain with an estimated 10 dB attenuation, would be used as a mitigation measure. However, the actual attenuation that will be achieved in the field is unknown and would likely vary with each installation.

Airborne noise would spread spherically from the source; therefore, the ZOI for airborne impacts was calculated as the area within a circle (Area = pi × $radius^2$).

Although 10 days of total in-water work are proposed, pile extraction or driving would only occur periodically in that time, as described in earlier in this document. An average work day (beginning 2 hours after sunrise and ending 2 hours before sunset) is approximately 8 to 9 hours, depending on the month. Although it is anticipated that only 30 to 70 minutes would be spent pile driving per day, to take into account deviations from the estimated times for pile installation and extraction—and to account for the additional use of the impact pile driver in case of failure of the vibratory hammer to reach the desired embedment depth—the potential impacts were modeled as if the entire day could be spent pile driving.

The exposure assessment methodology estimates the number of individuals that would be exposed, because of pile extraction and driving activities, to noise levels that exceed established NMFS thresholds. Results of the acoustic impact exposure assessments should be regarded as conservative estimates that are strongly influenced by limited biological data. Although the numbers generated from the pile driving exposure calculations provide estimates of marine mammal exposures for consideration by NMFS, the short duration and limited extent of the repairs would limit actual exposures.

Based on the modeling results presented above, it is estimated that up to 2,095 Level B harassment takes of various species due to underwater and airborne noise from impact pile driving operations, and up to 2,760 Level B harassment takes of various species from vibratory pile driving and removal due to underwater and airborne noise. A summary of the take estimates is provided in Table 4.

TABLE 4—SUMMARY OF POTENTIAL MARINE MAMMAL TAKES AND PERCENTAGE OF STOCKS AFFECTED

	Estimated density	Estimated take by level B harassment	Abundance of stock	Percentage of stock potentially affected	Population trend
California sea lion	At-sea: 8.62 per km^2; Haul-out: 250	4,231	396,750	1.06	Stable.
Harbor seal	0.965 pre km^2	70	30,196	0.20	Stable.
Harbor porpoise	0.05 pre km^2	4	1,492	0.27	Stable.
Killer whale (Eastern North Pacific offshore).	Rare	6	240	2.50	Stable.
Killer whale (west coast transient)	Rare	6	354	1.70	Stable.
Gray whale	Rare	6	19,126	0.03	Stable.

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

The USCG's proposed Station Monterey waterfront repair project would conduct pile driving and pile removal activities. Elevated underwater noises are expected to be generated as a result of pile driving and pile removal. However, USCG would use noise attenuation devices (i.e., bubble curtain) during the impact pile driving, thus eliminating potential for injury (PTS) and TTS. For vibratory pile driving and pile removal, noise levels are not expected to reach to the level that may cause TTS, injury (PTS included), or mortality to marine mammals. Therefore, NMFS does not expect that any animals would experience Level A (including injury) harassment or Level B harassment in the form of TTS from being exposed to in-water pile driving and pile removal associated with USCG construction project.

In addition, the USCG's proposed activities are localized and of short duration. The entire project area is limited to the USCG's Station Monterey pier and jetty. The entire waterfront repair project would replace 17 timber piles with relative small 14-inch steel

pipe piles. The entire duration for pile driving is expected to be fewer than 10 days, assuming driving two piles per day. The duration for driving each pile would be about 20 to 25 minutes (vibratory or impact). These low intensity, localized, and short-term noise exposures may cause brief startle reactions or short-term behavioral modification by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease. Additionally, no important feeding and/or reproductive areas for marine mammals are known to be near the proposed action area. Therefore, the take resulting from the proposed Station Monterey waterfront repair project is not reasonably expected to, and is not reasonably likely to, adversely affect the marine mammal species or stocks through effects on annual rates of recruitment or survival. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from USCG Station Monterey waterfront repair will have a negligible impact on the affected marine mammal species or stocks.

Small Number

Based on analyses provided above, it is estimated that approximately 4,231 California sea lions, 70 Pacific harbor seals, 4 harbor porpoises, 6 Eastern North Pacific offshore or West coast transient killer whales (or a combination of both stocks), and 6 gray whales could be exposed to received noise levels that could cause Level B behavioral harassment from the proposed construction work at the USCG Station Monterey. These numbers represent approximately 0.03%–2.5% of the stocks and populations of these species that could be affected by Level B behavioral harassment.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

No species listed under the ESA are expected to be affected by these activities. Therefore, NMFS has determined that a section 7 consultation under the ESA is not required.

National Environmental Policy Act (NEPA)

In July 2013, the USCG prepared a Draft Environmental Assessment for Waterfront Repairs at United States Coast Guard Station Monterey, Monterey, California (draft EA). This draft EA has been posted on NMFS' Web site *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* NMFS will review the draft EA and decide either to adopt it or prepare its own NEPA document before making a determination on the issuance of an IHA, which will be completed prior to the issuance or denial of this proposed IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to USCG for conducting waterfront repair at its Station Monterey, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The proposed IHA language is provided next.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

(1.) This Authorization is valid from July 15, 2014, through July 14, 2015.

(2.) This Authorization is valid only for activities associated with waterfront repair project at the USCG's Monterey Station in Monterey, California.

(3.) (A) The species authorized for incidental harassment takings, Level B harassment only, are: Pacific harbor seal (*Phoca vitulina richardsi*), California sea lion (*Zalophus californianus*), harbor porpoise (*Phocoena phocoena*), transient and offshore killer whales (*Orcinus orca*), and gray whale (*Eschrichtius robustus*).

(B) The authorization for taking by harassment is limited to the following acoustic sources and from the following activities:

- Impact and vibratory pile driving;
- Pile removal; and
- Work associated with above piling activities.

(C) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the West Coast Regional Administrator (562) 980–4000, National Marine Fisheries Service (NMFS) and the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401, or his designee (301–427–8401).

(4.) The holder of this Authorization must notify the Chief of the Permits and Conservation Division, Office of Protected Resources, at least 48 hours prior to the start of activities identified in 3(b) (unless constrained by the date of issuance of this Authorization in which case notification shall be made as soon as possible).

(5.) Prohibitions

(A) The taking, by incidental harassment only, is limited to the species listed under condition (3.)(A) above and by the numbers listed in Table 4. The taking by Level A harassment, injury or death of these species or the taking by harassment, injury or death of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

(B) The taking of any marine mammal is prohibited whenever the required protected species observers (PSOs), required by condition 7(a), are not present in conformance with condition 7(a) of this Authorization.

(6.) Mitigation

(A) Use of Noise Attenuation Devices

Pile driving energy attenuator (such as air bubble curtain system) shall be used for all impact pile driving.

(B) Time Restriction

In-water construction work shall occur only during daylight hours when visual monitoring of marine mammals can be implemented.

(C) Establishment of Level B Harassment Zones of Influence

(i) Before the commencement of in-water pile driving activities, USCG shall establish Level B behavioral harassment zones of influence (ZOIs) where received underwater sound pressure levels (SPLs) are higher than 160 dB (rms) and 120 dB (rms) re 1 μPa for impulse noise sources (impact pile driving) and non-impulses noise sources (vibratory pile driving and mechanic dismantling), respectively. The modeled isopleths for ZOIs are listed in Table 5.

TABLE 5—MODELED LEVEL B HARASSMENT ZONES OF INFLUENCE FOR VARIOUS PILE DRIVING ACTIVITIES

Pile driving activities	Distance to 120 dB re 1 μPa (rms) (m)	Distance to 160 dB re 1 μPa (rms) (m)
Vibratory pile driving	2,400	NA
Impact pile driving (with bubble curtain)	NA	465

(ii) Once the underwater acoustic measurements are conducted during initial test pile driving, USCG shall adjust the size of the ZOIs, and monitor these zones as described under the Proposed Monitoring section below.

(D) Monitoring for marine mammal presence shall take place 30 minutes before and 30 minutes after pile driving.

(E) Soft Start

(i) For vibratory hammers, the contractor shall initiate the driving for 15 seconds at reduced energy, followed by a 1 minute waiting period when there has been downtime of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure shall also apply to vibratory pile extraction.

(ii) For impact driving, an initial set of three strikes would be made by the hammer at 40 percent energy, followed by a 1 minute waiting period, then two subsequent three-strike sets before initiating continuous driving.

(f) Shutdown Measures

Although no marine mammal exclusion zone exists due to the implementation of noise attenuation devices (i.e., bubble curtain), USCG shall discontinue pile driving or pile removal activities if a marine mammal within the ZOI appears disturbed by the work activity. Work may resume until the animal leaves the ZOI, or 30 minutes have passed before the disturbed animal is last sighted.

(7.) Monitoring:

(A) Protected Species Observers

USCG shall employee NMFS-approved protected species observers (PSOs) to conduct marine mammal monitoring for its Station Monterey waterfront repair project.

(B) Baseline Biological Monitoring

(i) Baseline biological monitoring shall be conducted to survey the potential Level A and B harassment zones on 2 separate days within 1 week before the first day of construction.

(ii) Biological information collected during baseline monitoring will be used for comparison with results of monitoring during pile driving and removal activities.

(C) Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (e.g., Zeiss, 10 × 42 power).

(D) Marine mammal visual monitoring shall be conducted from the best vantage point available, including the USCG pier, jetty, adjacent docks within the harbor, to maintain an excellent view of the exclusion zone and adjacent areas during the survey period. Monitors would be equipped with radios or cell phones for maintaining contact with work crews.

(E) Vessel-based visual marine mammal monitoring within the 120 dB and 160 dB ZOIs shall be conducted during 10% of the vibratory pile driving and removal and impact pile driving activities, respectively.

(F) Data collection during marine mammal monitoring shall consist of a count of all marine mammals by species, a description of behavior (if possible), location, direction of movement, type of construction that is occurring, time that pile replacement work begins and ends, any acoustic or visual disturbance, and time of the observation. Environmental conditions such as weather, visibility, temperature, tide level, current and sea state would also be recorded.

(8.) Reporting:

(A) USCG shall submit weekly monitoring reports that summarize the monitoring results, construction activities and environmental conditions to NMFS.

(B) USCG shall provide NMFS with a draft monitoring report within 90 days of the conclusion of the construction work. This report shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

(C) If comments are received from the NMFS West Coast Regional Administrator or NMFS Office of Protected Resources on the draft report, a final report shall be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS, the draft report will be considered to be the final report.

(D) In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization (if issued), such as an injury, serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), USCG shall immediately cease all operations and immediately report the incident to the Supervisor of Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) description of the incident;

(iii) status of all sound source use in the 24 hours preceding the incident;

(iv) environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility, and water depth);

(v) description of marine mammal observations in the 24 hours preceding the incident;

(vi) species identification or description of the animal(s) involved;

(vii) the fate of the animal(s); and

(viii) photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with WSF to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. USCG may not resume their activities until notified by NMFS via letter, email, or telephone.

(E) In the event that USCG discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), USCG will immediately report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the same information identified above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with WSF to determine whether modifications in the activities are appropriate.

(F) In the event that USCG discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA

(e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), USCG shall report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators, within 24 hours of the discovery. WSF shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. USCG can continue its operations under such a case.

(9.) This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals, or if there is an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.

(10.) A copy of this Authorization must be in the possession of each contractor who performs the waterfront repair work at USCG Station Monterey.

Request for Public Comments

NMFS requests comment on our analysis, the draft authorization, and any other aspect of the Notice of Proposed IHA for USCG. Please include with your comments any supporting data or literature citations to help inform our final decision on USCG request for an MMPA authorization.

Dated: March 5, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–05244 Filed 3–11–14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC957

Taking of Marine Mammals Incidental to Specified Activities; Construction at Bremerton Ferry Terminal

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Washington State Department of Transportation (WSDOT) to take, by harassment, small numbers of six species of marine mammals incidental to vibratory pile driving and pile removal activities at the Bremerton Ferry Terminal in Washington State between October 2014 and September 2015.

DATES: Effective September 1, 2014, through August 31, 2015.

ADDRESSES: A copy of the application containing a list of the references used in this document, NMFS' Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and the IHA may be obtained by telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**) or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.*

Documents cited in this notice may be viewed, by appointment, during regular business hours, at 1315 East West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Summary of Request

On August 14, 2012, WSF submitted a request to NOAA requesting an IHA for the harassment of small numbers of six marine mammal species incidental to construction associated with the replacement of wingwalls at the Bremerton ferry terminal in Washington State. On June 12, 2013, NMFS issued an IHA to WSF for the take of marine mammals incidental to the proposed construction activities (78 FR 36527; June 18, 2013). The IHA covers the duration between September 1, 2013, and August 31, 2014. However, due to a funding shortfall, WSF was unable to conduct the proposed construction activities during the IHA period. Subsequently, on September 30, 2013, WSF submitted another IHA application for the same actions that are analyzed previously and plans to conduct wingwalls replacement work at the Bremerton Ferry Terminal during fall, 2014. The action discussed in this document is based on WSDOT's September 30, 2013, IHA application.

In the **Federal Register** notice for the proposed IHA, the valid date for the proposed IHA was incorrectly stated as from October 1, 2014, through September 30, 2015. These dates are corrected to September 1, 2014, through August 31, 2015, in the final IHA. No other change has been made to the proposed activities from what was described in the **Federal Register** notice for the proposed IHA.

Description of the Specified Activity

A detailed description of the WSDOT's wingwalls replacement work at the Bremerton Ferry Terminal is provided in the **Federal Register** notice for the proposed IHA (78 FR 72655; December 3, 2013). Since that time, no changes have been made to the wingwalls replacement project at the Bremerton Ferry Terminal. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to WSDOT was published in the **Federal Register** on December 3, 2013 (78 FR 72655). That notice described, in detail, WSDOT's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received comments from the Marine Mammal Commission (Commission). The Commission recommends NMFS issue the IHA to WSDOT, subject to inclusion of the proposed mitigation and monitoring measures described in the

proposed IHA. NMFS agrees with the Commission's recommendation and has to issued the IHA with mitigation and monitoring measures described below. No other comment letters were received on the proposed action.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species under NMFS jurisdiction most likely to occur in the construction area include Pacific harbor seal (*Phoca vitulina richardsi*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), killer whale (*Orcinus orca*), gray whale (*Eschrichtius robustus*), and humpback whale (*Megaptera novaeangliae*).

General information on the marine mammal species found in the vicinity of the project area in Washington waters can be found in Caretta *et al.* (2012), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/pdfs/sars/po2012.pdf.* Specific information concerning these species in the vicinity of the action area is provided in the **Federal Register** notice for the proposed IHA and in WSDOT's IHA application. That information has not changed and therefore, it is not repeated here.

Potential Effects of the Specified Activity on Marine Mammals

The effects of underwater noise from in-water vibratory pile driving and pile removal associated with the construction activities at the Bremerton Ferry Terminal has the potential to result in Level B (behavioral) harassment of marine mammal species and stocks in the vicinity of the action area. The Notice of Proposed IHA included a discussion of the effects of anthropogenic noise on marine mammals, which is not repeated here. No instances of hearing threshold shifts, injury, serious injury, or mortality are expected as a result of WSDOT's activities given the strong likelihood that marine mammals would avoid the immediate vicinity of the pile driving area.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammals and other marine species are associated with elevated sound levels, but the project may also result in additional effects to marine mammal prey species and short-term local water turbidity caused by in-water construction due to pile removal and pile driving. These potential effects are discussed in detail in the **Federal Register** notice for the proposed IHA and are not repeated here.

Potential Impacts on Availability of Affected Species or Stocks for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Mitigation Measures

In order to issue an incidental take authorization under Section 101(a)(5)(D) of the MMPA, NMFS must prescribe, where applicable, the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

For WSDOT's wingwalls replacement work at the Bremerton Ferry Terminal, NMFS is requiring WSDOT to implement the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of the in-water construction activities.

Since the measured source levels (at 10 and 16 m) of the vibratory hammer involved in pile removal and pile driving are below NMFS' current thresholds for Level A harassment takes, i.e., below 180 dB (rms) re 1 μPa, no exclusion zone will be established, and there will be no required shutdown measures except when take of southern resident killer whales (SRKWs) approach the authorized limit (see below). Instead, WSDOT is required to establish and monitor the 120 dB (rms) re 1 μPa zone of influence (ZOI, see below Monitoring and Reporting section).

One significant mitigation measure for WSDOT's pile removal and pile driving activities is ramping up, or soft start, of vibratory pile hammers. The purpose of this procedure is to prevent the startling behavior of marine mammals in the vicinity of the construction activity from sudden loud noise.

Soft start requires contractors to initiate the vibratory hammer at reduced power for 15 seconds with a 1 minute interval, and repeat such procedures for an additional two times.

In addition, monitoring for marine mammal presence will take place 30 minutes before, during, and 30 minutes after pile driving to document marine mammal occurrence and responses before, during, and after the pile driving and pile removal activities (see Monitoring and Reporting section below).

In addition, WSDOT will implement shutdown measures whenever SRKWs are present in the vicinity of the project area and take all practical steps to avoid exposing SRKWs to sound levels that result in harassment. If it is unknown whether it is a SRKW or a transient killer whale, it shall be assumed to be a SRKW, and appropriate mitigation measures shall be implemented.

Further, if the number of any allotted marine mammal takes reaches the limits under the IHA, WSDOT will implement shutdown measures if such species/stock of animal approaches the 120 dB Level B harassment zone.

Finally, to avoid exceeding its SRKW take limit, WSDOT may not resume activities until any SRKW or unidentified killer whale (1) is observed to have left the Level B harassment zone or (2) has not been seen or otherwise detected within the Level B harassment zone for 30 minutes.

Mitigation Conclusions

Based on our evaluation of the prescribed mitigation measures, NMFS has determined the measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

Monitoring Measures

Any ITA issued under Section 101(a)(5)(D) of the MMPA is required to prescribe, where applicable, ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) state that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area.

(1) Protected Species Observers (PSOs)

WSDOT will employ qualified protected species observers (PSOs) to monitor the 120 dB re 1 μPa (rms) for marine mammals. Qualifications for marine mammal observers include:

- Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate

target size and distance. Use of binoculars is necessary to correctly identify the target.

• Advanced education (at least some college level courses) in biological science, wildlife management, mammalogy or related fields (Bachelor's degree or higher is preferred), but not required.

• Experience or training in the field identification of marine mammals (cetaceans and pinnipeds).

• Sufficient training, orientation or experience with the construction operation to provide for personal safety during observations.

• Ability to communicate orally, by radio or in person, with project personnel to provide real time information on marine mammals observed in the area as necessary.

• Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience).

• Writing skills sufficient to prepare a report of observations that would include such information as the number and type of marine mammals observed; the behavior of marine mammals in the project area during construction, dates and times when observations were conducted; dates and times when in-water construction activities were conducted; and dates and times when marine mammals were present at or within the defined ZOI.

(2) Monitoring Protocols

PSOs will be present on site at all times during pile removal and driving. Marine mammal behavior, overall numbers of individuals observed, frequency of observation, and the time corresponding to the daily tidal cycle will be recorded.

The following protocols will be used for marine mammal monitoring during the Bremerton Ferry Terminal construction work:

• A range finder or hand-held global positioning system device will be used to ensure that the 120 dB re 1 μPa (rms) Level B behavioral harassment ZOI is monitored.

• A 30-minute pre-construction marine mammal monitoring period will be required before the first pile driving or pile removal of the day. A 30-minute post-construction marine mammal monitoring period will be required after the last pile driving or pile removal of the day. If the construction personnel take a break between subsequent pile driving or pile removal for more than 30 minutes, then additional pre-construction marine mammal monitoring will be required before the next start-up of pile driving or pile removal.

• If marine mammals are observed, the following information will be documentd:

▪ Species of observed marine mammals;

▪ Number of observed marine mammal individuals;

▪ Behavioral of observed marine mammals;

▪ Location within the ZOI; and

▪ Animals' reaction (if any) to pile-driving activities.

• During vibratory pile removal and driving, one land-based biologist will monitor the area from the terminal work site, and one boat with a qualified PSO shall navigate the ZOI in a circular path. All PSOs shall use binoculars to conducting monitoring.

• In addition, WSDOT will contact the Orca Network and/or Center for Whale Research to determine the location of the nearest marine mammal sightings. Sightings are called or emailed into the Orca Network and immediately distributed to other sighting networks including: the Northwest Fisheries Science Center of NOAA Fisheries, the Center for Whale Research, Cascadia Research, the Whale Museum Hotline, and the British Columbia Sightings Network.

• Marine mammal occurrence information collected by the Orca Network also includes detection by the following hydrophone systems: (1) The SeaSound Remote Sensing Network, a system of interconnected hydrophones installed in the marine environment of Haro Strait (west side of San Juan Island) to study killer whale communication, underwater noise, bottomfish ecology, and local climatic conditions, and (2) A hydrophone at the Port Townsend Marine Science Center that measures average underwater sound levels and automatically detects unusual sounds.

NMFS has determined that these monitoring measures are adequate, particularly as it relates to assessing the level of taking or impacts to affected species. The land-based PSO is expected to be positioned in a location that will maximize his/her ability to detect marine mammals and will also be required to utilize binoculars to improve detection rates. In addition, the boat-based PSO will cruise within the 120 dB ZOI, which is not a particularly large zone, thereby allowing him/her to conduct additional monitoring with binoculars. With respect to the prevention of takes of SRKW, NMFS concluded that WSDOT's visual and acoustic monitoring is adequate because (1) killer whales have large dorsal fins and can be easily spotted from great distances; (2) SRKWs typically move in groups which makes visual detection much easier; and (3) resident killer whales are very vocal, which makes them relatively easier for acoustic detection.

Reporting Measures

WSDOT will provide NMFS with a draft monitoring report within 90 days of the conclusion of the construction work. This report will detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

If comments are received from the NMFS West Coast Regional Administrator or NMFS Office of Protected Resources on the draft report, a final report will be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS, the draft report will be considered to be the final report.

Notification of Injured or Dead Marine Mammals

In addition to the reporting measures listed above, NMFS will require that WSDOT notify NMFS' Office of Protected Resources and NMFS' Stranding Network of sighting an injured or dead marine mammal in the vicinity of marine operations. Depending on the circumstance of the incident, WSDOT shall take one of the following reporting protocols when an injured or dead marine mammal is discovered in the vicinity of the action area.

(1.) In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury, serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), WSDOT shall immediately cease all operations and immediately report the incident to the Supervisor of Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Northwest Regional Stranding Coordinators. The report must include the following information:

(A.) Time, date, and location (latitude/longitude) of the incident;

(B.) Description of the incident;

(C.) Status of all sound source use in the 24 hours preceding the incident;

(D.) Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility, and water depth);

(E.) Description of marine mammal observations in the 24 hours preceding the incident;

(F.) Species identification or description of the animal(s) involved;

(G.) The fate of the animal(s); and

(H.) Photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with WSDOT to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. WSDOT may not resume their activities until notified by NMFS via letter, email, or telephone.

(2.) In the event that WSDOT discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), WSDOT will immediately report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Northwest Regional Stranding Coordinators. The report must include the same information identified above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with WSDOT to determine whether modifications in the activities are appropriate.

(3.) In the event that WSDOT discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), WSDOT shall report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Northwest Regional Stranding Coordinators, within 24 hours of the discovery. WSDOT shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. WSDOT can continue its operations under such a case.

Estimated Take by Incidental Harassment

As mentioned in the **Federal Register** notice for the proposed IHA, a worst-case scenario for the Bremerton Ferry Terminal project assumes that it may take four days to remove the existing piles and seven days to install the new piles. The maximum total number of hours of pile removal activity is about 28 hours, and pile-driving activity is about 6.75 hours (averaging about 3.2 hours of active pile removal/driving for each construction day).

Also, as described in the **Federal Register** notice for the proposed IHA, for non-impulse noise, NMFS uses 120 dB (rms) re 1 μPa as the threshold for Level B behavioral harassment. The distance to the 120 dB contour Level B acoustical harassment threshold due to vibratory pile driving for the Bremerton ferry terminal project extends a maximum of 4.7 km (2.9 miles) before land is intersected. The ZOI would be monitored during construction to estimate actual harassment take of marine mammals.

Airborne noises can affect pinnipeds, especially resting seals hauled out on rocks or sand spits. The airborne 90 dB Level B threshold for hauled out harbor seals was estimated at 37 m, and the airborne 100 dB Level B threshold for all other pinnipeds is estimated at 12 m.

The nearest known harbor seal haulout site to the Bremerton ferry terminal is 8.5 km north and west (shoreline distance). The nearest documented California and Steller sea lion haulout sites to the Bremerton ferry terminal are navigation buoys in Rich Passage, approximately 9 and 10 km east of the terminal. The Puget Sound Naval Shipyard security barrier California sea lion haulout is located approximately 435 m SW of the ferry terminal.

In-air noise from this project will not reach any haulout sites, but harbor seals swimming on the surface through the 37 m zone, and other pinnipeds swimming on the surface through the 12 m zone during vibratory pile removal or driving may be temporarily disturbed.

Incidental take is estimated for each species by estimating the likelihood of a marine mammal being present within a ZOI during active pile removal or driving. Expected marine mammal presence is determined by past observations and general abundance near the Bremerton Ferry Terminal during the construction window. Typically, potential take is estimated by multiplying the area of the ZOI by the local animal density. This provides an estimate of the number of animals that might occupy the ZOI at any given moment. However, there are no density estimates for any Puget Sound population of marine mammal. As a result, the take requests were estimated using local marine mammal data sets (e.g., Orca Network, state and federal agencies), opinions from state and federal agencies, and observations from Navy biologists.

Based on the estimates, approximately 649 Pacific harbor seals, 1,584 California sea lions, 66 Steller sea lions, 28 killer whales (24 transient, 4 Southern Resident killer whales), 8 gray whales, and 8 humpback whales could be exposed to received sound levels at or above 120 dB re 1 μPa (rms) from the proposed Bremerton Ferry Terminal wingwalls replacement work. A summary of the estimated takes authorized in this IHA is presented in Table 3.

TABLE 3—ESTIMATED NUMBERS OF MARINE MAMMALS THAT MAY BE EXPOSED TO RECEIVED PILE DRIVING AND PILE REMOVAL LEVELS ABOVE 120 dB RE 1 μPa (RMS)

Species	Estimated marine mammal takes	Percentage of population
Pacific harbor seal	649	2.02
California sea lion	1,841	0.53
Steller sea lion	66	0.11
Killer whale, transient	24	6.8
Killer whale, Southern Resident	4	5.0
Gray whale	8	0.04
Humpback whale	8	0.39

Analyses and Determinations

Negligible Impact

Pursuant to NMFS' regulations implementing the MMPA, an applicant is required to estimate the number of animals that will be ''taken'' by the specified activities (i.e., takes by harassment only, or takes by harassment, injury, and/or death). This estimate informs the analysis that NMFS must perform to determine whether the activity will have a ''negligible impact'' on the species or stock. Level B (behavioral) harassment occurs at the level of the individual(s) and does not assume any resulting population-level consequences, though there are known avenues through which behavioral disturbance of individuals can result in population-level effects. A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination.

In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS considers other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A takes, the number of estimated mortalities, and effects on habitat.

The WSDOT's proposed Bremerton Ferry Terminal construction project would conduct vibratory pile removal and pile driving to replace wingwall structures. Elevated underwater noises are expected to be generated as a result of pile removal and pile driving activities. However, noise levels from the machinery and activities are not expected to reach to the level that may cause temporary threshold shift (TTS), injury (including permanent threshold shift), or mortality to marine mammals. Therefore, NMFS does not expect that any animals would experience Level A harassment or Level B harassment in the form of TTS from being exposed to in-water pile driving and pile removal associated with WSDOT construction project.

In addition, these low intensity, localized, and short-term noise exposures may cause brief startle reactions or short-term behavioral modification by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease. In addition, no important feeding and/or reproductive areas of marine mammals are known to be near the action area. Therefore, the take resulting from the Bremerton Ferry Terminal construction projects is not reasonably expected to, and is not reasonably likely to adversely affect the marine mammal species or stocks through effects on annual rates of recruitment or survival. The maximum estimated 120 dB isopleths from vibratory pile driving is approximately 4.7 km from the pile before being blocked by landmass.

The closest documented California sea lion haulout site to the Bremerton Ferry Terminal is the Puget Sound Naval Shipyard security barrier, located approximately 435 m SW of the ferry terminal. The next closest documented California sea lion haulout sites to the Bremerton Ferry Terminal are navigation buoys and net pens in Rich Passage, approximately nine and ten km east of the terminal, respectively. However, it is estimated that airborne noise from vibratory pile driving a 30-in steel pile would fall below 90 dB and 100 dB re 1 20 μPa at 37 m and 12 m from the pile, respectively. No other pinniped haulout site exists in the vicinity of the proposed project area. Therefore, pinnipeds hauled out at the Puget Sound Naval Shipyard security barrier will not be affected.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration of the implementation of the required mitigation and monitoring measures, NMFS finds that the total marine mammal take from the vibratory pile removal and pile driving associated with wingwall replacements at Bremerton Ferry Terminal will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

Based on long-term marine mammal monitoring and studies in the vicinity of the proposed construction areas, it is estimated that approximately 649 Pacific harbor seals, 1,841 California sea lions, 66 Steller sea lions, 28 killer whales (24 transient, 4 Southern Resident killer whales), 8 gray whales, and 8 humpback whales could be exposed to received noise levels above 120 dB_{rms} re 1 μPa from the proposed construction work at the Bremerton Ferry Terminal. These numbers represent approximately 0.04%–6.8% of the stocks and populations of these species could be affected by Level B behavioral harassment. As mentioned earlier in this document, the worst case scenario for the proposed construction work would only take a total of 34.75 hours (28 hours for pile removal and 6.75 hours for pile driving). Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from WSDOT's wingwalls replacement work at the Bremerton Ferry Terminal. A Finding of No Significant Impact (FONSI) was signed on February 4, 2014. A copy of the EA and FONSI is available upon request (see **ADDRESSES**).

Endangered Species Act (ESA)

The humpback whale, Southern Resident stock of killer whale, and the eastern population of Steller sea lions, are the only marine mammal species currently listed under the ESA that could occur in the vicinity of WSDOT's construction projects. NMFS' Permits and Conservation Division consulted with NMFS' West Coast Regional Office Division of Protected Resources under section 7 of the ESA on the issuance of an IHA to WSDOT under section 101(a)(5)(D) of the MMPA for this activity. A Biological Opinion was issued on February 19, 2013, which concludes that issuance of the IHA is not likely to jeopardize the continued existence of the ESA-listed marine mammal species. NMFS will issue an Incidental Take Statement under this Biological Opinion which contains reasonable and prudent measures with implementing terms and conditions to minimize the effects of take of listed species.

Authorization

NMFS has issued an IHA to WSDOT for the take of small numbers of six marine mammal species incidental to wingwalls replacement construction activities at the Bremerton Ferry Terminal in Washington State, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: March 5, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–05253 Filed 3–11–14; 8:45 am]

BILLING CODE 3510–22–P; 1505–01–D

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0030]

Privacy Act of 1974; Computer Matching Program

AGENCY: Defense Manpower Data Center (DMDC), DoD.

ACTION: Notice of a Computer Matching Program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, requires agencies to publish advanced notices of any proposed or revised computer matching program by the matching agency for public comment. The Department of Defense (DoD), as the matching agency under the Privacy Act of 1974, as amended, is hereby giving notice to the record subjects of a computer matching program between the DoD and the Social Security Administration (SSA). The purpose of the computer matching program is to exchange personal data to verify eligibility and payment amounts for recipients of Supplemental Security Income (SSI) and Special Veterans Benefits (SVB) recipients.

DATES: This proposed action will become effective April 11, 2014 and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office of Management and Budget objections. Any public comment must be received before the effective date.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Samuel P. Jenkins, Acting Director for Privacy and Civil Liberties Office, 241 18th Street South, Suite 101, Arlington, VA 22202–3405. Telephone: (703) 571–0070.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), the SSA and DMDC have concluded an agreement to conduct a computer matching program between agencies. The purpose of the computer matching program is to exchange personal data for the purposes of verifying eligibility and payment amounts for recipients of Supplemental Security Income (SSI) and Special Veterans Benefits (SVB). The parties to this agreement have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by the SSA to verify information provided to SSA by recipients of Supplemental Security Income (SSI) payments and beneficiaries of Special Veterans Benefits (SVB). The principal alternative to using a computer matching program for identifying such individuals would be to conduct a manual comparison of all Federal personnel records with SSA records of those individuals currently receiving Supplemental Security Income (SSI) payments and Special Veterans Benefits (SVB) under Federal benefit programs being administered by the SSA. Conducting a manual match, however, would clearly impose a considerable administrative burden, constitute a greater intrusion of the individual's privacy, and would result in additional delay in determining eligibility and, if applicable, the eventual recovery of any outstanding debts.

A copy of the computer matching agreement between SSA and DoD is available upon request. Requests should be submitted to the address in the **FOR FURTHER INFORMATION CONTACT** section.

Set forth is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published on June 19, 1989, at 54 FR 25818.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, and an advance copy of this notice was submitted on March 6, 2014, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records about Individuals'', dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 7, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NOTICE OF A COMPUTER MATCHING PROGRAM AMONG THE DEFENSE MANPOWER DATA CENTER, THE DEPARTMENT OF DEFENSE AND THE SOCIAL SECURITY ADMINISTRATION FOR VERIFICATION OF ELIGIBILITY OF INDIVIDUALS FOR SSI PAYMENTS AND THE ENTITLEMENT OF INDIVIDUALS TO SVB.

A. PARTICIPATING AGENCIES: Participants in this computer matching program are the Social Security Administration (SSA) and the Department of Defense (DoD). The SSA is the source agency, and DoD is the matching agency, the agency that actually performs the match.

B. PURPOSE OF THE MATCH: The Social Security Act requires SSA to verify, with independent or collateral sources, information provided to SSA by recipients of SSI payments and beneficiaries of SVB. The SSI and SVB recipients/beneficiaries provide information about eligibility/entitlement factors and other relevant information. SSA obtains additional information as necessary before making any determinations of eligibility/payment or entitlement/benefit amounts or adjustments thereto. With respect to military retirement payments to SSI recipients and SVB beneficiaries who are retired members of the Uniformed Services or their survivors, SSA proposes to accomplish this task by computer matching with the DoD.

This agreement sets forth the responsibility of the SSA with respect to information obtained pursuant to this agreement. Each SSA match is expected to comply with pertinent requirements of the Privacy Act, including its implementing regulations and guidance.

C. AUTHORITY FOR CONDUCTING THE MATCH: The legal authority for conducting the matching program is contained in sections 806(b) and 1631(e)(1)(B) and (f) of the Social Security Act (42 U.S.C. 1006(b) and 1383(e)(1)(B) and (f) and 1320b–7).

D. RECORDS TO BE MATCHED: The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

1. Federal, but not State, agencies must publish system notices for ''systems of records'' pursuant to subsection (e)(4) of the Privacy Act and must identify ''routine uses'' pursuant

to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. The DoD system of records described in this notice contains an appropriate routine use proviso, which permits disclosure of information by DMDC to the SSA.

2. DoD will use personal data from the record system identified as DMDC 01, entitled ''Defense Manpower Data Center Data Base'', November 23, 2011, 76 FR 72391. Disclosure of DMDC data will be pursuant to Routine Use (RU) number 5b.

3. SSA will use records from a system of records identified as 60–0103, entitled ''Supplemental Security Income Record and Special Veterans Benefits, SSA/ODSSIS'', last published in the **Federal Register** at 71 FR 1830, January 11, 2006. Disclosure of data will be pursuant to RU number 3 and 19.

E. DESCRIPTION OF COMPUTER MATCHING PROGRAM: SSA, as the source agency, will provide DMDC with an electronic file which contains the data elements. Upon receipt of the electronic file, DMDC, as the recipient agency, will perform a computer match using all nine digits of the SSN of the SSI/SVB file against a DMDC database which contains the data elements. The DMDC database consists of extracts of personnel and pay records of retired members of the uniformed services or their survivors. The ''hits'' or matches will be furnished to SSA. SSA is responsible for verifying and determining that the data on the DMDC electronic reply file are consistent with the SSA source file and resolving any discrepancies or inconsistencies on an individual basis. SSA will also be responsible for making final determinations as to eligibility for/entitlement to, or amount of payments/benefits, their continuation or needed adjustments, or any recovery of overpayments as a result of the match.

1. The electronic file provided by SSA will contain approximately 9.5 million records extracted from the SSR/SVB.

2. The electronic DMDC database contains records on approximately 2.5 million retired uniformed service members or their survivors.

3. DMDC will match the SSN on the SSA file by computer against the DMDC database. Matching records, ''hits'' based on SSNs, will produce data elements of the individual's name; SSN; active or retired; if active, military service or employing agency, and current work or home address, and such other data as considered necessary.

F. INCLUSIVE DATES OF THE MATCHING PROGRAM: The effective date of the matching agreement and date when matching may actually begin shall be at the expiration of the 40-day review period for OMB and Congress, or 30 days after publication of the matching notice in the **Federal Register**, whichever date is later. The parties to this agreement may assume OMB and Congressional concurrence if no comments are received within 40 days of the date of the transmittal letter. The 40-day OMB and Congressional review period and the mandatory 30-day public comment period for the **Federal Register** publication of the notice will run concurrently. By agreement between SSA and DoD, the matching program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. ADDRESS FOR RECEIPT OF PUBLIC COMMENTS OR INQUIRIES: Acting Director, Defense Privacy and Civil Liberties Office, 241 18th Street South, Suite 101, Arlington, VA 22202–3405. Telephone (703) 571–0070.

[FR Doc. 2014–05340 Filed 3–11–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0031]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to delete two Systems of Records.

SUMMARY: The Defense Finance and Accounting Service is deleting two systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, as amended. The notices are entitled ''T7335, DFAS Payroll Locator File System (PLFS)'' and ''T7332c, Bankruptcy Processing Files.''

DATES: Comments will be accepted on or before April 11, 2014. This proposed action will be effective on the day following the end of the comment period unless comments are received which result in a contrary determination.

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

* Federal Rulemaking Portal: *http://www.regulations.gov.*

Follow the instructions for submitting comments.

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Outlaw, (317) 510–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.* The proposed deletions are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 7, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETION:

T7335

SYSTEM NAME:

DFAS Payroll Locator File System (PLFS) (November 19, 2012, 77 FR 69444)

Reason: System was retired and data was merged into T5500b, Integrated Garnishment System (IGS) (September 19, 2012, 77 FR 58106); therefore, T7335f, DFAS Payroll Locator File System (PLFS) can be deleted.

DELETION:

T7332c

SYSTEM NAME:

Bankruptcy Processing Files (March 2, 2009, 74 FR 9086)

Reason: System was retired and data was merged into T5500b, Integrated Garnishment System (IGS) (September 19, 2012, 77 FR 58106); therefore, T7332c, Bankruptcy Processing Files can be deleted.

[FR Doc. 2014–05363 Filed 3–11–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0033]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Defense Finance and Accounting Service is amending a system of records notice, T7205a, entitled ''Defense Business Management System (DBMS)'' in its existing inventory of record systems subject to the Privacy Act of 1974, as amended. This system will provide a means of reconciling financial records and/or compilation of data and reports for management studies and statistical analyses.

DATES: Comments will be accepted on or before April 11, 2014. This proposed action will be effective on the day following the end of the comment period unless comments are received which result in a contrary determination.

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

* Federal Rulemaking Portal: *http://www.regulations.gov.*

Follow the instructions for submitting comments.

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Outlaw, (317) 510–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.*

The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 7, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7205a

SYSTEM NAME:

Defense Business Management System (DBMS) (July 10, 2009, 74 FR 33215).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations; Department of Defense Financial Management Regulation (DoDFMR), 7000.14–R Vol; 31 U.S.C. 35, Accounting and Collection; and E.O. 9397 (SSN), as amended.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is limited to CAC enabled users and restricted by passwords, which are changed according to agency security policy.''

* * * * *

SYSTEM MANAGER AND ADDRESS:

Delete entry and replace with ''System Manager, Defense Finance and Accounting Service-Cleveland, 1240 East 9th Street, Cleveland, OH 44199–2053.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2014–05402 Filed 3–11–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0034]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Defense Finance and Accounting Service is amending a system of records notice, T7901a, entitled ''Standard Negotiable Instrument Processing System'' in its existing inventory of record systems subject to the Privacy Act of 1974, as amended. This system processes checks for U.S. Army Active and Reserve military members.

DATES: Comments will be accepted on or before April 11, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

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

* Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Outlaw, (317) 510–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.*

The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 7, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7901a

SYSTEM NAME:

Standard Negotiable Instrument Processing System (January 22, 2009, 74 FR 3995).

CHANGES:

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is limited to CAC enabled users and restricted by passwords, which are changed according to agency security policy.''

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2014–05412 Filed 3–11–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0003]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete two Systems of Records.

SUMMARY: The Department of the Army is deleting two systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, as amended. The two systems being deleted are A0015–8 ASA (ALT), Army Science Board (ASB) Files; and A0095–2d TRADOC–ATC, Air Traffic Controller/Air Traffic Control Maintenance Technician Records.

DATES: Comments will be accepted on or before April 11, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905 or by calling (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at *http://dpclo.defense.gov/.* The Department of the Army proposes to delete two systems of records notices from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 7, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETIONS:

A0015–8 ASA (ALT)

Army Science Board (ASB) Files (April 21, 2006, 71 FR 20650).

REASON:

The program using this system of records notice has been discontinued and records are no longer collected and have met the approved NARA retention schedule; therefore, the system of records notice, A0015–8 ASA (ALT), Army Science Board (ASB) Files can be deleted.

A0095–2d TRADOC–ATC

Air Traffic Controller/Air Traffic Control Maintenance Technician Records (July 7, 2008, 73 FR 38417).

REASON:

This system was consolidated with the system of records covered by notice A0095–1a TRADOC, Centralized Aviation Flight Records System (CAFRS) (June 29, 2010, 75 FR 37410); therefore, the system of records notice, A0095–2d TRADOC–ATC, Air Traffic Controller/Air Traffic Control Maintenance Technician Records can be deleted.

[FR Doc. 2014–05397 Filed 3–11–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0033]

Agency Information Collection Activities; Comment Request; Middle Grades Longitudinal Study of 2016–2017 (MGLS:2017) Field Test 2015 Recruitment

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

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before May 12, 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–2014–ICCD–0033 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 Kashka Kubzdela, 202–502–7411.

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: Middle Grades Longitudinal Study of 2016–2017 (MGLS:2017) Field Test 2015 Recruitment

OMB Control Number: 1850–NEW

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, or Tribal Governments

Total Estimated Number of Annual Responses: 167

Total Estimated Number of Annual Burden Hours: 112

Abstract: The Middle Grades Longitudinal Study of 2016–2017 (MGLS:2017) is the first study sponsored by the National Center for Education Statistics (NCES), within the Institute of Education Sciences (IES) of the U.S. Department of Education (ED), to follow a nationally-representative sample of students as they enter and move through the middle grades (grades 6–8). The data collected through repeated measures of key constructs will provide a rich descriptive picture of the academic experiences and development of students during these critical years and will allow researchers to examine associations between contextual factors and student outcomes. The study will focus on student achievement in mathematics and literacy along with measures of student socioemotional wellbeing and other outcomes. The study will also include an oversample of students with different types of disabilities that will provide descriptive information on their outcomes, educational experiences, and special education services. Baseline data for the MGLS:2017 will be collected from a nationally-representative sample of 6th grade students in Spring of 2017 with annual follow-ups in Spring 2018 and Spring 2019 when most of the students in the sample will be in grades 7 and 8, respectively. This request is to contact and recruit public school districts and public and private schools to participate in the Spring 2015 field test for the MGLS:2017.

Dated: March 7, 2014.

Stephanie Valentine,

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

[FR Doc. 2014–05362 Filed 3–11–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Elementary and Secondary School Counseling Programs

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

Overview Information

Elementary and Secondary School Counseling Programs Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215E.

DATES: *Applications Available:* March 12, 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 purpose of the Elementary and Secondary School Counseling Programs (ESSC) is to support efforts by local educational agencies (LEAs) to establish or expand elementary school and secondary school counseling programs.

Background

On January 16, 2013, President Obama proposed a specific plan, ''Now is the Time (NITT),'' to protect our children and communities by reducing gun violence. The plan combines executive actions and calls for legislative action that would help keep guns out of the wrong hands, ban assault weapons and high-capacity magazines, make our schools safer, and increase access to mental health services.

Children's exposure to violence, whether as victims or witnesses, is often associated with long-term physical, psychological, and emotional harm. These harms, among others, include depression, anxiety, and post-traumatic disorders; failing or having difficulty in school; and becoming delinquent or engaging in criminal behavior, including violent acts. While not a new program proposed as part of NITT, the ESSC, authorized under the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7245), is an important complement to the new proposed mental health programs in NITT.

Priorities: This notice contains one absolute priority and two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(iv), the absolute priority is from section 5421 of the ESEA (20 U.S.C. 7245). The competitive preference priorities are from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78485), and corrected on May 12, 2011 (76 FR 27637) (the ''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:

Absolute Priority: Establish or expand counseling programs in elementary schools, secondary schools, or both.

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 an additional three points to an application that meets the first competitive preference priority and an additional three points to an application that meets the second competitive preference priority.

Note: Applicants may address either of the competitive preference priorities or both. In order to be eligible for earning competitive preference priority points, an applicant must identify in the abstract section of its application the competitive preference priority or priorities for which it is seeking points.

Applications that fail to clearly identify in the abstract section the competitive preference priority or priorities for which they are seeking to earn points will not be reviewed against the competitive preference priority and will not be awarded competitive preference priority points.

These priorities are:

Competitive Preference Priority 1—Improving School Engagement, School Environment, and School Safety and Improving Family and Community Engagement

Under this priority, we give priority to applications for projects that are designed to improve student outcomes through one or both of the following priority areas:

(a) Improving the school environment, which may include improving the school setting related to student learning, safety, and health.

(b) Improving school safety, which may include decreasing the incidence of harassment, bullying, violence, and substance use.

Competitive Preference Priority 2—Support for Military Families

Under this priority, we give priority to applications for projects that are designed to address the needs of military-connected students (as defined in this notice).

Definitions: The following definitions are from 34 CFR part 77 and the Supplemental Priorities. Additional definitions applicable to this program are found in the authorizing statute for this program at 20 U.S.C. 7245 and in the program regulations in 34 CFR part 77, and will be included in the application package.

Elementary school means a day or residential school that provides elementary education, as determined under State law.

Secondary school means a day or residential school that provides secondary education as determined under State law. In the absence of State law, the Secretary may determine, with respect to that State, whether the term includes education beyond the twelfth grade.

Military-connected student means (a) a child participating in an early learning program, a student in preschool through grade 12, or a student enrolled in postsecondary education or training who has a parent or guardian on active duty in the uniformed services (as defined by 37 U.S.C. 101, in the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or the reserve component of any of the aforementioned services) or (b) a student who is a veteran of the uniformed services, who is on active duty, or who is the spouse of an active-duty service member.

Program Authority: 20 U.S.C. 7245.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations in 34 CFR part 299. (d) The notice of final eligibility requirements for the Office of Safe and Drug-Free Schools discretionary grant programs published in the **Federal Register** on December 4, 2006 (71 FR 70369). (e) The Supplemental Priorities.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $14,779,760.

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: $250,000–$400,000.

Estimated Average Size of Awards: $350,000.

Maximum Award: We will reject any application that proposes a budget exceeding $400,000 for a single budget period of 12 months.

Note: Section 5421(a)(5) of the ESEA limits the amount of a grant under this program in any one year to a maximum of $400,000.

Estimated Number of Awards: 42.

Note: Section 5421(g)(1) of the ESEA requires that for any fiscal year in which the amount of funds made available by the Secretary for this program equals or exceeds $40,000,000, the Secretary shall award not less than $40,000,000 to enable LEAs to establish or expand counseling programs in elementary schools. Under this notice, applicants may propose projects that establish or expand counseling programs in elementary schools, secondary schools, or both.

Note: We will use the highest grade level an applicant proposes to serve under its grant, along with the information obtained by examining the law in the applicant's State that defines which grade levels constitute an elementary school in the State, to determine whether the application will be considered for funding from amounts available for elementary school counseling programs only, from amounts available for elementary or secondary school counseling programs, or both.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months. Budgets should be developed for each year of funding requested up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* (a) LEAs, including charter schools that are considered LEAs under State law.

(b) LEAs that currently have an active grant under the Elementary and Secondary School Counseling Programs are not eligible to apply for an award in this competition. For the purpose of this eligibility requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

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. Section 5421(b)(2)(G) of the ESEA requires applicants under this program to assure that program funds will be used to supplement, and not supplant, any other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

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/programs/elseccounseling/applicant.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.215E.

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 listed under *Accessible Format* in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program. Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to no more than 25 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. Double space is optional for the 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. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

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].

Our reviewers will not read any pages of your application that exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: March 12, 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 in 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. *Funding Restrictions:* Section 5421(d) of the ESEA requires that no more than four percent of a grant award may be used for administrative costs to carry out the project. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section in 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 might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *http://www.grants.gov/web/grants/register.html.*

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 Elementary and Secondary School Counseling Programs, CFDA number 84.215E, 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 Elementary and Secondary School Counseling Programs 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 84.215, not 84.215E).

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 either: Lisa Harrison, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E255, Washington, DC 20202–6450. FAX: (202) 453–6742; or Loretta McDaniel, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E242, Washington, DC 20202–6450. FAX: (202) 453–6742.

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 84.215E), 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 84.215E), 550 12th Street SW., Room 7039, 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 program are from 34 CFR 75.210 of EDGAR and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires

various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Additional factors we consider in reviewing applications for an award are from sections 5421(a)(3), 5421 (b), and 5421(c)(2) of the ESEA, which outline application and program requirements, as well as a requirement that, in making grant awards, the Secretary will ensure an equitable geographic distribution among the regions of the United States and among LEAs located in urban, rural, and suburban areas. These requirements are outlined in the ESSC application package.

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 parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (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 in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in 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 Elementary and Secondary School Counseling Programs: (1) The percentage of grantees closing the gap between their student/mental health professional ratios and the student/mental health professional ratios recommended by the statute; and (2) the average number of referrals per grant site for disciplinary reasons in schools participating in the program.

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 the applicant's proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about the grantee's progress against 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 Contacts

For Further Information Contact: Lisa Harrison, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E255, Washington, DC 20202–6450. Telephone: 202–453–6730 or by email: *Lisa.Harrison@ed.gov* or Loretta McDaniel, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E242, Washington, DC 20202–6450. Telephone: 202–453–6720 or by email: *Loretta.McDaniel@ed.gov.*

If you use a TDD or TTY, call the Federal Relay Service, 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 alternative format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII in 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: March 7, 2014.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2014–05444 Filed 3–11–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Proposed Waiver and Extension of the Project Period for the Literacy Information and Communication System Regional Professional Development Centers

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.191B.]

AGENCY: Career, Technical, and Adult Education, Department of Education.

ACTION: Proposed waiver and extension of the project period.

SUMMARY: For the current 36-month grant projects under the Literacy

Information and Communication System (LINCS) Regional Professional Development Centers (RPDC) program, the Secretary proposes to: (1) Waive the restriction against project period extensions involving the obligation of additional Federal funds; and (2) extend for an additional 12 months the project period of these grants. The Secretary proposes this action because we do not believe that it would be in the public interest to hold a LINCS RPDC competition in FY 2014, the same year in which the Department's LINCS Resource Collection contract and the LINCS technical services contract will end. This proposed one-year extension of the LINCS RPDC project period is intended to ensure seamless technical assistance service delivery to our adult education customers.

DATES: We must receive your comments on or before April 11, 2014.

ADDRESSES: Address all comments about this proposed waiver and extension of the project period to Patricia Bennett, U.S. Department of Education, 400 Maryland Avenue SW., Room 11013, Potomac Center Plaza, Washington, DC 20202–7241.

If you prefer to send your comments by email, use the following address: *patricia.bennett@ed.gov*. You must include the phrase ''Proposed waiver and extension of the project period for LINCS RPDCs'' in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: Patricia Bennett by telephone at (202) 245–7758 or by email at: *patricia.bennett@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment:

We invite you to submit comments regarding this notice. We are particularly interested in receiving comments on the potential impact that this proposed project period waiver and extension might have on current LINCS RPDCs and on potential applicants that would be eligible to apply for grant awards under any new LINCS RPDC notice inviting applications, should there be one.

The following entities would be eligible to apply should the Department conduct a new competition for LINCS RPDCs:

(a) Institutions of higher education;

(b) Public or private nonprofit agencies or organizations; and

(c) Consortia of eligible institutions, organizations, or agencies.

During and after the comment period, you may inspect all public comments about this proposed waiver and extension of the project period in room 11013, Potomac Center Plaza, 550 12th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice of proposed waiver and extension of the project period. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

In fiscal year (FY) 2011, using FY 2010 funds, we funded four LINCS RPDC grants, as authorized under title II of the Workforce Investment Act of 1998 (WIA) (20 U.S.C. 9253(2)(H)), the Adult Education and Family Literacy Act (AEFLA). Each RPDC serves one of the following four regions:

(1) *Region 1*—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and the Virgin Islands.

(2) *Region 2*—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3) *Region 3*—Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

(4) *Region 4*—Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

Through the LINCS RPDC grants we support evidenced-based virtual or in-person adult education professional development (AEPD) activities to assist educators who provide adult education services [1] or adult education instruction [2] to adult learners (adult educators).

In addition, the LINCS RPDCs support each eligible agency responsible for administering or supervising policy for adult education and literacy programs under section 203(4) of the AEFLA [3] (eligible agency), and adult education and related organizations within each State [4] and outlying area [5] by—

(1) Disseminating information on the materials and the AEPD in the LINCS Resource Collection [6] to each eligible agency in the region that the grantee serves and to adult education and related organizations within each State and outlying area in that region;

(2) Collaborating closely with eligible agencies to organize and deliver virtual or in-person AEPD; and

(3) Fostering the use of new technologies, including virtual moderated communities of practice [7] (CoP), for adult educators.

The RPDCs provide substantial and direct operational involvement in the management of project implementation and on plans for AEPD and project activities, including by facilitating the collaboration between grantees and the Department's LINCS Resource Collection contractor and the LINCS technical services contractor.

In conducting the required activities under the cooperative agreements, the LINCS RPDCs—

(1) Use the LINCS Resource Collection materials and other AEPD materials available on the Department's LINCS Web site for dissemination and AEPD;

(2) Work collaboratively with the Department's LINCS Resource Collection contractor and the LINCS technical services contractor to meet the project's goals, objectives, and outcomes; and

(3) Implement the requirements established in the notice for applications for new awards for Literacy

[1] *Adult education services* (e.g., career counseling, transportation counseling, education counseling) are provided to adult learners by educators who may include staff of eligible providers identified in section 203(5) of the AEFLA, as well as State staff responsible for the implementation of adult education programs.

[2] *Adult education instruction* (e.g., instruction in basic literacy, mathematics, and English language skills) is provided to adult learners by educators who may include adult education teachers and other instructional personnel of eligible providers identified in section 203(5) of the AEFLA.

[3] Section 203(4) of the AEFLA defines the term ''eligible agency'' as the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.

[4] See section 203(17) of the AEFLA.

[5] See section 203(14) of the AEFLA.

[6] For more information on the LINCS Resource Collection, see *http://lincs.ed.gov/collections.*

[7] *Communities of practice* are groups of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly (see *http://www.ewenger.com/theory/).*

Information and Communication System Regional Professional Development Centers, published in the **Federal Register** on June 30, 2011 (76 FR 38374).

For the four current LINCS RPDC grantees the Secretary now proposes to waive the requirement of 34 CFR 75.261(a) and (c)(2) of the Education Department General Administrative Regulations (EDGAR) that generally prohibits project period extensions involving the obligation of additional Federal funds. The Secretary also proposes to extend the current LINCS RPDC project period for 12 months. This will allow each of the four current LINCS RPDC grantees that received awards under the FY 2011 competition to seek a continuation award for one additional year through FY 2015 with FY 2014 funds. Further, the waiver and extension, as proposed, would mean that we would not announce new awards in FY 2014.

Holding an RPDC competition in FY 2014—the same year in which the Department's LINCS Resource Collection contract and the LINCS technical services contract end—would not be in the public interest. Because all of the LINCS service providers would be transitioning at the same time, there would be a disruption to the continuity and stability of services that we provide to adult educators, resulting in a negative impact on service delivery to our adult education customers.

Therefore, to ensure continuity and stability of LINCS services, we plan to hold competitions during FY 2014 for the LINCS Resource Collection contract and the LINCS technology services contract, both new contracts to begin in FY 2015. We then plan to issue in FY 2015 a LINCS RPDC notice inviting applications for new awards for a three-year period to begin in FY 2016. This proposed one-year extension of the LINCS RPDC project period will ensure seamless technical assistance service delivery to our adult education customers.

If the waiver of 34 CFR 75.261(a) and (c)(2) that we propose in this notice is announced by the Department in a final notice, the requirements applicable to continuation awards for current LINCS RPDC grantees and the requirements in section 75.253 of EDGAR would apply to any continuation awards sought by current LINCS RPDC grantees.

If we announce this proposed waiver and extension of the project period as final, we would make continuation awards based on information that each grantee had provided, indicating that it is making substantial progress performing its LINCS RPDC grant activities based on the requirements in the notice inviting applications, and based on the regulations in 34 CFR 75.253.

Any activities to be carried out during the continuation year must be consistent with, or be a logical extension of, the scope, goals, and objectives of each grantee's application as approved in the FY 2011 LINCS RPDC competition. Under this proposed waiver and extension, the project period for current LINCS RPDC grantees would be extended through FY 2015.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension of the project period and the activities required to support the additional year of funding would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by this proposed waiver and extension of the project period are the four currently-funded LINCS RPDC grantees and any potential eligible applicants for the LINCS RPDC grants.

The proposed waiver and extension of these current projects would involve minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waiver and extension of the project period does not contain any information collection requirements.

Intergovernmental Review

The LINCS RPDC program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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.

Program Authority: 20 U.S.C. 9253(2)(H).

Dated: March 7, 2014.

Brenda Dann-Messier,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2014–05431 Filed 3–11–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, March 24, 2014 1:00 p.m.–5:00 p.m.; Tuesday, March 25, 2014, 8:30 a.m.–5:00 p.m.

ADDRESSES: Doubletree Hotel, 2651 Perimeter Parkway, Augusta. GA 30909.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–7886.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, March 24, 2014

1:00 p.m. Combined Committees Session

Order of committees:

- Strategic & Legacy Management
- Administrative & Outreach
- Break

- Facilities Disposition & Site Remediation
- Waste Management
- Nuclear Materials

4:45 p.m. Public Comments Session

5:00 p.m. Adjourn

Tuesday, March 25, 2014

8:30 a.m. Opening, Pledge, Approval of Minutes, Chair and Agency Updates

10:15 a.m. Public Comments Session, Break (10:30 a.m.), Nuclear Materials Report, Administrative & Outreach Report

11:45 a.m. Public Comments Session

12:00 p.m. Lunch Break

1:15 p.m. Facilities Disposition & Site Remediation Report, Waste Management Report, Strategic & Legacy Management Report

4:45 p.m. Public Comments Session

5:00 p.m. Adjourn

Public Participation: The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gerri Flemming at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Gerri Flemming at the address or phone number listed above. Minutes will also be available at the following Web site: *http://cab.srs.gov/srs-cab.html.*

Issued at Washington, DC, on March 6, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–05290 Filed 3–11–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/Advanced Scientific Computing Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). 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: Monday, March 31, 2014, 9:00 a.m.–5:00 p.m.; Tuesday, April 1, 2014, 9:00 a.m.–12:00 p.m.

ADDRESSES: American Geophysical Union, (AGU), 2000 Florida Avenue NW., Washington, DC 20009–1277.

FOR FURTHER INFORMATION CONTACT: Melea Baker, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue SW.; Washington, DC 20585–1290; Telephone (301)–903–7486.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to provide advice and guidance on a continuing basis to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Tentative Agenda Topics:

- View from Washington
- View from Germantown
- Update on Exascale
- Final Report from Exascale Technical Approaches Subcommittee
- Facilities Update
- New Charge on Workforce Development
- New Benchmarks for High Performance Computing
- CORAL Projects
- Technical talks and program updates
- 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 the items on the agenda, you should contact Melea Baker, 301–903–7486 or (*Melea.Baker@science.doe.gov*). You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available on the U.S. Department of Energy's Office of Advanced Scientific Computing Web site (*www.sc.doe.gov/ascr*) for viewing.

Issued at Washington, DC, on March 6, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–05385 Filed 3–11–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of Meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on March 19 and 20, 2014, at the headquarters of the IEA in Paris, France in connection with a meeting of the IEA's Standing Group on Emergency Questions (SEQ) on March 19, 2014, and in connection with a joint meeting of the SEQ and the IEA's Standing Group on the Oil Market (SOM) on March 20, 2014.

DATES: March 19–20, 2014.

ADDRESSES: 9, rue de la Fédération, Paris, France.

FOR FURTHER INFORMATION CONTACT: Diana D. Clark, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–3417.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

Meetings of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the headquarters of the IEA, 9, rue de la Fédération, Paris, France, on March 19, 2014, commencing at 9:30 a.m., and on March 20, 2014, commencing at 1:30 p.m. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ) commencing at 9:30 a.m. on March 19, and at a joint meeting of the SEQ and the IEA's Standing Group on the Oil Markets (SOM) on March 20

commencing at 1:30 p.m. The IAB will also hold a preparatory meeting among company representatives at the same location at 8:30 a.m. on March 20. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting and to discuss IAB Chairmanship.

The agenda of the SEQ meeting on March 19 is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of the Summary Record of the 140th Meeting
3. Status of Compliance with IEP Stockholding Commitments
4. Emergency Response Exercise 7
   —Overview of ERE7 and Summary of Exercise in Capitals
5. Emergency Response Review Program
   —Schedule of Emergency Response Reviews
   —Emergency Response Review of Italy
   —Emergency Response Review of Belgium
   —Mid-term Emergency Reponse Review of Korea
   —Emergency Response Review of Luxembourg
   —Mid-term Emergency Response Review of Hungary
6. Electricity Baseline Survey Findings
7. Energy Supply Security 2014 Publication
8. Climate-Energy Security Nexus Forum
9. Policy and Other Developments in Member Countries
   —Oral reports by administrations
10. Activities with International Organizations and Partner Countries
   —Overview of cooperation with Indonesia, Cambodia, Asia Pacific Energy Research Center, Colombia, Mexico, India and China
   —Emergency Response Assessment of India
   —Mid-term Emergency Response Assessment of Thailand
11. Emergency Oil Stock Mechanisms—adjusting to new realities?
12. Technical Discussion—stocks on water
13. Report From the Industry Advisory Board
14. Other Business
   — Tentative Schedule of Next Meetings:
   — June 24–26, 2014
   — October 21–23, 2014
   —November 2014 (ERE7)

The agenda of the joint meeting of the SEQ and the SOM on March 20 is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of the Summary Record of the October 17, 2013 Joint Session
3. Reports on Recent Oil Market and Policy Developments in IEA Countries
4. The Current Oil Market Situation
5. Natural Gas Market Update
6. Update on OIM Projects and Priorities
7. Other Business
   —Tentative schedule of upcoming SEQ and SOM meetings:
   —June 24–26, 2014
   —October 21–23, 2014

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Issued in Washington, DC, March 6, 2014.

Diana D. Clark,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 2014–05361 Filed 3–11–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1333–061]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Change in Land Rights.

b. *Project No:* 1333–061.

c. *Date Filed:* February 4, 2014.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Tule River Hydroelectric Project.

f. *Location:* Tule River North and Middle Forks in Tulare County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Annette Faraglia, Law Department, 77 Beale Street, B30A–2479, San Francisco, CA 94105–1814, (415) 973–7145.

i. *FERC Contact:* Jon Cofrancesco at (202) 502–8951, or email: *jon.cofrancesco@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* April 7, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–1333–061) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Pacific Gas and Electric Company (licensee) requests Commission approval to grant to Sequoia Riverlands Trust, a California non-profit public benefit corporation, a deed of conservation easement and agreement for the Doyle Springs Planning Unit for a perpetual conservation easement on 43 acres of licensee-owned property, including 10.7 acres of project lands within the boundary of the Tule River Hydroelectric Project. The proposed conveyance would allow the licensee to fulfill certain land conservation commitments of a bankruptcy settlement agreement; protect the licensee's ability and rights to comply with its project license and Commission requirements for the continued operation and maintenance of the

licensed hydroelectric project; and ensure the permanent protection and preservation of the public beneficial values of the conservation easement lands.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–1333) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05421 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–85–000]

Equitrans, L.P.; Notice of Application

Take notice that on February 18, 2014 Equitrans, L.P. (Equitrans), at 625 Liberty Avenue, Suite 1700, Pittsburgh, Pennsylvania 15222, filed an application in Docket No. CP14–85–000 pursuant to section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations to abandon certain gathering facilities located in West Virginia. Specifically, Equitrans proposes to abandon approximately 4.5 miles of the certificated M–90 gathering line and any appurtenant facilities located in Tyler and Doddridge Counties, West Virginia. Equitrans states will not affect its ability to render jurisdictional services, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Any questions regarding this application should be directed to Paul W. Diehl, Senior Counsel—Midstream, EQT Corporation, 625 Liberty Ave., Suite 1700, Pittsburgh, Pennsylvania, or by calling (412) 395–5540 (telephone), or fax (412) 553–7781, or email *pdiehl@eqt.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's

environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on March 26, 2014.

Dated: March 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05303 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2351–000]

Public Service Company of Colorado; Notice of Authorization for Continued Project Operation

On February 27, 2012, the Public Service Company of Colorado, licensee for the Cabin Creek Pumped Storage Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Cabin Creek Pumped Storage Project is located on the South Clear Creek and its tributary Cabin Creek in Clear Creek County, Colorado.

The license for Project No. 2351 was issued for a period ending February 28, 2014. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2351 is issued to the licensee for a period effective March 1, 2014 through February 28, 2015 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before February 28, 2015, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise. If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Public Service Company of Colorado, is authorized to continue operation of the Cabin Creek Pumped Storage Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05307 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2467–000]

Pacific Gas and Electric Company; Notice of Authorization for Continued Project Operation

On February 8, 2012, the Pacific Gas and Electric Company, licensee for the Merced Falls Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Merced Falls Hydroelectric Project is located on the Merced River on the border of Merced and Mariposa counties, California.

The license for Project No. 2179 was issued for a period ending February 28, 2014. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2467 is issued to the licensee for a period effective March 1, 2014 through February 28, 2015 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before February 28, 2015, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise. If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Pacific Gas and Electric Company, is authorized to continue operation of the Merced Falls Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05308 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2179–000]

Merced Irrigation District; Notice of Authorization for Continued Project Operation

On February 27, 2012, the Merced Irrigation District, licensee for the Merced River Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Merced River Hydroelectric Project is located on the Merced River in Merced and Mariposa counties, California.

The license for Project No. 2179 was issued for a period ending February 28, 2014. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2179 is issued to the licensee for a period effective March 1, 2014 through February 28, 2015 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before February 28, 2015, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise. If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Merced Irrigation District, is authorized to continue operation of the Merced River Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05306 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–87–000]

Southeast Supply Header, LLC; Notice of Application for Certificate of Public Convenience and Necessity

Take notice that on February 20, 2014 Southeast Supply Header, LLC (SESH), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting a certificate of public convenience and necessity authorizing an increase in design capacity of the SESH mainline by 45,000 dekatherms per day; the construction, ownership and operation of a new Dentville Compressor Station, which includes a single compressor (8,000 horsepower), related 0.76 miles of 20-inch piping and appurtenant facilities located in Copiah County, Mississippi; and for rolled-in rate treatment for the project, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Lisa A. Connolly, General Manager, Rates and Certificates, at (713) 627–4102, Southeast Supply Header, LLC, P.O. Box 1642, Houston, Texas 77251–1642.

Specifically, SESH states that the additional capacity of 45,000 dekatherms per day will be made available by a receipt point pressure commitment from Enable Gas Transmission, LLC (EGT) at SESH's Delhi, Louisiana interconnect with EGT's Line CP. This capacity is created solely from the higher design delivery pressure from EGT and does not require any new facilities by EGT or SESH. In consideration for EGT's use of existing compression facilities on its system to satisfy its pressure commitment at the Line CP Interconnect, SESH has agreed to provide EGT with 1,300 dekatherms per day of natural gas as fuel reimbursement and is requesting authorization to recover the fuel reimbursement through its fuel tracker mechanism. SESH also states that 25,000 dekatherms per day of the additional capacity is under a precedent agreement and related firm service agreement under Rate Schedule FTS with Southern Company Services, Inc. for a primary term of approximately 10 years, scheduled to begin September 1, 2014; remaining 20,000 dekatherms per day are available for subscription in accordance with the provisions of SESH's FERC Gas Tariff. The company states it is necessary to construct a new Dentville Compressor Station (November 1, 2015 in-service date) to ensure that adequate delivery pressure is available to maintain on a reliable, long-term basis the operational capabilities of the SESH/Texas Eastern Transmission, LP (Texas Eastern) Interconnect. SESH states that the project will result in no subsidization from existing shippers, and it is seeking rolled-in rate treatment for the project. SESH states the total estimated cost of constructing the project is $47,876,821. SESH and Texas Eastern have each agreed to provide funding for fifty percent (50%) of the cost of the Dentville Compressor Station.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and

the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: March 27, 2014.

Dated: March 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05417 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–500–002.
Applicants: New York Independent System Operator, Inc.
Description: NYISO Compliance filing—ICAP DCR to be effective 1/28/2014.
Filed Date: 2/24/14.
Accession Number: 20140224–5131.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: ER14–1356–000.
Applicants: Otter Tail Power Company.
Description: Notice of Termination of Construction Management Agreement to be effective 4/25/2014.
Filed Date: 2/24/14.
Accession Number: 20140224–5141.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: ER14–1357–000.
Applicants: Southwest Power Pool, Inc.
Description: Integrated Marketplace Attachment X, Article 5A Revisions to be effective 5/1/2014.
Filed Date: 2/24/14.
Accession Number: 20140224–5177.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: ER14–1358–000.
Applicants: PJM Interconnection, L.L.C.
Description: Original Service Agreement Nos. 3483 & 3484; Queue No. W3–032A to be effective 1/23/2014.
Filed Date: 2/24/14.
Accession Number: 20140224–5216.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: ER14–1359–000.
Applicants: NYSEG Solutions, LLC.
Description: Normal notice of succession to be effective 12/31/2013.
Filed Date: 2/25/14.
Accession Number: 20140225–5004.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1360–000.
Applicants: Energetix DE, LLC.
Description: Normal notice of succession to be effective 12/31/2013.
Filed Date: 2/25/14.
Accession Number: 20140225–5005.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1361–000.
Applicants: Pacific Gas and Electric Company.
Description: Notice of Termination of a Service Agreement for Wholesale Distribution Service for the City and County of San Francisco, Service Agreement No. 26 under PG&E's FERC Electric Tariff Volume No. 4 of Pacific Gas and Electric Company.
Filed Date: 2/25/14.
Accession Number: 20140225–5022.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1362–000.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Company Cancellation of Rate Schedule No. 239.
Filed Date: 2/25/14.
Accession Number: 20140225–5037.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1363–000.
Applicants: Kendall Green Energy LLC.
Description: Kendall Green Notice of Succession to be effective 1/31/2014.
Filed Date: 2/25/14.
Accession Number: 20140225–5039.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1364–000.
Applicants: Southern California Edison Company.
Description: LGIA with Oro Verde Solar 1, L.P. and Oro Verde Solar 2, L.P. to be effective 2/26/2014.
Filed Date: 2/25/14.
Accession Number: 20140225–5054.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1365–000.
Applicants: Duke Energy Progress, Inc.

Description: PEMC Amendment to RS 172 to be effective 2/25/2014.
Filed Date: 2/25/14.
Accession Number: 20140225–5061.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1366–000.
Applicants: Southern California Edison Company.
Description: Notice of Cancellation of LGIA with Green Borders Geothermal, LLC to be effective 1/9/2014.
Filed Date: 2/25/14.
Accession Number: 20140225–5062.
Comments Due: 5 p.m. ET 3/18/14.

Docket Numbers: ER14–1367–000.
Applicants: City of Dover, Delaware.
Description: Petition of CITY OF DOVER, DELAWARE for Limited Waiver of the PJM Interconnection, L.L.C. Open Access Transmission Tariff and Request for Action by March 20, 2014.
Filed Date: 2/25/14.
Accession Number: 20140225–5105.
Comments Due: 5 p.m. ET 3/18/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–27–000.
Applicants: International Transmission Company.
Description: Supplement to January 31, 2014 Application pursuant to Section 204 of the Federal Power Act of International Transmission Company for authorization to issue debt securities.
Filed Date: 2/24/14.
Accession Number: 20140224–5089.
Comments Due: 5 p.m. ET 3/6/14.

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 25, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–05324 Filed 3–11–14; 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: RP14–600–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Elimination of OFO Reports to be effective 4/4/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5039.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: RP14–601–000.
Applicants: Golden Pass Pipeline LLC.
Description: 2014 Annual Purchases and Sales Report.
Filed Date: 3/4/14.
Accession Number: 20140304–5119.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: RP14–602–000.
Applicants: Golden Pass Pipeline LLC.
Description: 2014 Annual Report of Penalty Revenue and Costs of Golden Pass Pipeline LLC to be effective 4/1/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5124.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: RP14–603–000.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Neg Rate 2014/03/04 Atmos to be effective 3/5/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5148.
Comments Due: 5 p.m. ET 3/17/14.

Docket Numbers: RP14–604–000.
Applicants: Enable Gas Transmission, LLC.
Description: Negotiated Rate Filing—March 2014—Tenaska 9840 Att A to be effective 3/4/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5160.
Comments Due: 5 p.m. ET 3/17/14.

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: RP13–714–003.
Applicants: Hardy Storage Company, LLC.
Description: Settlement Implementation to be effective 4/1/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5186.
Comments Due: 5 p.m. ET 3/17/14.

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: March 5, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–05326 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–62–000.
Applicants: K Road Modesto Solar LLC.
Description: Application for Authority under Section 203 of the Federal Power Act and Request for Expedited Action of K Road Modesto Solar LLC.
Filed Date: 3/3/14.
Accession Number: 20140303–5107.
Comments Due: 5 p.m. ET 3/24/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2819–002.
Applicants: ALLETE, Inc.
Description: Notice of Non-Material Change in Status of ALLETE, Inc.
Filed Date: 2/28/14.
Accession Number: 20140228–5319.
Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1135–001.
Applicants: Renewable Power Direct, LLC.
Description: Original Volume No. 1 to be effective 4/1/201.
Filed Date: 3/4/14.
Accession Number: 20140304–5070.

Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1224–001.

Applicants: Duke Energy Carolinas, LLC.

Description: Defer effective date and proceeding PMPA NITSA to be effective 12/31/9998.

Filed Date: 3/4/14.

Accession Number: 20140304–5048.

Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1302–001.

Applicants: Seminole Retail Energy Services, L.L.C.

Description: Ministerial Compliance Filing to be effective 3/10/2014.

Filed Date: 3/4/14.

Accession Number: 20140304–5060.

Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1363–001; ER10–3195–002; ER10–3194–002.

Applicants: Kendall Green Energy LLC, MATEP Limited Partnership, MATEP LLC.

Description: Notice of Change in Status of Kendall Green Energy LLC, et. al.

Filed Date: 2/28/14.

Accession Number: 20140228–5317.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1393–000.

Applicants: Southwest Power Pool, Inc.

Description: 2816 Exelon Generation Company and SPS Meter Agent Agreement to be effective 3/1/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5257.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1394–000.

Applicants: PJM Interconnection, L.L.C.

Description: Revisions to the OA Schedule 6 Section 1.5.7 re Market Efficiency Rules to be effective 4/30/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5268.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1395–000.

Applicants: Southwest Power Pool, Inc.

Description: 2852 The Energy Authority & Westar Meter Agent Agreement to be effective 3/1/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5274.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1396–000.

Applicants: Quantum Auburndale Power, LP.

Description: Quantum Auburndale Power, LP Revised Electric Tariff Filing to be effective 3/1/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5275.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1397–000.

Applicants: Storm Lake Power Partners II, LLC.

Description: Storm Lake Power Partners II, LLC MBR Tariff Filing to be effective 4/29/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5279.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1398–000.

Applicants: Public Service Company of Colorado.

Description: 2014–2–28_PSCo TSGT-Op and Maint–340–0.0.0 to be effective 4/30/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5297.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1399–000.

Applicants: New England Power Pool Participants Committee.

Description: March 2014 Membership Filing to be effective 3/1/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5302.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1400–000.

Applicants: Seneca Generation, LLC.

Description: Reactive Service Rate Schedule Filing to be effective 3/1/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5313.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1401–000.

Applicants: Appalachian Power Company, American Electric Power Service Corporation, Duke Energy Carolinas, LLC, Duke Energy Progress, Inc., PJM Interconnection, L.L.C.

Description: APCo (AEP) submits Service Agreement Nos. 3773 and 3774—IAs with DEP and DEC to be effective 3/1/2014.

Filed Date: 2/28/14.

Accession Number: 20140228–5314.

Comments Due: 5 p.m. ET 3/21/14.

Docket Numbers: ER14–1402–000.

Applicants: Southwestern Electric Power Company.

Description: SWEPCO-Rayburn PSA Amendment SPP Integrated Market to be effective 3/1/2014.

Filed Date: 3/3/14.

Accession Number: 20140303–5013.

Comments Due: 5 p.m. ET 3/24/14.

Docket Numbers: ER14–1405–000.

Applicants: PJM Interconnection, L.L.C.

Description: Revisions to the MISO–PJM JOA re: Consistent Import and Export Treatment to be effective 6/1/2014.

Filed Date: 3/3/14.

Accession Number: 20140303–5025.

Comments Due: 5 p.m. ET 3/24/14.

Docket Numbers: ER14–1406–000.

Applicants: Midcontinent Independent System Operator.

Description: 2014–03–03_MISO–SPP JOA Filing to be effective 6/1/2014.

Filed Date: 3/3/14.

Accession Number: 20140303–5026.

Comments Due: 5 p.m. ET 3/24/14.

Docket Numbers: ER14–1407–000.

Applicants: Southwest Power Pool, Inc.

Description: SPP–MISO JOA CMP and Article 19 Revisions to be effective 6/1/2014.

Filed Date: 3/3/14.

Accession Number: 20140303–5027.

Comments Due: 5 p.m. ET 3/24/14.

Docket Numbers: ER14–1408–000.

Applicants: American Electric Power Service Corporation, Appalachian Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, AEP Appalachian Transmission Company, In, AEP Indiana Michigan Transmission Company, AEP Kentucky Transmission Company, Inc, AEP Ohio Transmission Company, Inc. Indiana Michigan Power Company, PJM Interconnection, L.L.C.

Description: AEP submits revisions to PJM OATT Att H–14 & H–20A re updated depreciation rates to be effective 7/1/2014.

Filed Date: 3/3/14.

Accession Number: 20140303–5030.

Comments Due: 5 p.m. ET 3/24/14.

Docket Numbers: ER14–1409–000.

Applicants: ISO New England Inc.

Description: Eighth Forward Capacity Auction Results Filing of ISO New England Inc.

Filed Date: 2/28/14.

Accession Number: 20140228–5324.

Comments Due: 5 p.m. ET 4/14/14.

Docket Numbers: ER14–1410–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Interconnection Agreement with APCo-DEC (2) to be effective 3/1/2014.

Filed Date: 3/4/14.

Accession Number: 20140304–5026.

Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1411–000.

Applicants: Duke Energy Progress, Inc.

Description: Interconnection Agreement with APCo-DEP(2) to be effective 3/1/2014.

Filed Date: 3/4/14.

Accession Number: 20140304–5027.

Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1412–000.

Applicants: Midcontinent Independent System Operator, Inc., Alliant Energy Corporate Services, Inc.

Description: 2014–03–04_SA 2636 IPL–RPGI DAF Agreement to be effective 1/1/2014.

Filed Date: 3/4/14.
Accession Number: 20140304–5043.
Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1413–000.
Applicants: Southwest Power Pool, Inc.
Description: 1166R20 Oklahoma Municipal Power Authority NITSA and NOA to be effective 2/1/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5054.
Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1414–000.
Applicants: Southwest Power Pool, Inc.
Description: 2198R15 Kansas Power Pool NITSA NOA to be effective 2/1/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5058.
Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1415–000.
Applicants: Southwest Power Pool, Inc.
Description: 2028R7 Sunflower Electric Power Corporation NITSA NOA to be effective 2/1/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5065.
Comments Due: 5 p.m. ET 3/25/14.

Docket Numbers: ER14–1416–000.
Applicants: Southwest Power Pool, Inc.
Description: 1276R7 KCP&L NITSA NOA to be effective 2/1/2014.
Filed Date: 3/4/14.
Accession Number: 20140304–5072.
Comments Due: 5 p.m. ET 3/25/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 4, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–05325 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–32–000]

Public Works Commission of the City of Fayetteville, North Carolina v. Duke Energy Progress, Inc.; Notice of Complaint

Take notice that on March 4, 2014, pursuant to sections 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.212, the Public Works Commission of the City of Fayetteville, North Carolina (FPWC or Complainant) filed a complaint against Duke Energy Progress, Inc. (DEP or Respondent) pursuant to Section 206 of the Federal Power Act seeking an order to reduce the 11 percent return on equity used in calculating rates for power supply and control service under its Power Supply and Control Agreement with Respondent to 8.77 percent and the 10.8 percent return on equity under Respondent's Open Access Transmission Tariff to 8.77 percent.

Complainant certifies that copies of the complaint were served on DEP via electronic mail through its counsel.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 24, 2014.

Dated: March 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05304 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12962–002; Project No. 12958–002]

Newburgh Hydro, LLC, Uniontown Hydro, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the applications for original licenses for the proposed Uniontown Lock and Dam Hydroelectric Project (FERC Project No. 12958–002) and Newburgh Lock and Dam Hydroelectric Project (FERC Project No. 12962–002). The projects would be located on the Ohio River at existing U.S. Army Corps of Engineer's locks and dams. The Uniontown Project would be located at the John T. Myers Locks and Dam, in Union County, Kentucky and Posey County, Indiana. The Newburgh Project would be located at the Newburgh Locks and Dam, in Henderson County, Kentucky and Warrick County, Indiana.

Staff have prepared a multi-project environmental assessment (EA), which analyzes the potential environmental effects of licensing the projects, and have concluded that licensing the projects, with appropriate environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access each document. For

assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

You may also register online at *www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to these or other pending projects. For assistance, contact FERC Online Support.

Any comments on the EA should be filed within 30 days from the date of this notice. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–12958–002 and/or 12962–002.

FOR FURTHER INFORMATION CONTACT: Emily Carter at (202) 502–6512.

Dated: March 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05422 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–18–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Woodbridge Delivery Lateral Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Woodbridge Delivery Lateral Project, proposed by Transcontinental Gas Pipe Line Company, LLC (Transco) in the above-referenced docket. Transco requests authorization to construct new natural gas pipeline facilities in Middlesex County, New Jersey to provide 264,000 dekatherms per day of natural gas capacity to the Woodbridge Energy Center, a natural gas-fired power plant currently under construction.

The EA assesses the potential environmental effects of the construction and operation of the Woodbridge Delivery Lateral Project in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Woodbridge Delivery Lateral Project includes construction of 2.4 miles of 20-inch-diameter natural gas pipeline, one meter station, one pig [1] launcher and receiver, one mainline valve, and other appurtenant facilities.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before April 4, 2014.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP14–18–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[2] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP14–18). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific

[1] A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

[2] See the previous discussion on the methods for filing comments.

dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Dated: March 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05302 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–1422–000]

RockTenn CP, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of RockTenn CP, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 25, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 5, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–05327 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1250–019]

City of Pasadena Water & Power Department;

Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing.

b. *Project No.:* 1250–019.

c. *Date Filed:* December 24, 2013.

d. *Submitted By:* City of Pasadena Water & Power Department.

e. *Name of Project:* Azusa Hydroelectric Project.

f. *Location:* On the San Gabriel River, in Los Angeles County, California. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. Potential *Applicant Contact:* Arturo Silva, Power Production Superintendent, City of Pasadena Water and Power Department, 85 East State Street, Pasadena, CA 91105–3418; (626) 744–4568; email—*asilva@cityofpasadena.net.*

i. *FERC Contact:* Shana Murray at (202) 502–8333; or email at *shana.murray@ferc.gov.*

j. City of Pasadena Water & Power Department filed its request to use the Traditional Licensing Process on December 24, 2013. City of Pasadena Water & Power Department provided public notice of its request on December 23, 2013. In a letter dated March 6, 2014, the Director of the Division of Hydropower Licensing approved City of Pasadena Water & Power Department's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the California State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating City of Pasadena Water & Power Department as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. City of Pasadena Water & Power Department filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 1250. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 2016.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05419 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13877–001]

Mahoning Hydropower, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 13877–001.

c. *Date Filed:* January 2, 2014.

d. *Submitted By:* Mahoning Hydropower, LLC.

e. *Name of Project:* Stonewall Jackson Hydroelectric Project.

f. *Location:* On the West Fork River, in Lewis County, West Virginia.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Anthony Marra, 700 E. 73rd Street, Cleveland, OH 44103; (440) 804–6627; email—*Anthony@marrainc.com.*

i. *FERC Contact:* Monir Chowdhury at (202) 502–6736; or email at *monir.chowdhury@ferc.gov.*

j. Mahoning Hydropower, LLC filed its request to use the Traditional Licensing Process on January 2, 2014, and provided public notice of its request on January 3, 2014. In a letter dated March 5, 2014, the Director of the Division of Hydropower Licensing approved Mahoning Hydropower, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and (b) the West Virginia State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. Mahoning Hydropower, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

n. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 5, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05309 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM01–8–000; RM10–12–000; RM12–3–000]

Filing Requirements for El. Utility S.A.; Electricity Market Transparency Provisions of Section 220 of the Federal Power Act; Revisions to Electric Quarterly Report Filing Process; Order Extending and Setting Deadlines To File Electric Quarterly Reports

Before Commissioners: Cheryl A. LaFleur, Acting Chairman; Philip D. Moeller, John R. Norris, and Tony Clark.

1. This order establishes new deadlines for filing the third quarter (Q3) 2013 Electric Quarterly Report (EQR), fourth quarter (Q4) 2013 EQR, and first quarter (Q1) 2014 EQR. On September 21, 2012, the Federal Energy Regulatory Commission (Commission) issued Order No. 768,[1] which, among other things, revised the existing EQR filing requirements to require market participants that are excluded from the Commission's jurisdiction under section 205 of the Federal Power Act (FPA)[2] and have more than a *de minimis* market presence to file EQRs with the Commission. The requirement for certain non-public utilities to file EQRs was to be implemented at the same time as the requirement for all EQR filers (both public utilities and non-public utilities) to report the revised EQR data fields adopted in Order No. 768, i.e., beginning with Q3 2013.[3]

2. On November 12, 2012, the Commission issued Order No. 770,[4] which, among other things, revised the Commission's regulations to change the process for filing EQRs. In Order No. 770, the Commission announced that, due to technology changes that will render the current filing process outmoded, ineffective, and unsustainable, the Commission will discontinue the use of Commission-distributed software to file an EQR. The Commission reported that, instead, it will adopt a web-based approach to filing EQRs that will allow a public or non-public utility to file an EQR directly through the Commission's Web site, either through a web interface or by submitting an Extensible Mark-Up Language-formatted file. The Commission stated that the changes to the process for filing EQRs would apply to EQR filings beginning with the Q3 2013 EQR.[5]

3. On October 10, 2013, the Commission notified all public and non-public utilities that they were not to file Q3 2013 EQRs until the web-based approach was available.[6] The Commission extended the deadline for public and non-public utilities to file Q3

[1] *Electricity Market Transparency Provisions of Section 220 of the Federal Power Act,* Order No. 768, FERC Stats. & Regs. ¶ 31,336 (2012), *order on reh'g,* Order No. 768–A, 143 FERC ¶ 61,054 (2013); *see also Revised Public Utility Filing Requirements,* Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied,* Order No. 2001–A, 100 FERC ¶ 61,074, *reh'g denied,* Order No. 2001–B, 100 FERC ¶ 61,342, *order directing filing,* Order No. 2001–C, 101 FERC ¶ 61,314 (2002), *order directing filing,* Order No. 2001–D, 102 FERC ¶ 61,334, *order refining filing requirements,* Order No. 2001–E, 105 FERC ¶ 61,352 (2003), *order on clarification,* Order No. 2001–F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements,* Order No. 2001–G, 120 FERC ¶ 61,270, *order on reh'g and clarification,* Order No. 2001–H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements,* Order No. 2001–I, FERC Stats. & Regs. ¶ 31,282 (2008).

[2] 16 U.S.C. ¶ 824d (2012). Order No. 768 refers to market participants that are not public utilities under section 201(f) of the FPA as ''non-public utilities.''

[3] Order No. 768, FERC Stats. & Regs. ¶ 31,336 at P 4.

[4] *Revisions to Electric Quarterly Report Filing Process,* Order No. 770, FERC Stats. & Regs. ¶ 31,338 (2012).

[5] *Id.* PP 1, 47.

[6] *Filing Requirements for El. Utility S.A.,* 145 FERC ¶ 61,031 (2013).

2013 EQRs from October 31, 2013 to a date to be determined.

4. On December 27, 2013, the Commission notified all public and non-public utilities that they were not to file Q4 2013 EQRs until after the web-based approach was available.[7] The Commission extended the deadline for public and non-public utilities to file Q4 2013 EQRs from January 31, 2014 to a date to be determined. The Commission stated that it would issue a notice that would notify all public and non-public utility EQR filers when the new web-based approach was available and provide the new deadline for filing Q3 and Q4 2013 EQRs.

5. The Commission hereby notifies all public and non-public utilities that they are to file Q3 2013 EQRs during the period April 1, 2014 to April 30, 2014.

6. The Commission further notifies all public and non-public utilities that they are to file Q4 2013 EQRs during the period May 1, 2014 to May 31, 2014.

7. The Commission further notifies all public and non-public utilities that they are not to file Q1 2014 EQRs during the period April 1, 2014 to April 30, 2014. The Commission hereby extends the deadline for public and non-public utilities to file Q1 2014 EQRs to the period June 1, 2014 to June 30, 2014.

8. EQRs for the second quarter (Q2) 2014 will be due during the normal filing period of July 1, 2014 to July 31, 2014 and all subsequent filings will be due during the normal filing period, unless otherwise directed by the Commission.

9. The Commission understands that it may take parties some time to become proficient with the new filing system. As a result, the Commission does not intend to penalize parties that are making best efforts for the Q3 2013 EQRs, the Q4 2013 EQRs, and the Q1 2014 EQRs. In that regard, the Commission strongly encourages parties to utilize the month of March 2014 to assure that they are well prepared for the first filing period under the new system. Parties should assure that they are properly eRegistered through the Commission's Web site and that they have tested their filing processes through the Commission's EQR Sandbox. Finally, the Commission strongly encourages parties to file early in the filing period and use the ''Test-Only'' functionality in the filing system so that any issues may be addressed well before the final filing deadline. Finally, the Commission reminds parties that staff is available to answer questions, as directed by Order No. 770.[8] Questions may be submitted via email to: *eqr@ferc.gov.*

The Commission orders:

(A) The period for filing Q3 2013 EQRs will be April 1, 2014 to April 30, 2014.

(B) The period for filing Q4 2013 EQRs will be May 1, 2014 to May 31, 2014.

(C) The period for filing Q1 2014 EQRs is hereby extended, as discussed in the body of this order, to June 1, 2014 to June 30, 2014.

(D) The period for filing Q2 2014 EQRs, as discussed in the body of this order, will remain July 1, 2014 to July 31, 2014. All other filing periods shall remain the same, unless otherwise directed by the Commission.

Dated: Issued February 28, 2014.

By the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–05337 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

[7] *Filing Requirements for El. Utility S.A.,* 145 FERC ¶ 61,282 (2013).

[8] Order No. 770, FERC Stats. & Regs. ¶ 31,338 at P 12.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–89–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on February 24, 2014, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, NY 14221, filed in Docket No. CP14–89–000, a prior notice request pursuant to sections 157.205, 157.208 and 157.216 of the Commission's Regulations under the Natural Gas Act (NGA). National Fuel seeks authorization to (1) construct and operate approximately 6 miles of 24-inch diameter pipeline in Erie County, New York, (2) install various auxiliary facilities in connection with the pipeline replacement, and (3) abandon approximately 5.75 miles of 22-inch diameter pipeline. National Fuel proposes to perform these activities under its blanket certificate issued in Docket No. CP83–4–000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Kenneth E. Webster, Attorney, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, NY 14221, or by calling (716) 857–7067 or fax (716) 857–7206 or *websterk@natfuel.com* or Janet R. Bayer, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, NY 14221, or by calling (716) 857–7429 or fax (716) 857–7206 or *jrbferc@natfuel.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive

copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: March 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–05418 Filed 3–11–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1196; FRL–9907–69–OAR]

Recent Postings of Broadly Applicable Alternative Test Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the broadly applicable alternative test method approval decisions the EPA has made under and in support of New Source Performance Standards (NSPS), the National Emission Standards for Hazardous Air Pollutants (NESHAP), and the Consolidated Federal Air Rule under the Clean Air Act (CAA) in 2013.

FOR FURTHER INFORMATION CONTACT: An electronic copy of each alternative test method approval document is available on the EPA's Web site at *www.epa.gov/ttn/emc/approalt.html.* For questions about this notice, contact Ms. Lula H. Melton, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919–541–2910; fax number: 919–541–0516; email address: *melton.lula@epa.gov.* For technical questions about individual alternative test method decisions, refer to the contact person identified in the individual approval documents.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this notice apply to me?

This notice will be of interest to entities regulated under 40 Code of Federal Regulations (CFR) parts 60, 61, 63, and 65, state, local, and tribal agencies, and the EPA Regional Offices responsible for implementation and enforcement of regulations under 40 CFR parts 60, 61, 63, and 65.

B. How can I get copies of this information?

You may access copies of the broadly applicable alternative test method approval documents from the EPA's Web site at *www.epa.gov/ttn/emc/approalt.html.*

II. Background

Broadly applicable alternative test method approval decisions made by the EPA in 2013 under the NSPS, 40 CFR part 60, the NESHAP, 40 CFR parts 61 and 63, and the Consolidated Federal Air Rule, 40 CFR part 65 are identified in this notice (see Table 1). Source owners and operators may voluntarily use these broadly applicable alternative test methods subject to their specific applicability. Use of these broadly applicable alternative test methods does not change the applicable emission standards.

As explained in a previous **Federal Register** notice published at 72 FR 4257 (January 30, 2007) and found on the EPA's Web site at *www.epa.gov/ttn/emc/approalt.html,* the EPA Administrator has the authority to approve the use of alternative test methods to comply with requirements under 40 CFR parts 60, 61, and 63. This authority is found in sections 60.8(b)(3), 61.13(h)(1)(ii), and 63.7(e)(2)(ii). A similar authority is granted in 40 CFR part 65 under section 65.158(a)(2). In the past, we have performed thorough technical reviews of numerous requests for alternatives and modifications to test methods and procedures. Based on these reviews, we have often found that these changes or alternatives would be equally valid and appropriate to apply to other sources within a particular class, category, or subcategory. Consequently, we have concluded that, where a method modification or an alternative method is broadly applicable to a class, category, or subcategory of sources, it is both more equitable and efficient to approve its use for all appropriate sources and situations at the same time.

It is important to clarify that alternative methods are not mandatory but permissive. Sources are not required to employ such a method but may choose to do so in appropriate cases. Source owners or operators should review the specific broadly applicable alternative method approval decision on the EPA's Web site at *www.epa.gov/ttn/emc/approalt.html* before electing to employ it. As per 63.7(f)(5), by electing to use an alternative method for 40 CFR part 63 standards, the source owner or operator must continue to use the alternative method until approved otherwise.

The criteria for approval and procedures for submission and review of broadly applicable alternative test methods are outlined at 72 FR 4257 (January 30, 2007). We will continue to announce approvals for broadly applicable alternative test methods at *www.epa.gov/ttn/emc/approalt.html* and annually publish a notice that summarizes approvals for broadly applicable alternative test methods.

This notice comprises a summary of seven such approval documents added to our Technology Transfer Network from January 1, 2013, through December 31, 2013. The alternative method decision letter/memo number, the reference method affected, sources allowed to use this alternative, and the modification or alternative method allowed are summarized in Table 1 of this notice. Please refer to the complete copies of these approval documents available at *www.epa.gov/ttn/emc/approalt.html* as Table 1 serves only as a brief summary of the broadly applicable alternative test methods.

If you are aware of reasons why a particular alternative test method approval that we issued should not be broadly applicable, we request that you make us aware of the reasons in writing, and we will revisit the broad approval. Any objection to a broadly applicable alternative test method, as well as the resolution of that objection, will be announced at *www.epa.gov/ttn/emc/approalt.html* and in the subsequent **Federal Register** notice. If we decide to retract a broadly applicable test method, we would continue to grant case-by-case approvals, as appropriate, and would (as states, local and tribal agencies and the EPA Regional Offices should) consider the need for an appropriate transition period for users either to request case-by-case approval or to transition to an approved method.

Dated: March 5, 2014.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards.

TABLE 1—APPROVED ALTERNATIVE TEST METHODS AND MODIFICATIONS TO TEST METHODS REFERENCED IN OR PUBLISHED UNDER APPENDICES IN 40 CFR PARTS 60, 61, 63 AND 65 MADE BETWEEN JANUARY 2013 AND DECEMBER 2013

Alternative method decision letter/memo No.	As an alternative or modification to . . .	For . . .	You may . . .
ALT–098	Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography.	Flares subject to the general control device provisions of 40 CFR part 60, section 60.18.	Use SUMMA cannisters in lieu of Tedlar bags for determination of heat content.
ALT–099	Method 2—Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube), Method 2A—Direct Measurement of Gas Volume Through Pipes and Small Ducts, Method 2C—Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube), or Method 2D—Measurement of Gas Volume Flow Rates in Small Pipes and Ducts.	Sources subject to 40 CFR 60.18(f)(4) and 63.11(b)(7)(i).	Use optical flow meters to measure flare gas flow rate provided the calibrations are maintained within the manufacturer's recommended frequency.
ALT–100	Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography.	Sources subject to sampling and analysis procedures for flare gas fuel heat content (BTU value) measurement required by 40 CFR 60.18(f)(3).	Use of alternative sampling and analytical procedures in Method 18 for flare gas heat content.
ALT–101	ASTM test methods cited in the subparts listed in the next column.	Sources subject to 40 CFR part 60, subparts K, Ka, and Kb; 40 CFR part 61, subpart FF; 40 CFR part 63, subparts G, Y, CC, EEEE, and GGGGG; and 40 CFR part 65, subpart C.	Use ASTM D6377–10—Standard Test Method for Determination of Vapor Pressure of Crude Oil: $VPCR_X$ (Expansion Method) to determine vapor pressures of crude oils that have a vapor pressure within the range of 25 to 180kPa at 37.8 °C.
ALT–102	NIST—certified reference gas specifications described in Section 16.2.4 of PS–2.	Sources subject to 40 CFR part 60, subpart Ja-Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.	Use gases certified to within two percent of the manufacturer's listed concentrations.
ALT–103	Method 101A—Mercury from Sewage Sludge Incinerators and Method 105—Determination of Mercury in Wastewater Treatment Plant Sewage Sludges.	Analysis of sewage sludge sources subject to 40 CFR part 61, subpart E for samples collected by Methods 105 and 101A.	Use EPA SW–846, Method 7471A and 7471B—Mercury in Solid or Semisolid Waste (Manual Cold-Vapor Technique) in lieu of analytical procedures required in EPA Method 105 for analysis of sewage sludge samples and Method 7470A—Mercury in Liquid Waste (Manual Cold-Vapor Technique) as an alternative method for analyzing samples collected by Method 101A.
ALT–104	Method 10—Carbon Monoxide—NDIR	Sources subject to 40 CFR part 63, subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.	Use the South Coast Air Quality Management District (SCAQMD) Method 100.1—Instrumental Analyzer Procedures for Continuous Gaseous Emission Sampling for measurement of carbon monoxide.

Source owners or operators should review the specific broadly applicable alternative method approval letter on the EPA's Web site at *www.epa.gov/ttn/emc/approalt.html* before electing to employ it.

[FR Doc. 2014–05386 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9907–72–OA]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of New Jersey's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective on March 12, 2014.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov*.

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR)

was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On January 14, 2010, the New Jersey Department of Environmental Protection (NJDEP) submitted an application titled ''Regulatory Services Portal (RSP)'' for revisions/modifications of its EPA-authorized programs under title 40 CFR. EPA reviewed NJDEP's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve New Jersey's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 51 Subpart A, 51 Subpart I, 51 Subpart I, 70.5 and 70.6, 63.7480–7575 and 63.11193–11237, 70.5 and 70.6, 70.6(a)(3)iii(A) & (c)5, 122.21, 142.10(a–h), 171.1 et seq., 261–270 and 273, 262.56(a), 262.42, 262.55, 264.72(b) and 265.72(b), 264.75, 270.11 and 270.42, 370, 372, and 403.12i., is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans
Part 63—National Emission Standards for Hazardous Air Pollutants for Source Categories
Part 70—State Operating Permit Programs
Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System
Part 142—National Primary Drinking Water Regulations Implementation
Part 171—Certification of Pesticide Applicators
Part 257—Criteria for Classification of Solid Waste Disposal Facilities and Practices
Part 262—Standards Applicable to Generators of Hazardous Waste
Part 272—Approved State Hazardous Waste Management Programs
Part 370—Hazardous Chemical Reporting: Community Right-To-Know
Part 372—Toxic Chemical Release Reporting: Community Right-To-Know
Part 403—General Pretreatment Regulations for Existing and New Source of Pollution

NJDEP was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Dated: March 4, 2014.

Jeffrey Wells,

Acting Director, Office of Information Collection.

[FR Doc. 2014–05391 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0566; FRL–9907–85–OAR]

Release of Draft Integrated Review Plan for the Primary National Ambient Air Quality Standard for Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and public comment period.

SUMMARY: On or about March 17, 2014, the Environmental Protection Agency (EPA) is making available for public review the draft titled, *Integrated Review Plan for the Primary National Ambient Air Quality Standard for Sulfur Dioxide* (draft IRP). This document contains the plans for the review of the air quality criteria for sulfur oxides and the national ambient air quality standard (NAAQS) for sulfur dioxide (SO_2). The primary SO_2 NAAQS provides for the protection of public health from exposure to sulfur oxides in ambient air.

DATES: Comments should be submitted on or before April 17, 2014.

ADDRESSES: This document will be available primarily via the Internet at the following Web site: *http://www.epa.gov/ttn/naaqs/standards/so2/s_so2_index.html.*

Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0566, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-Docket@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies.
- *Hand Delivery:* 1301 Constitution Ave. NW., Room 3334, Washington, DC, EPA Docket Center, 1301 Constitution Ave. NW., Room 3334, Washington DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0566. The 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 the 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 the 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, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the 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 the EPA's public docket, visit the

EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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 Air and Radiation Docket and Information Center, EPA/DC, William Jefferson Clinton Building, Room 3334, 1301 Constitution Ave. 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 Air and Radiation Docket and Information Center is 202–566–1742.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Stewart, Office of Air Quality Planning and Standards, Mail Code C504–06, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919–541–7524; fax number: 919–541–0237; email address: *stewart.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

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

1. *Submitting CBI.* Do not submit this information to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Information Specific to This Document

Two sections of the Clean Air Act (CAA) govern the establishment and revision of the NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify and list certain air pollutants and then to issue air quality criteria for those pollutants. The Administrator is to list those air pollutants that in her ''judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare;'' ''the presence of which in the ambient air results from numerous or diverse mobile or stationary sources;'' and ''for which . . . [the Administrator] plans to issue air quality criteria . . .'' Air quality criteria are intended to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air . . .'' 42 U.S.C. 7408(b). Under section 109 (42 U.S.C. 7409), the EPA establishes primary (health-based) and secondary (welfare-based) NAAQS for pollutants for which air quality criteria are issued. Section 109(d) requires periodic review and, if appropriate, revision of existing air quality criteria. The EPA is also required to periodically review and, if appropriate, revise the NAAQS based on the revised criteria. Section 109(d)(2) requires that an independent scientific review committee ''shall complete a review of the criteria . . . and the national primary and secondary ambient air quality standards . . . and shall recommend to the Administrator any new . . . standards and revisions of existing criteria and standards as may be appropriate. . . .'' Since the early 1980's, this independent review function has been performed by the Clean Air Scientific Advisory Committee (CASAC).

Presently, the EPA is reviewing the primary NAAQS for SO_2.[1] The draft document, announced today, has been developed as part of the planning phase for the review. This phase began with a science policy workshop to identify issues and questions to frame the review.[2] Drawing from the workshop discussions, the draft IRP has been prepared jointly by EPA's National Center for Environmental Assessment, within the Office of Research and Development, and EPA's Office of Air Quality Planning and Standards, within the Office of Air and Radiation. The draft IRP presents the current plan and specifies the schedule for the entire review, the process for conducting the review, and the key policy-relevant science issues that will guide the review. This document will be available on the EPA's Technology Transfer Network (TTN) Web site at *http://www.epa.gov/ttn/naaqs/standards/so2/s_so2_index.htmlhttp://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html*, accessible in the ''Documents from Current Review'' section under ''Planning Documents.''

The draft IRP is being made available for CASAC review and for public comment. Comments should be submitted to the docket, as described above, by April 17, 2014. Information about the CASAC review meeting on this planning document, including the dates and location, will be published as a separate notice in the **Federal Register**. The final IRP will be prepared after considering comments from CASAC and the public. This draft document does not represent and should not be construed to represent any final EPA policy, viewpoint or determination.

Dated: March 6, 2014.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2014–05381 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

[1] The EPA's call for information for this review was issued on May 10, 2013 (78 FR 27387).

[2] The EPA held a workshop titled, ''Kickoff Workshop to Inform EPA's Review of the Primary SO_2 NAAQS'' on June 12–13, 2013 (78 FR 27387).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–1017; FRL–9905–45]

Product Cancellation Order for Certain Pesticide Registrations; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of August 21, 2013, and October 30, 2013, concerning receipt of requests to voluntarily cancel certain pesticide registrations and its follow-up product cancellation order, respectively. In both notices, EPA inadvertently listed the pesticide product Paraquat Dichloride Technical (EPA Reg. No. 083558–00005). The registrant did not request voluntary cancellation for this product. Therefore, EPA is not cancelling the pesticide product Paraquat Dichloride Technical (EPA Reg. No. 083558–00005). This document removes the cancellation order for Paraquat Dichloride Technical (EPA Reg. No. 083558–00005) listed in both the August 21, 2013, and October 30, 2013, **Federal Register** notices.

FOR FURTHER INFORMATION CONTACT: John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the **Federal Register** notices of August 21, 2013 (78 FR 51721) (FRL 9396–5) and October 30, 2013 (78 FR 64938) (FRL–9403–2) a list of those who may be potentially affected by this action.

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–2009–1017, 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. What does this correction do?

EPA issued a notice in the **Federal Register** of August 21, 2013, and October 30, 2013, concerning receipt of requests to voluntarily cancel certain pesticide registrations and its follow-up product cancellation order, respectively. In both notices, EPA inadvertently listed the pesticide product Paraquat Dichloride Technical (EPA Reg. No. 083558–00005). The registrant did not request voluntary cancellation for this product and this document corrects the inclusion of this product registration for voluntary cancellation. Therefore, EPA is not cancelling the pesticide product Paraquat Dichloride Technical (EPA Reg. No. 083558–00005). This document removes the cancellation order for Paraquat Dichloride Technical (EPA Reg. No. 083558–00005) listed in both the August 21, 2013, and October 30, 2013, **Federal Register** notices.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 5, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–05390 Filed 3–11–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 12, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0095.

Title: Multi-Channel Video Programming Distributors Annual Employment Report, FCC Form 395–A.

Form Number: FCC Form 395–A

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions.

Number of Respondents and Responses: 2,500 respondents; 2,500 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Recordkeeping requirement and annual reporting requirement.

Total Annual Burden: 2,500 hours.

Total Annual Cost: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority is contained in Sections 154 and 634 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: FCC Form 395–A, ''The Multi-Channel Video Programming Distributor Annual Employment Report,'' is a data

collection device used to assess industry employment trends and provide reports to Congress. The report identifies employees by gender and race/ethnicity in sixteen job categories. FCC Form 395–A contains a grid which collects data on full and part-time employees and requests a list of employees by job title, indicating the job category and full or part-time status of the position. Every cable entity with 6 or more full-time employees and all Satellite Master Antenna Television Systems (SMATV) serving 50 or more subscribers and having 6 or more full-time employees must complete Form 395–A in its entirety and file it by September 30 each year. However, cable entities with 5 or fewer full-time employees are not required to file but if they do, they need to complete and file only Sections I, II and VIII of the FCC Form 395–A, and thereafter need not file again unless their employment increases.

OMB Control Number: 3060–0176.

Title: Section 73.1510, Experimental Authorizations.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents and Responses: 230 respondents; 230 responses.

Estimated Time per Response: 2.25–5.25 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 983 hours.

Total Annual Costs: $231,250.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: 47 CFR 73.1510 requires that a licensee of an AM, FM, and TV broadcast station to file an informal application with the FCC to request an experimental authorization to conduct technical experimentation directed toward improvement of the technical phases of operation and service. This request shall describe the nature and purpose of experimentation to be conducted, the nature of the experimental signal transmission, and the proposed hours and duration of the experimentation. The data are used by FCC staff to maintain complete technical information about a broadcast station and to ensure that such experimentation does not cause interference to other broadcast stations.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–05394 Filed 3–11–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 12, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0652.

Title: Section 76.309, Customer Service Obligations; Section 76.1602, Customer Service-General Information, Section 76.1603, Customer Service-Rate and Service Changes and Section 76.1619, Information and Subscriber Bills.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 8,260 respondents; 1,117,540 responses.

Estimated Time per Response: 0.0167 to 1 hour.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 4(i) and 632 of the Communications Act of 1934, as amended.

Total Annual Burden: 50,090 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Commission released on October 14, 2010, a Third Report and Order and Order on Reconsideration, FCC 10–181, CS Docket 97–80 and PP Docket 00–67, modifying the Commission's rules to implement Section 629 of the Communications Act (Section 304 of the Telecommunications Act of 1996). Section 629 of the Communications Act directs the Commission to adopt rules to assure the commercial availability of ''navigation devices,'' such as cable set-top boxes. One rule modification in the Third Report and Order and Order on Reconsideration is intended to prohibit price discrimination against retail devices. This modification requires cable operators to disclose annually the fees for rental of navigation devices and single and additional CableCARDs as well as the fees reasonably allocable to the rental of single and additional CableCARDs and the rental of operator-supplied navigation devices if those devices are included in the price of a bundled offer.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–05393 Filed 3–11–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 12, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–XXXX.

Title: Improving 9–1–1 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies.

Form Number: N/A (annual on-line certification).

Type of Review: New information collection.

Respondents: Business or for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 1,000 respondents, 1,000 responses.

Estimated Time per Response: Varies by respondent. Average of 170 hours per annual certification.

Total Annual Burden: 169,982 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Mandatory. The statutory authority for the collection of this information is contained in sections 1, 4(i), 4(j), 4(o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 316, 332, 403, 615a–1, and 615c of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j) & (o), 201(b), 214(d), 218, 251(e)(3),301, 303(b), 303(g), 303(r), 307, 309(a), 316, 332, 403, 615a–1, and 615c.

Total Annual Cost: $0.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission does not consider the fact of filing a certification to be confidential or the responses provided on the face of the certification. The Commission will treat as presumptively confidential and exempt from routine public disclosure under the federal Freedom of Information Act: (1) Descriptions and documentation of alternative measures to mitigate the risks of nonconformance with certification standards; (2) information detailing specific corrective actions taken; and (3) supplemental information requested by the Commission or Bureau with respect to a certification.

Needs and Uses: This information collection is necessary to ensure that all Americans have access to reliable and resilient 911 communications, particularly in times of emergency, by requiring certain 911 service providers to certify implementation of key best practices or reasonable alternative measures. The information will be collected in the form of an electronically-filed, annual certification from each Covered 911 Service Provider, as defined in the Commission's *Report and Order,* FCC 13–158,, in which the provider will indicate whether it has implemented certain industry-backed best practices. Providers that are able to respond in the affirmative to all elements of the certification will be deemed to satisfy the ''reasonable measures'' requirement in Section 12.4(b) of the Commission's rules. If a provider does not certify in the affirmative with respect to one or more elements of the certification, it must provide a brief explanation of what alternative measures it has taken, in light of the provider's particular facts and circumstances, to ensure reliable 911 service with respect to that element(s). Similarly, a service provider may also respond by demonstrating that a particular certification element is not applicable to its networks and must include a brief explanation of why the element(s) does not apply.

The information will be collected by the Public Safety and Homeland Security Bureau, FCC, for review and analysis, to verify that Covered 911 Service Providers are taking reasonable measures to maintain reliable 911 service. In certain cases, based on the information included in the certifications and subsequent coordination with the provider, the Commission may require remedial action to correct vulnerabilities in a service provider's 911 network if it determines that (a) the service provider has not, in fact, adhered to the best practices incorporated in the FCC's rules, or (b) in the case of providers employing alternative measures, that those measures were not reasonably sufficient to mitigate the associated risks of failure in these key areas. The Commission delegated authority to the Bureau to review certification information and follow up with service providers as appropriate to address deficiencies revealed by the certification process.

The purpose of the collection of this information is to verify that Covered 911 Service Providers are taking reasonable measures such that their networks comply with accepted best practices, and that, in the event they are not able to certify adherence to specific best practices, that they are taking reasonable alternative measures. The Commission adopted these rules in light of widespread 911 outages during the June 2012 derecho storm in the Midwest and Mid-Atlantic states, which revealed that multiple service providers did not take adequate precautions to maintain reliable service.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–05395 Filed 3–11–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 010979–059.

Title: Caribbean Shipowners Association.

Parties: CMA CGM, S.A.; Crowley Caribbean Services LLC; Hybur Ltd.; King Ocean Services Limited; Seaboard Marine, Ltd.; Seafreight Line, Ltd.; Tropical Shipping and Construction Company Limited; U.S. Lines Limited; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor, 1627 I Street NW.; Washington, DC 20006.

Synopsis: The amendment would add Belize to the geographic scope of the agreement.

Agreement No.: 012250.

Title: LGL/APL Space Charter and Cooperative Working Agreement.

Parties: Liberty Global Logistics LLC and American President Lines Ltd.

Filing Party: Brooke F. Shapiro; Winston & Strawn LLP; 200 Park Avenue; New York, NY 10166.

Synopsis: The agreement authorizes LGL and APL to discuss areas of potential cooperation and possibly engage in the purchasing of space on vessels operated by one another in the trade from U.S. East and Gulf Coasts to European ports, Baltic ports, Arabian Sea, Red Sea, Persian Gulf and Middle East, India and Pakistan, and Oceania ports.

Agreement No.: 012251.

Title: LGL/Hyundai Glovis Space Charter Agreement.

Parties: Liberty Global Logistics LLC and Hyndai Glovis Co. Ltd.

Filing Party: Brooke F. Shapiro; Winston & Strawn LLP; 200 Park Avenue; New York, NY 10166.

Synopsis: The agreement authorizes LGL and Hyundai Glovis to consult and agree upon the sale of space to each other on an ad hoc basis in the trade from the Republic of Korea to the U.S. Atlantic Coast of the United States.

By Order of the Federal Maritime Commission.

Dated: March 7, 2014.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–05423 Filed 3–11–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission (''Commission'' or ''FTC'').

ACTION: Notice.

SUMMARY: The FTC is seeking public comments on its proposal to extend through May 31, 2017, the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in the Fuel Rating Rule (''Rule''), which will expire on May 31, 2014. DATES: Comments must be filed by May 12, 2014.

ADDRESSES: Interested parties may submit written comments electronically or in paper form by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Fuel Rating Rule PRA Comment, FTC File No. P144200 on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/fuelratingpra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113, 600 Pennsylvania Avenue NW., Washington, DC 20580, in the manner detailed in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Miriam Lederer, Attorney, Division of Enforcement, Federal Trade Commission, Room M–8102B, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–2975.

SUPPLEMENTARY INFORMATION: The Fuel Rating Rule, 16 CFR part 306 (OMB Control Number: 3084–0068), establishes standard procedures for determining, certifying, and disclosing the octane rating of automotive gasoline and the automotive fuel rating of alternative liquid automotive fuels, as required by the Petroleum Marketing Practices Act. 15 U.S.C. 2822(a)[1](c). The Rule also requires refiners, producers, importers, distributors, and retailers to retain records showing how the ratings were determined, including delivery tickets or letters of certification.

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the regulations noted herein.

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure and recordkeeping requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (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. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before May 12, 2014.

Estimated annual hours burden [1] 33,700 total burden hours (13,750 recordkeeping hours + 19,950 disclosure hours).

[1] Under the Fuel Rating Rule, refiners, producers, importers, distributors, and retailers of automotive fuel must retain, for one year, records of any delivery tickets, letters of certification, or tests upon which they based the automotive fuel ratings that they certify or post. *See* the Fuel Rating Rule's recordkeeping requirements, 16 CFR 306.7; 306.9; and 306.11. The term automotive fuel includes gasoline and alternative liquid automotive fuels. 16 CFR 306.0 (i). Therefore, staff derived the number of fuel industry members by adding up the number of refiners, producers, importers, distributors, and retailers of these types of fuel. Staff consulted government agencies and industry sources in estimating a population of approximately 165,000 fuel industry members, including 159,597 retailers of automotive fuel. Some of the government Web sites reviewed to update these numbers include: *http://www.eia.gov/dnav/pet/pet_pnp_cap1_dcu_nus_a.htm* (Gasoline Producers); *http://www.eia.gov/petroleum/ethanolcapacity/* (Ethanol Producers); *http://www.eia.gov/biofuels/biodiesel/production/* (Biodiesel Producers); *http://www.afdc.energy.gov/fuels/* (Alternative Fuel Stations); *http://www.nacsonline.com/YourBusiness/FuelsReports/GasPrices_2014/Documents/2014NACSFuelsReport_full.pdf* (Petroleum Stations).

Recordkeeping: Based on industry sources, staff estimates that 165,000 fuel industry members each incur an average annual burden of approximately five minutes to ensure retention of relevant business records for the period required by the Rule,[2] resulting in a total of 13,750 hours.

Disclosure: Staff estimates that affected industry members incur an average burden of approximately one hour to produce, distribute, and post octane rating labels. Because the labels are durable, only about one of every eight industry member retailers (19,950 of 159,597 industry member retailers) incur this burden each year, resulting in a total annual burden of 19,950 hours.

Estimated annual labor costs: $364,207.

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. Here, the average hourly wages of producers, distributors, and importers is $30.56.[3] The average hourly wages of retailers is $10.54.[4] The recordkeeping component is approximately 450 hours for producers, distributors, and importers and 13,300 hours for retailers. Thus, the total recordkeeping component has a combined annual labor cost of $153,934 ((450 hours × $30.56) + (13,300 hours × $10.54)). The disclosure component is approximately 19,950 hours for retailers, therefore, the total disclosure component has an annual labor cost of $210,273.

Estimated annual non-labor costs: $39,000.

Staff believes that the Rule does not impose any capital costs for producers, importers, or distributors of fuels. Retailers, however, incur the cost of procuring and replacing fuel dispenser labels to comply with the Rule. Staff conservatively estimates that the price per automotive fuel label is two dollars and that the average automotive fuel retailer has six dispensers.[5] In addition, staff has previously estimated the useful life of dispenser labels to range from 6 to 10 years. Applying 8 years, the mean of that range, and distributing the costs on a per-year basis, staff estimates the total annual replacement labeling cost to be $39,899 (159,597 retailers × 1/8 × $2.00).

Request for Comment: You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before May 12, 2014. Write ''Fuel Rating Rule PRA Comment, FTC File No. P144200 on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[6] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/fuelratingpra*, by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Fuel Rating Rule PRA Comment, FTC File No. P144200 on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 12, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2014–05403 Filed 3–11–14; 8:45 am]

BILLING CODE 6750–01–P

[2] Under the Fuel Rating Rule, refiners, producers, importers, distributors, and retailers of automotive fuel must retain, for one year, records of any delivery tickets, letters of certification, or tests upon which they based the automotive fuel ratings that they certify or post. *See* the Fuel Rating Rule's recordkeeping requirements, 16 CFR 306.7; 306.9; and 306.11. The term automotive fuel includes gasoline and alternative liquid automotive fuels. 16 CFR 306.0 (i). Staff derived the number of fuel industry members by adding the number of refiners, producers, importers, distributors, and retailers of these types of fuel. Staff consulted government agencies and industry sources in estimating a population of approximately 165,000 fuel industry members, including 159,597 retailers of automotive fuel. Some of the government Web sites reviewed to update these numbers include: *http://www.eia.gov/dnav/pet/pet_pnp_cap1_dcu_nus_a.htm* (Gasoline Producers); *http://www.eia.gov/petroleum/ethanolcapacity/* (Ethanol Producers); *http://www.eia.gov/biofuels/biodiesel/production/* (Biodiesel Producers); *http://www.afdc.energy.gov/fuels/* (Alternative Fuel Stations); *http://www.nacsonline.com/YourBusiness/FuelsReports/GasPrices_2014/Documents/2014NACSFuelsReport_full.pdf* (Petroleum Stations).

[3] *See http://www.bls.gov/iag/tgs/iag211.htm#earnings* (Bureau of Labor Statistics, December 2013 Current Employment Statistics, Average Hourly Earnings for Oil and Gas Extraction Production and Nonsupervisory Employees).

[4] *See http://www.bls.gov/iag/tgs/iag447.htm* (Bureau of Labor Statistics, December 2013 Current Employment Statistics, Average Hourly Earnings for Gasoline Station Production and Nonsupervisory Employees).

[5] *See* 75 FR 12,470, 12,477 (Mar. 16, 2010) (proposed rulemaking) (estimating the price range per pump to be one to two dollars).

[6] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

GENERAL SERVICES ADMINISTRATION

[Notice-OMA–2014–01; Docket No. 2014–0002; Sequence 8]

Joint Working Group on Improving Cybersecurity and Resilience Through Acquisition

AGENCY: Office of Mission Assurance, U.S. General Services Administration (GSA).

ACTION: Notice with a Request for Comments.

SUMMARY: On February 12, 2013, the President issued an Executive Order for Improving Critical Infrastructure Cybersecurity (Executive Order 13636). In accordance with Section 8(e) of Executive Order 13636, the General Services Administration (GSA) and the Department of Defense (DOD) submitted recommendations on the feasibility, security benefits, and relative merits of incorporating security standards into acquisition planning and contract administration and addressing what steps can be taken to harmonize, and make consistent, existing procurement requirements related to cybersecurity. On January 23, 2014, the GSA and DOD posted the Final Report of the Joint Working Group on Improving Cybersecurity and Resilience through Acquisition on the DOD and GSA Web sites. The report makes six (6) recommendations to improve cybersecurity and resilience in Federal acquisitions. This Request for Comments is being published to obtain stakeholder input on how to implement the report's recommendations.

DATES: *Effective date:* Submit comments on or before April 28, 2014.

ADDRESSES: Submit comments in response to Notice-OMA–2014–01 by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching for ''Notice-OMA–2014–01''. Select the link ''Submit a Comment'' that corresponds with ''Notice-OMA–2014–01''. Follow the instructions on the screen. Please include your name, company name (if any), and ''Notice-OMA–2014–01'' on your attached document.

- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite ''Notice-OMA–2014–01'', in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Emile Monette, U.S. General Services Administration, at *emile.monette@gsa.gov* or 703–615–1734.

SUPPLEMENTARY INFORMATION:

A. Background

The Final Report of the Joint Working Group on Improving Cybersecurity and Resilience through Acquisition makes six (6) recommendations to improve cybersecurity and resilience in Federal acquisitions. Public input received during the drafting of the report was highly valuable to the Joint Working Group, and the input received significantly shaped the final recommendations. Similarly, public input is critically important during implementation of the recommendations. Therefore, in order to obtain broad stakeholder involvement, the GSA and DOD are publishing this Request for Comments seeking information that can be used in implementing the recommendations.

The agencies are seeking comment on a draft implementation plan and associated questions, which can be accessed at *http://www.gsa.gov/portal/content/176547.*

Dated: March 6, 2014.

Robert Carter,

Acting Associate Administrator, Office of Mission Assurance.

[FR Doc. 2014–05413 Filed 3–11–14; 8:45 am]

BILLING CODE 4702–62–P

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer will meet (due to the Government shutdown in October the meeting has been rescheduled) on Wednesday, April 30, 2014, through Friday, May 2, 2014, from 8:30 a.m. to 5:30 p.m., in Washington, DC. The meeting will be held at the U.S. Government Printing Office, located at 732 North Capitol Street NW., Washington, DC. The purpose of this meeting is to discuss the Federal Depository Library Program. All sessions are open to the public. The U.S. Government Printing Office is in compliance with the requirements of Title III of the Americans With Disabilities Act and meets all Fire Safety Act regulations.

Davita Vance-Cooks,

Public Printer of the United States.

[FR Doc. 2014–05367 Filed 3–11–14; 8:45 am]

BILLING CODE 1520–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–20987–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for a new collection. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before April 11, 2014.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the Information Collection Request Title and document identifier HHS–OS–20987–30D for reference.

Information Collection Request Title: Pre-Test of Instruments of Psychosocial Care for the Treatment of Adults with PTSD.

Abstract: ASPE is requesting to pretest a survey that measures quality of psychotherapy for adults with Post Traumatic Stress Disorder (PTSD) in outpatient treatment settings, defined in terms of the concordance with evidence-based strategies. Despite enormous expenditures and remarkable breakthroughs in treatment, there is a clear gap between what is known about effective treatments for individuals

diagnosed with Post Traumatic Stress Disorder (PTSD) and what clinicians actually implement in treatment settings. A quality improvement initiative that measures clinicians' use of evidence based treatment and promotes feedback to providers from the consumers' perspective may enhance the adoption of evidence based services. This could ultimately improve the quality of care and consumer health outcomes.

Need and Proposed Use of the Information: Quality measures of the treatment of PTSD in concordance with evidence-based methods do not currently exist and could be used to reduce this gap. ASPE, in partnership with NIMH, has undertaken this project to pretest 3 surveys (a clinician, clinical supervisor, and consumer measure) of the delivery of evidence based psychotherapies to adults with PTSD. The current data collection is scheduled to occur only once, over a 6 month time period in summer 2014 through the winter of 2014 at a total of 6 behavioral health care sites.

Likely Respondents: Respondents are clinicians, clinician's supervisors and consumers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Clinician (demographics questionnaire)	36	1	5/60	3
Clinician Supervisor (demographics questionnaire)	6	1	5/60	1
Clinician (clinician survey)	36	3	10/60	18
Clinician Supervisor (survey)	6	18	10/60	18
Consumer	108	1	10/60	18
Site Coordinator (Checklist)	6	1	30/60	3
Site Coordinator (Sampling)	6	1	2	12
Total				73

Darius Taylor,

Deputy, Information Collection Clearance Officer.

[FR Doc. 2014–05285 Filed 3–11–14; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–21544–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Assistant Secretary for Health, Office of Adolescent Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 12, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–21544–60D for reference.

Information Collection Request Title: Cost Study of Evidence-Based Teen Pregnancy Prevention Programs.

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a new collection. The proposed study will provide information on the cost and economic impact of selected evidence-based teen pregnancy prevention programs. This proposed information collection activity includes collecting information on (a) program costs and (b) program impacts from a subset of OAH TPP Program grantees.

Need and Proposed Use of the Information: A *cost tool* will collect comprehensive information on the cost of implementing of each selected program. An *implementation tool* will collect and summarize information on the characteristics of participating grantees. A *staff time use survey* will collect information on how program staff allocate their time across program activities. An *economic evaluation form* will collect information on program impact findings needed to assess the cost-effectiveness and benefit-cost of selected programs.

Likely Respondents: A subset of up to 30 OAH TPP Program grantees will be asked to participate in the cost analysis. Of these 30 grantees, up to 15 will also be asked to participate in the economic evaluation. Study respondents will include the grant administrator or fiscal agent, the grantee's evaluator, and program staff.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information.

The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Cost Tool	30	1	8	240
Implementation Tool	30	1	1	30
Staff Time Use Survey	600	2	20/60	400
Economic Evaluation Form	15	1	3	45
Total				715

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Deputy, Information Collection Clearance Officer.

[FR Doc. 2014–05286 Filed 3–11–14; 8:45 am]

BILLING CODE 4150–30–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ).

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, April 4, 2014, from 8:30 a.m. to 3:30 p.m.

ADDRESSES: The meeting will be held at the Eisenberg Conference Center, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850, (301) 427–1456. For press-related information, please contact Alison Hunt at (301) 427–1244.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Friday, March 21, 2014. The agenda, roster, and minutes are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850. Ms. Campbell's phone number is (301) 427–1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships.

The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Friday, April 4, 2014, there will be a subcommittee meeting for the National Healthcare Quality and Disparities Report scheduled to begin at 7:30 a.m. The subcommittee meeting is open the public. The Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes. The meeting is open to the public. The meeting will begin with the AHRQ Director presenting an update on current research, programs, and initiatives. Following the Director's Update, the agenda will include an update from the subcommittee on Strategic Direction, an update on Health Insurance Coverage Expansion and a discussion on Delivery System Reform. The final agenda will be available on the AHRQ Web site at *www.AHRQ.gov* no later than Friday, March 28, 2014.

Dated: February 26, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–05353 Filed 3–11–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Solicitation for Nominations for Members of the U.S. Preventive Services Task Force (USPSTF)

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Solicits nominations for new members of USPSTF.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) invites nominations of individuals qualified to serve as members of the U.S. Preventive Services Task Force (USPSTF).

DATES: All nominations submitted in writing or electronically will be considered for appointment to the USPSTF. Nominations must be received by May 15th of a given year to be

considered for appointment to begin in January of the following year.

Arrangement for Public Inspection

Nominations and applications are kept on file at the Center for Primary Care, Prevention, and Clinical Partnerships, AHRQ, and are available for review during business hours. AHRQ does not reply to individual nominations, but considers all nominations in selecting members. Information regarded as private and personal, such as a nominee's social security number, home and email addresses, home telephone and fax numbers, or names of family members will not be disclosed to the public (in accord with the Freedom of Information Act, 5 U.S.C. 552(b)(6); 45 CFR 5.67).

Nomination Submissions

Nominations may be submitted in writing or electronically, but should include:

1. The applicant's current curriculum vitae and contact information, including mailing address, email address, and telephone number, and

2. A letter explaining how this individual meets the qualification requirements and how he/she would contribute to the USPSTF. The letter should also attest to the nominee's willingness to serve as a member of the USPSTF.

AHRQ will later ask persons under serious consideration for USPSTF membership to provide detailed information that will permit evaluation of possible significant conflicts of interest. Such information will concern matters such as financial holdings, consultancies, and research grants or contracts.

To obtain a diversity of perspectives, AHRQ particularly encourages nominations of women, members of minority populations, and persons with disabilities. Interested individuals can self-nominate. Organizations and individuals may nominate one or more persons qualified for membership on the USPSTF at any time. Individuals nominated prior to May 15, 2013, who continue to have interest in serving on the USPSTF, should be re-nominated.

Qualification Requirements

To qualify for the USPSTF and support its mission, an applicant or nominee should, at a minimum, demonstrate knowledge, expertise and national leadership in the following areas:

1. The critical evaluation of research published in peer reviewed literature and in the methods of evidence review;

2. Clinical prevention, health promotion and primary health care; and

3. Implementation of evidence-based recommendations in clinical practice including at the clinician-patient level, practice level, and health system level.

Additionally, the Task Force benefits from members with expertise in the following areas:

- Public health
- Health equity and the reduction of health disparities
- Application of science to health policy
- Communication of scientific findings to multiple audiences including health care professionals, policy makers and the general public.

Candidates with experience and skills in any of these areas should highlight them in their nomination materials.

Applicants must have no substantial conflicts of interest, whether financial, professional, or intellectual, that would impair the scientific integrity of the work of the USPSTF and must be willing to complete regular conflict of interest disclosures.

Applicants must have the ability to work collaboratively with a team of diverse professionals who support the mission of the USPSTF. Applicants must have adequate time to contribute substantively to the work products of the USPSTF.

ADDRESSES: Submit your responses either in writing or electronically to: Joya Chowdhury, ATTN: USPSTF Nominations, Center for Primary Care, Prevention, and Clinical Partnerships, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850, *USPSTFmember nominations@ahrq.hhs.gov*.

Nominee Selection

Nominated individuals will be selected for the USPSTF on the basis of their qualifications (in particular, those that address the required qualifications, as outlined) and the current expertise needs of the USPSTF. It is anticipated that new members will be invited to serve on the USPSTF beginning in January, 2015. All nominated individuals will be considered; however, strongest consideration will be given to individuals with demonstrated training and expertise in the area of family medicine. AHRQ will retain and may consider nominations received this year and not selected during this cycle for future vacancies.

Some USPSTF members without primary health care clinical experience may be selected based on their expertise in methodological issues such as meta-analysis, analytic modeling or clinical epidemiology. For individuals with clinical expertise in primary health care, additional qualifications in methodology would enhance their candidacy.

FOR FURTHER INFORMATION CONTACT: Joya Chowdhury at *USPSTFmember nominations@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under Title IX of the Public Health Service Act, AHRQ is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services 42 U.S.C. 299(b). AHRQ accomplishes these goals through scientific research and promotion of improvements in clinical practice, including clinical prevention of diseases and other health conditions. See 42 U.S.C. 299(b).

The USPSTF, an independent body of experts in prevention and evidence-based medicine, works to improve the health of all Americans by making evidence-based recommendations about the effectiveness of clinical preventive services and health promotion. The recommendations made by the USPSTF address clinical preventive services for adults and children, and include screening tests, counseling services, and preventive medications.

The USPSTF was first established in 1984 under the auspices of the U.S. Public Health Service. Currently, the USPSTF is convened by the Director of AHRQ, and AHRQ provides ongoing scientific, administrative, and dissemination support for the USPSTF's operation. USPSTF members serve four year terms. New members are selected each year to replace those members who are completing their appointments.

The USPSTF is charged with rigorously evaluating the effectiveness, appropriateness and cost-effectiveness of clinical preventive services and formulating or updating recommendations regarding the appropriate provision of preventive services. See 42 U.S.C. 299b–4(a)(1). Current USPSTF recommendations and associated evidence reviews are available on the Internet (*www.uspreventiveservicestaskforce.org).*

USPSTF members currently meet three times a year for two days in the Washington, DC area. A significant portion of the USPSTF's work occurs between meetings during conference calls and via email discussions. Member duties include prioritizing topics, designing research plans, reviewing and commenting on systematic evidence reviews of evidence, discussing and making recommendations on preventive services, reviewing stakeholder

comments, drafting final recommendation documents, and participating in workgroups on specific topics and methods. Members can expect to receive frequent emails, can expect to participate in multiple conference calls each month, and can expect to have periodic interaction with stakeholders. AHRQ estimates that members devote approximately 200 hours a year outside of in-person meetings to their USPSTF duties. The members are all volunteers and do not receive any compensation beyond support for travel to in person meetings.

Dated: February 26, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–05354 Filed 3–11–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Scientific Information Request on Radiotherapy Treatments for Head and Neck Cancer

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for scientific information submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public on 3-Dimensionsal Conformal Radiotherapy (3DRT), Intensity-Modulated Radiotherapy (IMRT), Stereotactic Body Radiotherapy (SBRT), and Proton Beam Radiotherapy (PBRT). Scientific information is being solicited to inform our update review of *Radiotherapy Treatments for Head and Neck Cancer,* which is currently being conducted by the Evidence-based Practice Centers for the AHRQ Effective Health Care Program. Access to published and unpublished pertinent scientific information on 3-Dimensionsal Conformal Radiotherapy (3DRT), Intensity-Modulated Radiotherapy (IMRT), Stereotactic Body Radiotherapy (SBRT), and Proton Beam Radiotherapy (PBRT) will improve the quality of this review. AHRQ is conducting this comparative effectiveness review pursuant to Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108–173, and Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

DATES: *Submission Deadline* on or before April 11, 2014.

ADDRESSES:

Online submissions: http://effectivehealthcare.AHRQ.gov/index.cfm/submit-scientific-information-packets/. Please select the study for which you are submitting information from the list to upload your documents.

Email submissions: SIPS@epc-src.org.

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Robin Paynter, Research Librarian, Telephone: 503–220–8262 ext. 58652 or Email: *SIPS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Effective Health Care (EHC) Program Evidence-based Practice Centers to complete an updated review of the evidence for *Radiotherapy Treatments for Head and Neck Cancer.*

The EHC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on *Radiotherapy Treatments for Head and Neck Cancer,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *http://effectivehealthcare.AHRQ.gov/ehc/products/569/1852/head-neck-cancer-update-140204.pdf.*

This notice is to notify the public that the EHC program would find the following information on 3-Dimensionsal Conformal Radiotherapy (3DRT), Intensity-Modulated Radiotherapy (IMRT), Stereotactic Body Radiotherapy (SBRT), and Proton Beam Radiotherapy (PBRT) helpful:

- A list of completed studies your company has sponsored for this indication. In the list, *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies your company has sponsored for this indication.* In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your company for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the Effective Health Care Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EHC program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol, is also available online at: *http://effectivehealthcare.AHRQ.gov/ehc/products/569/1852/head-neck-cancer-update-140204.pdf*

Key Questions (KQs)

Key Question 1

What is the comparative effectiveness of 3DRT, IMRT, SBRT, and PBRT regarding adverse events and quality of life (QoL)?

Key Question 2

What is the comparative effectiveness of 3DRT, IMRT, SBRT, and PBRT regarding tumor control and patient survival?

Key Question 3

Are there differences in comparative effectiveness of 3DRT, IMRT, SBRT, and PBRT for specific patient and tumor characteristics?

Key Question 4

Is there variation in comparative effectiveness of 3DRT, IMRT, SBRT, and PBRT because of differences in user experience, treatment planning, treatment delivery, and target volume delineation?

PICOTS (Population, Intervention, Comparator(s), Outcomes, Timing, Setting)

Identify for each key question:

Population(s)

KQs 1–4: Populations of interest include patients with head and neck cancer. To define what constitutes head and neck cancer, we consulted clinical resources such as the National Cancer Institute's Physician Data Query (PDQ) Cancer Information Summary and the National Comprehensive Cancer Network. The consensus definition of head and neck cancer includes tumors of:

1. larynx
2. pharynx (hypopharynx, oropharyx and nasopharynx)
3. lip and oral cavity
4. paranasal sinus and nasal cavity
5. salivary gland
6. occult primary of the head and neck

The following tumors are excluded:

1. brain tumors
2. skull base tumors
3. uveal/choroidal melanoma, other ocular and eyelid tumors
4. otologic tumors
5. cutaneous tumors of the head and neck (including melanoma)
6. thyroid cancer
7. parathyroid cancer
8. esophageal cancer
9. trachea tumors

All therapeutic strategies will be included. Radiotherapy (RT) can be delivered as primary (curative) intent therapy or as an adjunct to surgery. Chemotherapy can also be given as an adjunct to radiation therapy, particularly in patients with more advanced cancer (i.e., stages III or IV). We will seek direct evidence for one intervention compared to another, with or without chemotherapy or surgery.

Interventions

The primary interventions of interest in all therapeutic settings are:

1. 3 dimensional conformal radiotherapy (3DRT): Defined as any treatment plan where CT-based forward treatment planning is used to delineate radiation beams and target volumes in three dimensions
2. intensity modulated radiotherapy (IMRT): Defined as any treatment plan where intensity-modulated radiation beams and computerized inverse treatment planning is used
3. stereotactic body radiation therapy (SBRT): Defined as conformal RT (forward or reverse-planned) delivered in 3 to 5 relatively larger doses of ionizing radiation than typically delivered in a standard conformal schedule of 25–35 doses
4. proton beam radiotherapy (PBRT): Defined as any treatment plan where proton beam radiation is used

Interventions may occur as part of a multimodal treatment strategy if the comparisons only differ with respect to the radiation therapy given.

Comparators

All therapies will be compared to each other as part of a continuum of treatment for patients with head and neck cancer. Thus, we will include studies in which a RT method was compared to a different method, for example with or without chemotherapy or surgery. We will include all studies from which we can be reasonably certain additional treatments are contemporary and similar, leaving the major comparison that between RT modalities; those that we cannot ascertain from the publication will be excluded. To ensure chemotherapy or other treatments are similar and contemporary, we will consult accepted guidelines such as those from the National Comprehensive Cancer Network (NCCN) or National Cancer Institute (NCI). We will not extract details on chemotherapy dosages or schedules, but rather will ascertain their degree of general similarity and the proportions of patients who receive and complete such regimens. We will categorize and synthesize evidence according to overall treatment, for example concurrent chemoradiotherapy, or adjuvant radiotherapy, not mixing these in the strength of evidence synthesis.

Outcomes

KQ 1, 3 & 4:

1. Final outcomes: quality of life (QoL) and adverse events including; radiation induced toxicities, xerostomia, mucositis, taste changes, dental problems, and dysphagia.

2. Intermediate outcomes: Salivary flow, probability of completing treatment according to protocol.

We will search for evidence related to user experience, treatment planning, and target volume delineation within the context of KQ4. In the absence of an evidence-base on these measures, these issues will be addressed as appropriate in both the future research needs and discussion sections of the report.

Based on input received from the TEP, any outcomes not adequately addressed in the literature will be stated as evidence gaps for primary research in the future research needs section of the report.

KQ 2, 3 & 4:

1. Final outcomes: Overall survival and cancer specific survival.

2. Intermediate outcomes: Local control, and time to recurrence.

Timing

All durations of follow-up will be considered.

Settings

Inpatient and outpatient.

Dated: March 6, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–05389 Filed 3–11–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day 14–0787]

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

Personal Flotation Devices (PFDs) and Commercial Fishermen: Preconceptions and Evaluation in Actual Use—Reinstatement with Change (0920–0787,

expiration date 8/31/2010)—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH has the responsibility under Public Law 91–596 section 20 (Occupational Safety and Health Act of 1970) to conduct research relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

Commercial fishing is one of the most dangerous occupations in the United States, with a fatality rate 30 times higher than the national average. Most fishermen who die on the job drown subsequent to a vessel sinking (52%) or fall overboard (31%). Because drowning is the leading cause of death for commercial fishermen, its prevention is one of the highest priorities for those who work to make the industry safer.

The risk of drowning for commercial fisherman is high, yet most fishermen do not wear Personal Flotation Devices (PFDs) while on deck. Of the 182 fishermen who died from falls overboard between 2000 and 2011 none of them were wearing a personal flotation device (PFD). Many were within minutes of being rescued when they lost their strength and disappeared under the surface of the water.

NIOSH recently conducted a study to establish a baseline understanding of Alaska fishermen's perceptions of risk, safety attitudes, and beliefs about PFDs; and to evaluate a variety of modern PFDs with commercial fishermen to discover the features and qualities that they like and dislike. Based upon these results, NIOSH developed an intensive risk communication strategy to raise awareness to newer (potentially more satisfactory) PFD models, to address barriers, and to encourage increased PFD use among fishermen working in Alaska.

The purpose of this study is to first, determine if fishermen's perception of risk, safety attitudes, and beliefs about PFDs has shifted or remained the same since the implementation of the initial survey (2008–2009); and second, to evaluate the effectiveness of the NIOSH intensive risk communication intervention.

NIOSH is requesting OMB approval to administer a survey to fishermen operating in Alaska fisheries. This questionnaire will contain questions that measure fishermen's risk perceptions, safety attitudes, and beliefs about PFDs, as well as recognition and influence of NIOSH risk communication activities. The questionnaire will take approximately 20 minutes to complete. Consistent with the previous OMB-approved data collection protocol, the sample size was determined to be 400 total respondents to achieve a 95% confidence level. Two hundred independent respondents will be sampled just prior to the 2014 season and an additional two hundred will be sampled just prior to the 2015 season.

This study has the potential to greatly benefit the fishing industry. As a result of previous research, NIOSH has gained a baseline understanding of fishermen's reasons for not wearing PFDs. With this empirical data at hand, an intensive risk communication intervention has been developed to address fishermen's concerns and remove the barriers that are currently in place.

There are no costs to respondents other than their time. The total estimated annual burden hours are 134.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden (in hrs)
Fishermen	2014 Fishing Season: Fishing for Facts: A survey of fishermen's opinions about the risk of falls overboard and PFDs.	200	1	20/60	67
Fishermen	2015 Fishing Season: Fishing for Facts: A survey of fishermen's opinions about the risk of falls overboard and PFDs.	200	1	20/60	67

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. 2014–05273 Filed 3–11–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Cooperative Research Agreements to the World Trade Center Health Program (U01) PAR 12–126, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Times and Dates:

8:00 a.m.–5:00 p.m., April 1, 2014 (Closed);

8:00 a.m.–12:00 p.m., April 2, 2014 (Closed).

Place: Atlanta Marriott Century Center, 2000 Century Boulevard NE., Atlanta, Georgia 30345, Telephone (404) 325–0000.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Cooperative Research Agreements Related to the World Trade Center Health Program (U01) PAR 12–126.''

Contact Person for More Information: Nina Turner, Ph.D., Scientific Review Officer, CDC/NIOSH, 1095 Willowdale Road, Mailstop G905, Morgantown, West Virginia 26505, Telephone: (304) 285–5975.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of

meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–05378 Filed 3–11–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Request for Nominations of Candidates To Serve on the World Trade Center Health Program Scientific/Technical Advisory Committee (the STAC or the Committee), Centers for Disease Control and Prevention, Department of Health and Human Services

Correction: This notice was originally published in the **Federal Register** on January 30, 2014 Volume 79, Number 20, page 4911. This notice is to announce the extension of submission for potential nominees.

Nominations must be submitted (postmarked or electronically received) by March 31, 2014. Please submit written nominations (one original and two copies) to the following address only: NIOSH Docket 229–B, c/o Zaida Burgos, Committee Management Specialist, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE., MS: E–20, Atlanta, Georgia 30333 or electronic nominations to: *nioshdocket@cdc.gov*. Attachments in Microsoft Word are preferred. Telephone and facsimile submissions cannot be accepted.

For further information, please contact: Paul Middendorf, Senior Health Scientist, 1600 Clifton Rd. NE., MS: E–20, Atlanta, GA 30333; Telephone (404) 498–2500 (this is not a toll-free number); email *pmiddendorf@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2014–05377 Filed 3–11–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3286–FN]

Medicare and Medicaid Programs; Application From the Joint Commission for Continued Approval of Its Home Health Agency (HHA) Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Final Notice.

SUMMARY: This notice announces our decision to approve the Joint Commission for continued recognition as a national accreditation program for Home Health Agencies (HHAs) seeking to participate in the Medicare or Medicaid programs. An HHA that participates in Medicaid must, in accordance with § 440.70(d) meet the Medicare participation requirements, and may demonstrate compliance through deemed status, as provided for under § 488.6(b), with the exception of the capitalization requirements at § 489.28.

DATES: *Effective Date:* This final notice is effective March 31, 2014 through March 31, 2020.

FOR FURTHER INFORMATION CONTACT: Lillian Williams, (410) 786–8636, Patricia Chmielewski, (410) 786–6899, or Monda Shaver, (410) 786–3410.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a HHA provided certain requirements are met. Sections 1861(o) and 1891 of the Social Security Act (the Act), establish distinct criteria for facilities seeking to participate in Medicare as an HHA. Regulations concerning Medicare provider agreements are at part 489 and those pertaining to activities relating to the survey and certification of facilities are at part 488. The regulations at part 484 specify the minimum conditions that a HHA must meet to be certified to participate in the Medicare program.

Generally, to enter into a Medicare agreement, a HHA must first be certified by a state survey agency as complying with the conditions set forth in part 484 of the Medicare regulations. Thereafter, the HHA is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a) of the Act provides that, if an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed all applicable Medicare conditions or requirements, as well as comparable survey procedures, a provider entity accredited under the national accrediting body's approved Medicare accreditation program would be deemed to meet the Medicare conditions or requirements. Accreditation under an approved Medicare accreditation program of an accrediting organization is voluntary and is not required for Medicare participation.

A national accrediting organization applying for approval of its accreditation program in accordance with section 1865(a)(2) and (3) of the Act and our implementing regulations at part 488, subpart A, must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as all of the applicable Medicare conditions or requirements. Our regulations concerning the approval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require accrediting organizations to reapply for continued approval of a Medicare accreditation program every 6 years or sooner, as determined by us.

The Joint Commission's current term of approval for its HHA accreditation program expires March 31, 2014.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; its survey procedures; its ability to provide adequate resources for conducting required surveys and to furnish us information for use in enforcement activities; its monitoring procedures for provider entities found not in compliance with the conditions or requirements; and its ability to provide us with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

III. Proposed Notice

On October 25, 2013, we published a proposed notice (78 FR 63984) announcing the Joint Commission's request for re-approval of its Medicare accreditation program for HHAs. In the proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and our regulations at § 488.4 (Application and reapplication procedures for accreditation organizations), we conducted a review of the Joint Commission's application in accordance with the criteria specified by our regulation, which include, but are not limited to the following:

- An onsite administrative review of the Joint Commission's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its surveyors; (4) ability to investigate and respond appropriately to complaints against accredited facilities; and (5) survey review and decision-making process for accreditation.
- A comparison of the Joint Commission's HHA accreditation standards to our current Medicare HHA conditions of participation.
- A documentation review of the Joint Commission's survey processes to:

++ Determine the composition of the survey team, surveyor qualifications, and the ability of the Joint Commission to provide continuing surveyor training.

++ Compare the Joint Commission's processes to those we require of State survey agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ Evaluate the Joint Commission's procedures for monitoring providers or suppliers found to be out of compliance with the Joint Commission HHA program requirements. The monitoring procedures are required only when the Joint Commission identifies noncompliance. If substantial noncompliance is identified through a state validation survey, the state survey agency monitors corrections as specified at § 488.7(d).

++ Assess the Joint Commission's ability to report deficiencies to the surveyed facility and respond to the facility's plan of correction in a timely manner.

++ Establish the Joint Commission's ability to provide us with electronic data and reports in requested format necessary for effective validation and assessment of the Joint Commission's survey process.

++ Review the Joint Commission's ability to provide adequate funding for performing required surveys.

++ Confirm the Joint Commission's policies with respect to whether surveys are announced or unannounced.

++ Obtain the Joint Commission's agreement to provide us with a copy of the most recent accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the October 25, 2013 proposed notice (78 FR 63984) also solicited public comments regarding whether the Joint Commission's requirements meet or exceed the Medicare conditions of participation for HHAs. We received no public comments in response to our proposed notice.

IV. Provisions of the Final Notice

A. Differences Between the Joint Commission's Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

We compared the standards contained in the Joint Commission's Medicare program accreditation requirements for HHAs and its survey process in the Joint Commission's Application for Renewal of Deeming Authority for HHA Facilities with the Medicare HHA conditions for participation and our State Operations Manual. Our review and evaluation of the Joint Commission's accreditation application, which were conducted as described in section III. of this final notice, yielded the following:

- To meet the requirements at § 484.2, the Joint Commission revised its glossary to include all HHA definitions.
- To meet the requirements at § 484.4(a)(1), the Joint Commission revised it's glossary to include the required qualifications for an Occupational Therapist and Occupational Therapy assistant.
- To meet the requirements at § 484.4, the Joint Commission revised it's glossary to include the required qualifications for a Physical Therapist and Physical Therapy Assistant.
- To meet the requirements at § 484.10, the Joint Commission revised its standards to address the requirement that the HHA protect and promote the exercise of a patient's rights.
- To meet the requirements at § 484.10(b)(5), the Joint Commission revised its standards to address the requirement that the HHA ''must'' investigate complaints.
- To meet the requirements at § 484.10(d), the Joint Commission modified its standards to ensure the patient's right to confidentiality of the medical record.
- To meet the requirements at § 484.10(f), the Joint Commission revised its standards to address the patient's right to use the HHA hotline to lodge complaints concerning the implementation of the advance directives requirements.
- To meet the requirements at § 484.36(c)(1), the Joint Commission revised its policies and procedures to ensure patient care instructions provided to the home health aide are clearly written and do not include the use of visit ranges and other assignments at the discretion of the aide.
- To meet the requirements at § 484.14(b), the Joint Commission revised its standards to address the governing body's responsibility to adopt and periodically review written bylaws or an acceptable equivalent and oversee fiscal affairs.
- To meet the requirements at § 484.16, the Joint Commission modified its standards to require that the group of professional personnel establish and annually review policies governing medical supervision, plans of care, and personnel qualifications.
- To meet the requirements at § 484.18, the Joint Commission revised its standards to require the plan of care be established by a doctor of medicine, osteopathy, or podiatric medicine.
- To meet the requirements at § 484.18(c), the Joint Commission revised its standards to require ''an assessment for contraindications'' be conducted prior to administration of drugs and treatment.
- To meet the requirements at § 484.32(a), the Joint Commission revised its standards to address the requirement that a physical therapy assistant or occupational therapy assistant can perform services planned, delegated, and supervised by the therapist.
- To meet the requirements at § 484.36, the Joint Commission modified its standards to ensure the home health aide's competence in providing care.
- To meet the requirements at § 484.36(a)(2)(i)(B), the Joint Commission revised its standards to

include a reference to the personnel qualifications at § 484.4.

• To meet the requirements at § 484.38, the Joint Commission revised its standards to address the additional health and safety requirements set forth in § 485.711, § 485.713, § 485.715, § 485.719, § 485.723, and § 485.727 of the Code of Federal Regulations (CFR) to implement section 1861(p) of the Act.

• To meet the requirements at § 484.48(b), the Joint Commission revised its standards to ensure clinical record information is ''safeguarded against loss.''

• To meet the requirements at § 484.52, the Joint Commission revised its standards to ensure the HHA's required annual self-evaluation assess the extent to which the agency's program is appropriate, adequate, effective and efficient.

• To meet the requirements at § 484.52(b), the Joint Commission revised its standards to ensure the HHA include appropriate health professionals that represent ''the scope of the program'' in the required quarterly internal HHA review of a sample of clinical records.

• To meet the requirements at § 488.4(b)(3)(iii) and § 488.8(d)(1), the Joint Commission revised its policies to ensure that CMS is notified in advance of any proposed changes in its approved Medicare HHA accreditation program.

• To meet the requirements of the Joint Commission's Appendix L ''Addendum for Home Health Deemed Status Surveys'', the Joint Commission modified its policy to ensure surveyors conduct the required number of case reviews that include observing home visits.

• The Joint Commission amended its policy to clearly state that follow-up surveys following identification of condition-level non-compliance are conducted within 45 ''calendar'' days of the survey end date.

• During the review of the Joint Commission's application, CMS issued notice to the Joint Commission with respect to all of its CMS-approved Medicare accreditation programs, in connection with its citation practices and its use of standards that are frequency-based and require a minimum frequency of observations of deficient practices before a citation will be made, so-called ''C- weighted'' standards. Due to the fact that this letter was released late in the review of the Joint Commission's current HHA application, there was not sufficient time for the Joint Commission to fully implement and provide evidence of sustained compliance with the provisions of this notice. To verify compliance in this area, CMS will conduct a follow-up survey observation and corporate onsite within one year of the date of publication of this notice.

B. Term of Approval

Based on the review and observations described in section III. of this final notice, we have determined that the Joint Commission's requirements for HHAs meet or exceed our requirements. Therefore, we approve the Joint Commission as a national accreditation organization for HHAs that request participation in the Medicare program, effective March 31, 2014 through March 31, 2020.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Dated: March 6, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–05328 Filed 3–11–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Employee Benefits Security Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9942–NC]

Request for Information Regarding Provider Non-Discrimination

AGENCY: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Request for information.

SUMMARY: This document is a request for information regarding provider non-discrimination. The Departments of Labor, Health and Human Services (HHS), and the Treasury (collectively, the Departments) invite public comments via this request for information.

DATES: Comments must be submitted on or before June 10, 2014.

ADDRESSES: Written comments may be submitted to HHS. Any comment that is submitted will be shared with the other Departments. Please do not submit duplicates. All comments will be made available to the public. Warning: Please do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are posted on the Internet exactly as received and can be retrieved by most Internet search engines. No deletions, modifications, or redactions will be made to the comments received, as they are public records. Comments may be submitted anonymously.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9942–NC, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9942–NC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments only to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available

for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period. For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Beth Baum or Amy Turner, Employee Benefits Security Administration, Department of Labor, at (202) 693–8335; Karen Levin, Internal Revenue Service, Department of the Treasury, at (202) 317–6846; Cam Moultrie Clemmons, Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, at (410) 786–1565.

Customer Service Information: Individuals interested in obtaining information from the Department of Labor concerning employment-based health coverage laws may call the EBSA Toll-Free Hotline at 1–866–444–EBSA (3272) or visit the Department of Labor's Web site (*http://www.dol.gov/ebsa*). In addition, information from HHS on private health insurance for consumers can be found on the CMS Web site (*www.cciio.cms.gov*), and information on health reform can be found at *http://www.HealthCare.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 2706(a) of the Public Health Service Act (PHS Act),[1] as added by section 1201 of the Affordable Care Act, states that a ''group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable state law.'' Section 2706(a) of the PHS Act does not require ''that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer,'' and nothing in section 2706(a) of the PHS Act prevents ''a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures.''

On April 29, 2013, the Departments issued a Frequently Asked Question (FAQ),[2] that states that section 2706(a) of the PHS Act is applicable to non-grandfathered group health plans and health insurance issuers offering group or individual coverage for plan years (in the individual market, policy years) beginning on or after January 1, 2014 and stated that until further guidance is issued, plans and issuers are expected to implement the requirements of section 2706(a) of the PHS Act using a good faith, reasonable interpretation of the law. The FAQ states that, for this purpose, to the extent an item or service is a covered benefit under the plan or coverage, and consistent with reasonable medical management techniques specified under the plan with respect to the frequency, method, treatment or setting for an item or service, a plan or issuer shall not discriminate based on a provider's license or certification, to the extent the provider is acting within the scope of the provider's license or certification under applicable state law. The FAQ also states that section 2706(a) of the PHS Act does not require plans or issuers to accept all types of providers into a network and also does not govern provider reimbursement rates, which may be subject to quality, performance, or market standards and considerations.

The Senate Committee on Appropriations Report dated July 11, 2013 (to accompany S. 1284)[3] states that section 2706 of the PHS Act ''prohibits certain types of health plans and issuers from discriminating against any healthcare provider who is acting within the scope of that provider's license or certification under applicable State law, when determining networks of care eligible for reimbursement. The goal of this provision is to ensure that patients have the right to access covered health services from the full range of providers licensed and certified in their State. The Committee is therefore concerned that the FAQ document issued by HHS, DOL and the Department of Treasury on April 29, 2013, advises insurers that this nondiscrimination provision allows them to exclude from participation whole categories of providers operating under a State license or certification. In addition, the FAQ advises insurers that section 2706 allows discrimination in the reimbursement rates based on broad 'market considerations' rather than the more limited exception cited in the law for performance and quality measures. Section 2706 was intended to prohibit exactly these types of discrimination. The Committee believes that insurers should be made aware of their obligation under section 2706 before their health plans begin operating in 2014. The Committee directs HHS to work DOL and the Department of Treasury to correct the FAQ to reflect the law and congressional intent within 30 days of enactment of this act.''[4]

II. Solicitation of Comments

Pursuant to this report, the Departments are requesting comments on all aspects of the interpretation of section 2706(a) of the PHS Act. This includes but is not limited to comments on access, costs, other federal and state laws, and feasibility.

Signed at Washington, DC, this 6th day of March, 2014.

Victoria A. Judson,

Division Counsel/Associate Chief Counsel, Tax Exempt and Government Entities, Internal Revenue Service, Department of the Treasury.

Signed at Washington, DC, this 6th day of March, 2014.

George H. Bostick,

Benefits Tax Counsel, Department of the Treasury.

Signed this 5th day of March 2014.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

Dated: March 6, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Dated: March 6, 2014.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–05348 Filed 3–7–14; 4:15 pm]

BILLING CODE 4510–29–P

[1] PHS Act section 2706(a) also is incorporated into section 715(a)(1) of the Employee Retiree Income Security Act (ERISA) and section 9815(a)(1) of the Internal Revenue Code (the Code). Accordingly, the Departments have concurrent jurisdiction over the implementation of PHS Act section 2706(a).

[2] *See* FAQs about Affordable Care Act Implementation Part XV, available at *http://www.dol.gov/ebsa/faqs/faq-aca15.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs15.html.*

[3] S. Rep. No. 113–71, at 126 (2013).

[4] S. Rep. No. 113–71, at 126 (2013). Additionally, in Title I of the report, regarding the Department of Labor Employee Benefits Security Administration, the Committee ''directs the Department to work with HHS and the Department of the Treasury to revise their joint FAQ regarding section 2706 of the ACA, as explained in the HHS title of this report.'' *S. Rep. No.* 113–71, at 27 (2013).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–M–1321, FDA–2013–M–1322, FDA–2013–M–1323, FDA–2013–M–1362, FDA–2013–M–1363, FDA–2013–M–1364, FDA–2013–M–1365, FDA–2013–M–1488, and FDA–2013–M–1605]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the Internet and the Agency's Division of Dockets Management.

ADDRESSES: Submit written requests for copies of summaries of safety and effectiveness data to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please cite the appropriate docket number as listed in table 1 when submitting a written request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries of safety and effectiveness.

FOR FURTHER INFORMATION CONTACT: Nicole Wolanski, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 1650, Silver Spring, MD 20993–0002, 301–796–6570.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with sections 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the FD&C Act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The regulations provide that FDA publish a quarterly list of available safety and effectiveness summaries of PMA approvals and denials that were announced during that quarter. The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the Internet from October 1, 2013, through December 31, 2013. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE FROM OCTOBER 1, 2013, THROUGH DECEMBER 31, 2013

PMA No., Docket No.	Applicant	Trade Name	Approval Date
P040043/S051, FDA–2013–M–1323	W.L. Gore & Associates, Inc	GORE® TAG® Thoracic Endoprosthesis	September 10, 2013.
P970053/S011, FDA–2013–M–1362	Nidek Co., Ltd	Nidek EC–5000 Excimer Laser System	September 30, 2013.
P020050/S012, FDA–2013–M–1321	Alcon Research, Ltd	ALLEGRETTO WAVE® Eye-Q Excimer Laser System.	October 2, 2013.
H120005, FDA–2013–M–1322	Kaneka Pharma America LLC	Kaneka Liposorber® LA–15 System	October 10, 2013.
P130005, FDA–2013–M–1363	Cardiovascular Systems, Inc	Diamondback 360® Coronary Orbital Arthrectomy System.	October 21, 2013.
P110033, FDA–2013–M–1364	Allergan	JUVÉDERM® VOLUMA™ XC	October 22, 2013.
P100009, FDA–2013–M–1365	Abbott Vascular	MitraClip Clip Delivery System (MitraClip CDS).	October 24, 2013.
P100026, FDA–2013–M–1488	NeuroPace, Inc	RNS® System	November 14, 2013.
P130006, FDA–2013–M–1605	W.L. Gore & Associates, Inc	GORE® VIABAHN® Endoprosthesis & GORE® VIABAHB® Endoprosthesis with Heparin BioActive Surface.	December 5, 2013.

II. Electronic Access

Persons with access to the Internet may obtain the documents at *http://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/DeviceApprovalsandClearances/PMAApprovals/default.htm.*

Dated: March 7, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–05429 Filed 3–11–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–M–0851, FDA–2013–M–0987, FDA–2013–M–0988, FDA–2013–M–1017, FDA–2013–M–1095, FDA–2013–M–1159, and FDA–2013–M–1206]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the Internet and the Agency's Division of Dockets Management.

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electronic access to the summaries of safety and effectiveness.

FOR FURTHER INFORMATION CONTACT: Nicole Wolanski, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1650, Silver Spring, MD 20993–0002, 301–796–6570.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with sections 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the FD&C Act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The regulations provide that FDA publish a quarterly list of available safety and effectiveness summaries of PMA approvals and denials that were announced during that quarter. The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the Internet from July 1, 2013, through September 30, 2013. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE FROM JULY 1, 2013, THROUGH SEPTEMBER 30, 2013

PMA No., Docket No.	Applicant	Trade name	Approval date
P120022, FDA–2013–M–0851	QIAGEN Manchester Ltd	*therascreen*® EGFR RGQ PCR Kit	July 12, 2013.
P110002, FDA–2013–M–0987	LDR Spine USA, Inc	Mobi-C® Cervical Disc Prosthesis	August 7, 2013.
P120009, FDA–2013–M–0988	PFM Medical AG	Nit-Occlud® PDA	August 16, 2013.
P120004, FDA–2013–M–1017	Parascript, LLC	Parascript® *Accu*Detect® 6.1.0	August 22, 2013.
P110009, FDA–2013–M–1095	LDR Spine USA, Inc	Mobi-C® Cervical Disc Prosthesis	August 23, 2013.
P110040, FDA–2013–M–1159	Medtronic Vascular	Medtronic Vascular Complete® SE Vascular Stent System.	September 19, 2013.
P120010, FDA–2013–M–1206	Medtronic, Inc	MiniMed 530G System	September 26, 2013.

II. Electronic Access

Persons with access to the Internet may obtain the documents at *http://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/DeviceApprovalsandClearances/PMAApprovals/default.htm.*

Dated: March 6, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–05347 Filed 3–11–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0253]

Methods for Thrombogenicity Testing; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Workshop on Methods for Thrombogenicity Testing.'' Planned topics of discussion include the optimization of in vitro and in vivo thrombogenicity test methods and the identification of alternative in vitro tests.

Date and Time: The public workshop will be held on April 14, 2014, from 9 a.m. to 5 p.m.

Location: The public workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (rm. 1503, sections B and C), Silver Spring, MD 20993–0002. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Persons: Anchal Kaushiva, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 1266, Silver Spring, MD 20993–0002, 301–796–6330, FAX: 301–847–8115, email: *anchal.kaushiva@fda.hhs.gov*, or James Kleinedler, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 1102, Silver Spring, MD 20993–0002, 301–796–9448, FAX: 301–847–8115, email: *james.kleinedler@fda.hhs.gov.*

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by April 4, 2014, at 5 p.m., EST. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the workshop will be provided beginning at 8 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, 301–796–5661, email: *susan.monahan@fda.hhs.gov* no later than April 4, 2014.

To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm* and select this public workshop from the posted events list. Please provide complete contact information for each attendee, including name, title, and affiliation, email, and telephone number. Those without Internet access should contact Susan Monahan to register. Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. Persons interested in viewing the Webcast must register online by April 4, 2014, at 5 p.m. Early registration is recommended because

Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after April 10, 2014. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Comments: FDA is holding this public workshop to obtain information on in vitro and in vivo thrombogenicity test methods. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is May 14, 2014.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. 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., EST, Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.)

SUPPLEMENTARY INFORMATION:

I. Background

Thrombosis, or blood clot formation, is a major complication in the use of blood-contacting medical devices. Thrombosis often leads to device malfunction and severe adverse events such as stroke or myocardial infarction. To improve device quality and reduce the occurrence of thrombus formation, it is important to fully assess the thrombogenic potential of a medical device prior to clinical use and make material or geometrical modifications if necessary.

The current thrombogenicity test paradigm relies heavily on animal studies. For implanted devices, where animal studies are often conducted to assess safety and possible effectiveness, thrombogenicity endpoints can also be included. However, for many interventional devices, where other animal studies are not commonly requested, FDA has traditionally recommended a 4-hour in vivo canine thrombogenicity test model for assessment of thrombogenic potential. Because there have been questions about the consistency, reliability, and clinical relevance of this 4-hour canine thrombogenicity model, FDA is interested in optimizing the conduct of this in vivo test and/or identifying alternative in vitro tests that provide equivalent or improved clinical insight into the potential for thrombogenicity of medical devices while minimizing expenses and animal use, if possible.

This workshop will bring together academia, industry professionals, and FDA regulators to discuss the advantages, limitations, and optimization of both in vivo and in vitro thrombogenicity test methods, and identify alternative in vitro tests that show promising clinical relevance. We will discuss testing methods related to a broad range of blood contacting devices, especially for cardiovascular applications. Ideas generated during this workshop may facilitate development of new guidance and/or standards for thrombogenicity testing that optimize current in vivo methods and/or utilize in vitro methods.

II. Topics for Discussion at the Public Workshop

FDA seeks to address and receive comments on the following topics:

1. Strengths, weaknesses, and optimization of in vivo thrombogenicity test methods;
2. Current methodologies for conducting in vitro thrombogenicity testing (e.g., blood conditions, static versus dynamic methods, and different test endpoints);
3. Correlation between in vitro/in vivo thrombogenicity test results and clinical outcomes;
4. Special testing considerations for catheters, stents, grafts, ventricular assist devices, and bypass circuit components.

Dated: March 7, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–05411 Filed 3–11–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0229]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that VIMIZIM (elosulfase alfa), manufactured by BioMarin Pharmaceutical, Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Vicki Moyer, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6467, Silver Spring, MD 20993–0002, 301–796–2200, FAX: 301–796–9855, *vicki.moyer@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), added by FDASIA, FDA will award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that VIMIZIM (elosulfase alfa), manufactured by BioMarin Pharmaceutical, Inc., meets the criteria for a priority review

voucher. VIMIZIM (elosulfase alfa) is indicated for the treatment of Mucopolysaccharidosis Type IV A (Morquio A syndrome). Morquio A syndrome is a rare congenital disorder caused by the absence or malfunctioning of an enzyme involved in an important metabolic pathway, leading to problems with bone development, growth, and movement.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *http://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.*

For further information about VIMIZIM (elosulfase alfa), go to the Drugs@FDA Web site at *http://www.accessdata.fda.gov/scripts/cder/drugsatfda/index.cfm.*

Dated: March 7, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–05410 Filed 3–11–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: National Health Service Corps Ambassador Portal OMB No. 0915–xxxx—New.

Abstract: The National Health Service Corps (NHSC), administered by the Health Resources and Services Administration, is committed to improving the health of the nation's underserved by uniting communities in need with caring health professionals and by supporting communities' efforts to build better systems of care. The NHSC programs provide scholarships and repay educational loans for primary care physicians, dentists, nurse practitioners, physician assistants, behavioral health providers, and other primary care providers who agree to practice in areas of the country that need them most. The NHSC invites individuals who are affiliated with academic, clinical, trade, and other public health related organizations to apply to be volunteers within the NHSC Ambassador Program. NHSC Ambassadors are dedicated volunteers who help educate and inform prospective NHSC members. Ambassadors give their time and talents to spread the word about the opportunities available through the NHSC and serve as additional local resources for current NHSC members. NHSC Ambassadors inspire and motivate students and providers to provide primary health care in communities with limited access to care.

The NHSC Ambassador Portal will serve as both the application interface for interested individuals to apply and become NHSC Ambassadors, as well the public-facing online searchable database of Ambassador contact information. Applicants will create individual Ambassador profiles that will contain information such as name, email address(es), professional/employment information (including organization name and address or the school which they attend), phone number(s), which discipline of students and/or professionals they interact with, and a brief reason why they would like to be an Ambassador. Completed applications will be forwarded through the portal to NHSC staff for approval. If approved, the NHSC Ambassadors will have the opportunity to add brief professional biographies and social network addresses to their profile. Assistance in completing the application will be provided through prompts via the online portal and also through the NHSC Customer Care Center, if necessary.

Need and Proposed Use of the Information: The need and purpose of this information collection is to create a database where interested parties can search for NHSC Ambassadors (that meet specific search criteria) to serve as local resources on the NHSC programs. The other purpose is that NHSC can have access to volunteers who are available to spread important programmatic information on behalf of the NHSC.

Likely Respondents: Individuals who are affiliated with academic, clinical, trade, and other public health related organizations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Ambassador Portal—New Applicants	200	1	200	.16	32
Ambassador Portal—Updates to current Ambassador profiles	500	1	500	.16	80
Total	700	1	700	.16	112

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: March 6, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–05380 Filed 3–11–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Special Study—Emerging issues related to Affordable Care Act (ACA) Implementation: The future of Ryan White Services: A Snapshot of Outpatient Ambulatory Medical Care OMB No. 0915–xxxx—NEW.

Abstract: The Health Resources and Services Administration, HIV/AIDS Bureau (HRSA/HAB) implements the Ryan White HIV/AIDS Program (RWHAP). This program provides HIV-related services in the United States for those who do not have sufficient health care coverage or financial resources for coping with HIV disease. Starting January 1, 2014, the ACA began making health care coverage available to many HIV-positive individuals who did not previously have access to such coverage. This ACA expansion of health coverage will impact a significant portion of Ryan White HIV/AIDS Program's (RWHAP) traditional clients who will be moving into third party reimbursement care. The transition will require increased support and coordination to ensure clients do not experience gaps in coverage, or gaps in care. The purpose of this evaluation study is to assess the current status of Ryan White services during the early and later stages of ACA implementation and to collect information on service provisions, quality of care, barriers, gaps, and challenges related to ACA implementation.

Need and Proposed Use of the Information: The ACA will offer new options for obtaining health care services for many individuals with HIV. Due to these changes, additional information concerning staffing, continuity and coordination of care, and utilization of RWHAP funds to provide essential services is necessary. Data from this evaluation study will be used to assess the current status of Ryan White services during the early (January 2014 to June 2014) and later (July 2014 to December 2014) stages of ACA implementation and how well the RWHAP is positioned to improve clinical outcomes, including viral suppression, retention to care, and linkage to care services.

Likely Respondents: HIV Providers and Administrators from RWHAP-funded facilities.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Early Implementation Site Visit Interview Guide	90	1	1	2	180

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Later Implementation Site Visit Interview Guide	90	1	1	1	90
List of Site HIV Outpatient Ambulatory Medical Care Activities/Services	30	1	1	30/60	15
Total					285

Dated: March 6, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–05376 Filed 3–11–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Organ Transplantation Request for Nominations for Voting Members

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill vacancies on the Advisory Committee on Organ Transplantation (ACOT). The ACOT was established by the Amended Final Rule of the Organ Procurement and Transplantation Network (OPTN) (42 CFR Part 121) and, in accordance with Public Law 92–463, was chartered on September 1, 2000.

DATES: The agency will receive nominations on a continuous basis.

ADDRESSES: All nominations should be submitted to the Executive Secretary, ACOT, Healthcare Systems Bureau, HRSA, Parklawn Building, Room 12C–06, 5600 Fishers Lane, Rockville, Maryland 20857. Federal Express, Airborne, UPS etc. mail delivery should be addressed to Executive Secretary, Advisory Committee on Organ Transplantation, Healthcare Systems Bureau, HRSA, at the above address, or via email to: *PStroup@hrsa.gov and PTongele@hrsa.gov.*

FOR FURTHER INFORMATION CONTACT: Patricia A. Stroup, M.B.A., M.P.A., Executive Secretary, ACOT, at (301) 443–1127 or email *pstroup@hrsa.gov.*

SUPPLEMENTARY INFORMATION: As provided by 42 CFR 121.12, the Secretary established the ACOT. The ACOT is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

The ACOT advises the Secretary on all aspects of organ procurement, allocation, and transplantation, and on other such matters that the Secretary determines. One of its principal functions is to advise the Secretary on federal efforts to maximize the number of deceased donor organs made available for transplantation and to support the safety of living organ donation.

The ACOT consists of up to 25 members who are Special Government Employees, and 5 ex-officio, non-voting members. Members and the Chair shall be appointed by the Secretary from individuals knowledgeable in such fields as deceased and living organ donation, health care public policy, transplantation medicine and surgery, critical care medicine and other medical specialties involved in the identification and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, living organ donors, and family members of deceased and living organ donors. Members shall not serve while they are also serving on the OPTN Board of Directors. To the extent practicable, Committee members should represent minority, gender, and geographic diversity of transplant candidates, transplant recipients, organ donors, and family members served by the OPTN. The ex-officio, non-voting members shall include the Directors of the National Institutes of Health, the Centers for Disease Control and Prevention, and the Agency for Healthcare Research and Quality; the Administrator of the Centers for Medicare and Medicaid Services; and the Commissioner of the Food and Drug Administration—or their designees.

Specifically, HRSA is requesting nominations for voting members of the ACOT representing: Health care public policy; transplantation medicine and surgery, including pediatric and heart/lung transplantation; critical care medicine; nursing; epidemiology and applied statistics; immunology; law and bioethics; behavioral sciences; economics and econometrics; organ procurement organizations; transplant candidates/recipients; transplant/donor family members; and living donors. Nominees will be invited to serve up to a 4-year term beginning the date of appointment.

The Department of Health and Human Services (HHS) will consider nominations of all qualified individuals with a view to ensuring that the ACOT includes the areas of subject matter expertise noted above. Individuals may nominate themselves or other individuals, and professional associations and organizations may nominate one or more qualified persons for membership on the ACOT. Nominations shall state that the nominee is willing to serve as a member of the ACOT and appears to have no conflict of interest that would preclude the ACOT membership. Potential candidates will be asked to provide detailed information concerning financial interests, consultancies, research grants, and/or contracts that might be affected by recommendations of the ACOT to permit evaluation of possible sources of conflicts of interest.

A nomination package should include the following information for each nominee: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (i.e., what specific attributes, perspectives, and/or skills does the individual possess that would benefit the workings of ACOT), and the nominee's field(s) of expertise; (2) a biographical sketch of the nominee and a copy of his/her curriculum vitae; and (3) the name, address, daytime telephone number, and email address at which the nominator can be contacted.

HHS strives to ensure that the membership of HHS Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is

made to ensure that the views of women, all ethnic and racial groups, and people with disabilities are represented on HHS Federal advisory committees. The Department also encourages geographic diversity in the composition of the committee. The Department encourages nominations of qualified candidates from all groups and locations. Appointment to the ACOT shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status.

Dated: March 6, 2014.

Jackie Pianter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–05375 Filed 3–11–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI—Clinical Trial Cooperative Agreement Applications and Other Clinically-Based Applications.

Date: April 10, 2014.

Time: 8:30 a.m. To 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Rockville, MD 20814.

Contact Person: Anne E. Schaffner, Ph.D., Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, (301) 451–2020, *aes@nei.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS).

Dated: March 6, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05346 Filed 3–11–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of General Medical Sciences Special Emphasis Panel, March 26, 2014, 1:00 p.m. to March 26, 2014, 4:00 p.m., National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.18A, Bethesda, MD 20892 which was published in the **Federal Register** on March 5, 2014, 79 FR 12516.

The meeting will start on March 26, 2014 at 11:30 a.m. and end March 26, 2014 at 4:30 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: March 6, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05344 Filed 3–11–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel; Clinical Trials in Organ Transplantation (U01).

Date: April 3–4, 2014.

Time: April 3, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, The Madison Room, 1750 Rockville Pike, Rockville, MD 20852.

Time: April 4, 2014, 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, The Madison Room, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Andrea L Wurster, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, Room 3259, 6700B Rockledge Drive, MSC–7616, Bethesda, MD 20892–761‘, 301–451–2660, *wurstera@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: March 6, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05267 Filed 3–11–14; 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; Health and Aging.

Date: April 8, 2014.

Time: 2:00 p.m. to 3:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Rebecca J. Ferrell, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building Rm. 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7703, *ferrellrj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS).

Dated: March 6, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05345 Filed 3–11–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Development of Radiation Modulators.

Date: March 31–April 1, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Kenneth L. Bielat, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W244, Bethesda, MD 20892–8329, 240–276–6373, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis; Panel Omnibus-Cancer Management and Behavior.

Date: April 17–18, 2014.

Time: 6:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Clifford W Schweinfest, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W108, Bethesda, MD 20892–9750, 240–276–6343, *schweinfestcw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Community Oncology Research Program.

Date: April 24–25, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Timothy C. Meeker, MD, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W624 Rockville, MD 20850, 240–276–6464, *meekert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis; Panel Omnibus—Cancer Marker (R03) & (R21).

Date: May 1–2, 2014.

Time: 6:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Bratin K. Saha, Ph.D., Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W556, Rockville, MD 20850, 240–276–6411, *sahab@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Cooperative Agreement (U54) Review Meeting.

Date: May 8–9, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Shakeel Ahmad, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W122, Bethesda, MD 20892–8328, 240–276–6349, *ahmads@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: March 6, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05301 Filed 3–11–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS Small Grant Program for New Investigators (R03).

Date: April 1–2, 2014.

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

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 818, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Charles N. Rafferty, Ph.D., Chief, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–594–5019, *charles.rafferty@nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Clinical Study and Trial Applications.

Date: April 2, 2014.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–594–4952, *linh1@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS).

Dated: March 6, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05272 Filed 3–11–14; 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: Brain Disorders and Clinical Neuroscience.

Date: March 25, 2014.

Time: 11:00 a.m. to 1:30 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: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@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; Small Business: Endocrinology and Reproduction.

Date: April 1, 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: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–13–010: Roadmap of Technology Development for Drugable Genome.

Date: April 3, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kee Hyang Pyon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, *pyonkh2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Virology and Viral Pathogenesis.

Date: April 4, 2014.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Kenneth M Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge, Rm. 3204, MSC 7808, Bethesda, MD 20892, 301–496–6980, *izumikm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–TW–13–001: Limited Competition: International Cooperative Biodiversity Groups (U19).

Date: April 7, 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: Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immune Mechanism.

Date: April 8–9, 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: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–495–1506, *jakesse@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Bioengineering Sciences, Biomaterials, and Drug Delivery.

Date: April 8, 2014.

Time: 12:00 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: James J. Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Antimicrobial Resistance and Drug Discovery.

Date: April 9–10, 2014.

Time: 8:30 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: Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–435–2306, *boundst@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Catalysis and protein assembly, folding and dynamics.

Date: April 9, 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: David R Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301)-435–1722, *jollieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Genetics Topics.

Date: April 9, 2014.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

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.*

(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: March 6, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05270 Filed 3–11–14; 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; Urology R01 Small Business Applications.

Date: March 10–11, 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: Ryan G. Morris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@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: March 6, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05269 Filed 3–11–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Autism Coordinating Committee (IACC or Committee) meeting.

The purpose of the IACC meeting is to discuss committee business, agency updates and issues related to autism spectrum disorder (ASD) research and services activities. The meeting will be open to the public and will be accessible by webcast and conference call.

Name of Committee: Interagency Autism Coordinating Committee (IACC).

Type of meeting: Open Meeting.

Date: April 8, 2014.

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

* Approximate end time.

Agenda: To discuss committee business, updates and issues related to ASD research and services activities.

Place: The National Institutes of Health, 31 Center Drive, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Webcast Live: http://videocast.nih.gov/.

Conference Call Access: Dial: 888–950–8042; Access code: 8689681.

Cost: The meeting is free and open to the public.

Registration: Pre-registration is recommended to expedite check-in. Seating in the meeting room is limited to room capacity and on a first come, first served basis. To register, please visit: *www.iacc.hhs.gov.*

Deadlines: Notification of intent to present oral comments: Tuesday, April 1, 2014 by 5:00 p.m. ET.

Submission of written/electronic statement for oral comments: Wednesday, April 2, 2014 by 5:00 p.m. ET.

Submission of written comments: Wednesday, April 2, 2014 by 5:00 p.m. ET.

Please note: The NIMH Office of Autism Research Coordination (OARC) anticipates that written public comments received by 5:00 p.m. ET, Wednesday, April 2, 2014 will be presented to the Committee prior to the April 8th meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. EST, April 2, 2014 deadline through April 7, 2014 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies.

For IACC Public Comment guidelines, please see: *http://iacc.hhs.gov/public-comment/index.shtml.*

Access: Medical Center Metro (Red Line).

Contact Person: Ms. Lina Perez, Office of Autism Research Coordination, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6182A, Bethesda, MD 20892–9669, Phone: 301–443–6040, Email: *IACCPublicInquiries@mail.nih.gov.*

Public Comments: Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Tuesday, April 1, 2014, with their request to present oral comments at the meeting. Interested individuals and representatives of organizations must submit a written/electronic copy of the oral presentation/statement including a brief description of the organization represented by 5:00 p.m. ET on Wednesday, April 2, 2014. Statements submitted will become a part of the public record. Only one representative of an organization will be allowed to present oral comments and presentations will be limited to three to five minutes per speaker, depending on number of speakers to be accommodated within the allotted time. Speakers will be assigned a time to speak in the order of the date and time when their request to speak is received, along with the required submission of the written/electronic statement by the specified deadline.

In addition, any interested person may submit written comments to the IACC prior to the meeting by sending the comments to the Contact Person listed on this notice by 5:00 p.m. ET on Wednesday, April 2, 2014. The comments should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. NIMH anticipates written public comments received by 5:00 p.m. ET, Wednesday, April 2, 2014 will be presented to the Committee prior to the meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. EST, April 2, 2014 deadline through April 7, 2014 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies. All written public comments and oral public comment statements received by the deadlines for both oral and written public comments will be provided to the IACC for their consideration and will become part of the public record.

In the 2009 IACC Strategic Plan, the IACC listed the ''Spirit of Collaboration'' as one of its core values, stating that, ''We will treat others with respect, listen to diverse views with open minds, discuss submitted public comments, and foster discussions where participants can comfortably offer opposing opinions.'' In keeping with this core value, the IACC and the NIMH Office of Autism Research Coordination (OARC) ask that members of the public who provide public comments or participate in meetings of the IACC also seek to treat others with respect and consideration in their communications and actions, even when discussing issues of genuine concern or disagreement.

Remote Access: The meeting will be open to the public through a conference call phone number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the webcast or conference call, please send an email to *helpdeskiacc@gmail.com* or by phone at 415–652–8023.

Individuals who participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least 5 days prior to the meeting.

Security: 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. Also as a part of security procedures, attendees should be prepared to present a photo ID at the meeting registration desk during the check-in process. Pre-registration is recommended. Seating will be limited to the room capacity and seats will be on a first come, first served basis, with expedited check-in for those who are pre-registered.

Meeting schedule subject to change.

Information about the IACC is available on the Web site: *http://www.iacc.hhs.gov.*

Dated: March 6, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05271 Filed 3–11–14; 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; Research Training Through Environmental Health Sciences Conferences and Meetings.

Date: April 2, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, National Institutes of Health, Keystone Building, Room 2128, 530 Davis Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Linda K Bass, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute Environmental Health Sciences, P.O. Box 12233, MD K3–03, Research Triangle Park, NC 27709, (919) 541–1307.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Committee Meeting for the Review of Bioavailability Applications.

Date: April 3–4, 2014.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton, Raleigh Durham Airport at Research Triangle Park, 4810 Page Creek Lane, Durham, NC 27703.

Contact Person: Sally Eckert-Tilotta, Ph.D., Scientific Review Administrator, Nat. Institute of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1446, *eckertt1@niehs.nih.gov.*

(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: March 6, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05268 Filed 3–11–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–USCG–2014–0126]

International Code for Ships Using Gases or Other Low-Flashpoint Fuels (IGF Code)

AGENCY: Coast Guard, DHS.

ACTION: Notice of public workshop.

SUMMARY: The United States Coast Guard will hold a public workshop in Washington, DC on topics related to the development of the International Maritime Organization's International Code for Ships Using Gases or Other Low-Flashpoint Fuels (IGF Code). Various safety topics will be discussed including design, equipment, operational and training requirements. This workshop is intended to be an interactive exchange of information between policymakers, industry experts, and interested members of the public.

DATES: The public workshop will be held on Tuesday, April 1, 2014, beginning at 9 a.m., Eastern Time and ending at 4 p.m., Eastern Time. This workshop is open to the public.

ADDRESSES: The public workshop will be held at the U.S. Department of Transportation, West Building Conference Center, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, approximately 1 block from the Navy Yard Metro Station. Due to building security requirements, each visitor must present two forms of government-issued photo identification in order to gain entrance to the building.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning the workshop, please call or email Mr. Timothy Meyers, U.S. Coast Guard; telephone 202–372–1365, email *timothy.e.meyers@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Discussion

This workshop is intended to be an interactive exchange of information between policymakers, industry experts, and interested members of the public. It will include an overview of the IGF Code development to date, and a discussion of the current draft text with focus on specific areas of interest to vessel design and operational safety. The primary topics that will be considered at the public workshop include:

- General overview—U.S. involvement in development of the IGF Code,
- Review of draft IGF Code layout/structure/table of contents,
- Ship design areas of focus, including: risk analysis requirements; machinery space concepts; fuel tank design & arrangement; piping systems; bunkering arrangements; ventilation; hazardous areas; gas detection and fire safety systems,
- Operational and training requirements,
- Fuels other than liquefied natural gas.

If you are interested in formally presenting information on a topic on the agenda please contact Mr. Timothy Meyers (see **FOR FURTHER INFORMATION CONTACT**). All presentations received will be posted without change to *http://www.regulations.gov,* where they will appear under Docket No. USCG–2014–0126 and can be viewed by following that Web site's instructions. Please note that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

Please note that the workshop has a limited number of seats and may close early if all business is finished.

Members of the public may attend this workshop up to the seating capacity of the room, and are encouraged to participate and join in discussions, subject to the discretion of the moderator. To facilitate the security process related to building access, or to request reasonable accommodation for persons with disabilities or special needs, those who plan to attend should contact the meeting coordinator, Mr. Timothy Meyers (see **FOR FURTHER INFORMATION CONTACT**), or in writing at Commandant (CG–ENG–3), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593–7509, not later than Monday, March 24, 2014. We may not be able to accommodate requests made after March 24, 2014. Please note that due to building security requirements, each visitor must present two valid, government-issued photo identifications.

This notice is published under the authority of 5 U.S.C. 552(a).

Dated: March 4, 2014.

J. G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2014–05398 Filed 3–11–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Oklahoma:					
Osage (FEMA Docket No.: B–1354).	Unincorporated areas of Osage County (13–06–2146P).	The Honorable Bob Jackson, Chairman, Osage County Commissioners, 1125 West Main Street, Pawhuska, OK 74056.	Osage County Planning and Zoning, 628 Kihekah Avenue, Pawhuska, OK 74056.	December 6, 2013	400146
Tulsa (FEMA Docket No.: B–1354).	City of Sand Springs (13–06–2146P).	The Honorable Mike L. Burdge, Mayor, City of Sand Springs, P.O. Box 338, Sand Springs, OK 74063.	Public Works Building, 109 North Garfield Avenue, Sand Springs, OK 74063.	December 6, 2013	400211
Texas:					
Tarrant (FEMA Docket No.: B–1354).	City of Forest Hill (13–06–1913P).	The Honorable Gerald Joubert, Mayor, City of Forest Hill, 3219 California Parkway, Forest Hill, TX 76119.	City Hall, 3219 California Parkway, Forest Hill, TX 76119.	December 9, 2013	480595

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Williamson (FEMA Docket No.: B–1354).	City of Leander (12–06–1659P).	The Honorable Chris Fielder, Mayor, City of Leander, 200 West Willis Street, Leander, TX 78641.	City Hall, 200 West Willis Street, Leander, TX 78641.	December 2, 2013	481536

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 31, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–05314 Filed 3–11–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Georgia: Fayette (FEMA Docket No.: B–1354).	Unincorporated areas of Fayette County (13–04–0476P).	The Honorable Steve Brown, Chairman, Fayette County Board of Commissioners, 140 Stonewall Avenue West, Suite 100, Fayetteville, GA 30214.	Fayette County Engineering Department, 140 Stonewall Avenue West, Suite 203, Fayetteville, GA 30214.	October 10, 2013	130432
New Mexico: Bernalillo (FEMA Docket No.: B–1354).	City of Albuquerque (13–06–2237P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development and Review Services Division, 600 2nd Street Northwest, Suite 201, Albuquerque, NM 87102.	October 3, 2013	350002
New York: Monroe (FEMA Docket No.: B–1349).	Village of Webster (13–02–0260P).	The Honorable John Cahill, Mayor, Village of Webster, 28 West Main Street, Webster, NY 14580.	Village Hall, 28 West Main Street, Webster, NY 14580.	December 3, 2013	360437
Pennsylvania:					
Chester (FEMA Docket No.: B–1355).	Borough of West Chester (13–03–0592P).	The Honorable Carolyn T. Comitta, Mayor, Borough of West Chester, 401 East Gay Street, West Chester, PA 19380.	Department of Building, Housing and Code Enforcement, 401 East Gay Street, West Chester, PA 19380.	November 29, 2013	420292

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
	Township of East Bradford (13–03–0592P).	The Honorable Vincent M. Pompo, Chairman, Township of East Bradford Board of Supervisors, 666 Copeland School Road, West Chester, PA 19380.	East Bradford Township Hall, 666 Copeland School Road, West Chester, PA 19380.	November 29, 2013	420276
Crawford (FEMA Docket No. B–1355).	Township of Rockdale (13–03–1553P).	The Honorable Maxwell Ferris, Chairman, Township of Rockdale Board of Supervisors, 29393 Miller Station Road, Cambridge Springs, PA 16403.	Rockdale Township Hall, 29393 Miller Station Road, Cambridge Springs, PA 16403.	November 12, 2013	422394
Texas:					
Bexar (FEMA Docket No.: B–1355).	City of San Antonio (12–06–3120P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	November 14, 2013	480045
	City of San Antonio (13–06–0091P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	November 21, 2013	480045
Comal (FEMA Docket No.: B–1354).	City of New Braunfels (13–06–2315P).	The Honorable Gale Pospisil, Mayor, City of New Braunfels, 424 South Castell Avenue, New Braunfels, TX 78130.	Municipal Building, 424 South Castell Avenue, New Braunfels, TX 78130.	November 14, 2013	485493
Dallas (FEMA Docket No.: B–1354).	Town of Highland Park (13–06–1142P).	The Honorable Joel T. Williams, III, Mayor, Town of Highland Park, 4700 Drexel Drive, Dallas, TX 75205.	Highland Park Public Works Department, 4700 Drexel Drive, Dallas, TX 75205.	September 27, 2013	480178
	Town of Highland Park (12–06–3367P).	The Honorable Joel T. Williams, III, Mayor, Town of Highland Park, 4700 Drexel Drive, Dallas, TX 75205.	Highland Park Public Works Department, 4700 Drexel Drive, Dallas, TX 75205.	October 11, 2013	480178
Denton (FEMA Docket No.: B–1354).	City of Denton (12–06–1709P).	The Honorable Mark A. Burroughs, Mayor, City of Denton, 215 East McKinney Street, Denton, TX 76201.	City Engineering Department, 901–A Texas Street, Denton, TX 76209.	November 20, 2013	480194
Denton (FEMA Docket No.: B–1355).	City of Highland Village (13–06–1723P).	The Honorable Patrick Davis, Mayor, City of Highland Village, 1000 Highland Village Road, Highland Village, TX 75077.	City Hall, 1000 Highland Village Road, Highland Village, TX 75077.	November 12, 2013	481105
Harris (FEMA Docket No.: B–1354).	City of Pearland (13–06–1986P).	The Honorable Tom Reid, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	3519 Liberty Drive, Pearland, TX 77581.	November 14, 2013	480077
Tarrant (FEMA Docket No.: B–1355).	City of Arlington (13–06–2205P).	The Honorable Dr. Robert Cluck, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	City Hall, 101 West Abram Street, Arlington, TX 76010.	November 12, 2013	485454
	City of Arlington (12–06–3558P).	The Honorable Dr. Robert Cluck, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	City Hall, 101 West Abram Street, Arlington, TX 76010.	November 14, 2013	485454
Webb (FEMA Docket No.: B–1349).	City of Laredo (12–06–3255P).	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	1120 San Bernardo Avenue, Laredo, TX 78040.	October 17, 2013	480651
	Unincorporated areas of Webb County (12–06–3255P).	The Honorable Danny Valdez, Webb County Judge, 1000 Houston Street, 3rd Floor, Laredo, TX 78040.	Webb County, 1110 Washington Street, Suite 302, Laredo, TX 78040.	October 17, 2013	481059
Virginia: Richmond (FEMA Docket No.: B–1355).	Independent City of Richmond (13–03–1712X).	The Honorable Dwight C. Jones, Mayor, City of Richmond, 900 East Broad Street, Suite 201, Richmond, VA 23219.	Department of Public Works, 900 East Broad Street, Suite 704, Richmond, VA 23219.	November 12, 2013	510129

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 31, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–05313 Filed 3–11–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance

premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama:					
Houston (FEMA Docket No.: B–1335).	City of Dothan (13–04–3332P).	The Honorable Mike Schmitz, Mayor, City of Dothan, P.O. Box 2128, Dothan, AL 36302.	Engineering Department, 126 North St. Andrews, Dothan, AL 36303.	September 27, 2013	010104
	City of Dothan (12–04–8239P).	The Honorable Mike Schmitz, Mayor, City of Dothan, P.O. Box 2128, Dothan, AL 36302.	Engineering Department, 126 North St. Andrews, Dothan, AL 36303.	October 18, 2013	010104
Montgomery (FEMA Docket No.: B–1335).	City of Montgomery (13–04–2273P).	The Honorable Todd Strange, Mayor, City of Montgomery, 103 North Perry Street, Montgomery, AL 36104.	Engineering Department, 25 Washington Avenue, Montgomery, AL 36104.	October 31, 2013	010174
Arizona:					
Cochise (FEMA Docket No.: B–1337).	Unincorporated areas of Cochise County (13–09–0282P).	The Honorable Ann English, Chair, Cochise County Board of Supervisors, 1415 Melody Lane, Building G, Bisbee, AZ 85603.	Cochise County Flood Control District, 1415 Melody Lane, Building F, Bisbee, AZ 85603.	September 9, 2013	040012
Maricopa (FEMA Docket No.: B–1337).	City of Chandler (13–09–0386P).	The Honorable Jay Tibshraeny, Mayor, City of Chandler, P.O. Box 4008, Chandler, AZ 85224.	Public Works Department, 215 East Buffalo Street, Chandler, AZ 85224.	September 20, 2013	040040
	City of Peoria (13–09–0048P).	The Honorable Bob Barrett, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	August 30, 2013	040050
Maricopa (FEMA Docket No.: B–1335).	City of Peoria (13–09–0215P).	The Honorable Bob Barrett, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	October 11, 2013	040050
	Unincorporated areas of Maricopa County (13–09–0215P).	The Honorable Andy Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	Maricopa County Flood Control District, 2801 West Durango Street, Phoenix, AZ 85009.	October 11, 2013	040037
	Unincorporated areas of Maricopa County (13–09–0216P).	The Honorable Andy Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	Maricopa County Flood Control District, 2801 West Durango Street, Phoenix, AZ 85009.	September 27, 2013	040037
Pinal (FEMA Docket No.: B–1335).	City of Maricopa (13–09–0917P).	The Honorable Christian Price, Mayor, City of Maricopa, P.O. Box 610, Maricopa, AZ 85139.	City Hall, 44624 West Garvey Avenue, Maricopa, AZ 85239.	October 21, 2013	040052
California:					
Contra Costa (FEMA Docket No.: B–1337).	City of Pleasant Hill (13–09–0336P).	The Honorable Michael G. Harris, Mayor, City of Pleasant Hill, 100 Gregory Lane, Pleasant Hill, CA 94523.	Public Works Department, 100 Gregory Lane, Pleasant Hill, CA 94523.	August 5, 2013	060034

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Los Angeles (FEMA Docket No.: B–1335).	Unincorporated areas of Los Angeles County (13–09–0378P).	The Honorable Mark Ridley-Thomas, Chairman, Los Angeles County Board of Supervisors, 500 West Temple Street, Los Angeles, CA 90012.	Los Angeles County Department of Public Works, 900 South Fremont Avenue, Alhambra, CA 91803.	September 30, 2013	065043
Merced (FEMA Docket No.: B–1337).	City of Merced (13–09–1225P).	The Honorable Stanley P. Thurston, Mayor, City of Merced, 678 West 18th Street, Merced, CA 95340.	City Hall, 678 West 18th Street, Merced, CA 95340.	September 6, 2013	060191
Riverside (FEMA Docket No.: B–1337).	City of Canyon Lake (13–09–0376P).	The Honorable Mary Craton, Mayor, City of Canyon Lake, 31516 Railroad Canyon Road, Canyon Lake, CA 92587.	City Hall, 31516 Railroad Canyon Road, Canyon Lake, CA 92587.	August 30, 2013	060753
	City of Menifee (13–09–0376P).	The Honorable Scott Mann, Mayor, City of Menifee, 29714 Haun Road, Menifee, CA 92586.	Planning Department, 29714 Haun Road, Menifee, CA 92586.	August 30, 2013	060176
	City of Riverside (12–09–2546P).	The Honorable Rusty Bailey, Mayor, City of Riverside, 3900 Main Street, Riverside, CA 92501.	Planning and Building Department, 3900 Main Street, Riverside, CA 92501.	September 3, 2013	060260
Riverside (FEMA Docket No.: B–1335).	Unincorporated areas of Riverside County (13–09–0484P).	The Honorable John J. Benoit, Chairman, Riverside County Board of Supervisors, P.O. Box 1647, Riverside, CA 92502.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	September 30, 2013	060245
Sacramento (FEMA Docket No.: B–1335).	City of Citrus Heights (13–09–1081P).	The Honorable Steve Miller, Mayor, City of Citrus Heights, 6237 Fountain Square Drive, Citrus Heights, CA 95621.	General Services Department, Engineering Division, 6237 Fountain Square Drive, Citrus Heights, CA 95621.	October 18, 2013	060765
	Unincorporated areas of Sacramento County (13–09–1081P).	The Honorable Susan Peters, Chair, Sacramento County Board of Supervisors, 700 H Street, Suite 2450, Sacramento, CA 95814.	Municipal Services Agency, Department of Water Resources, 827 7th Street, Suite 301, Sacramento, CA 95814.	October 18, 2013	060262
	Unincorporated areas of Sacramento County (13–09–1460P).	The Honorable Susan Peters, Chair, Sacramento County Board of Supervisors, 700 H Street, Suite 2450, Sacramento, CA 95814.	Municipal Services Agency, Department of Water Resources, 827 7th Street, Suite 301, Sacramento, CA 95814.	October 18, 2013	060262
San Diego (FEMA Docket No.: B–1337).	City of San Marcos (13–09–1397P).	The Honorable Jim Desmond, Mayor, City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.	City Hall, 1 Civic Center Drive, San Marcos, CA 92069.	September 6, 2013	060296
San Diego (FEMA Docket No.: B–1335).	City of Vista (13–09–0759P).	The Honorable Judy Ritter, Mayor, City of Vista, 200 Civic Center Drive, Vista, CA 92084.	City Hall, 200 Civic Center Drive, Vista, CA 92084.	October 7, 2013	060297
	Unincorporated areas of San Diego County (13–09–0628P).	The Honorable Greg Cox, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	San Diego County Department of Public Works, Flood Control Department, 5201 Ruffin Road, Suite P, San Diego, CA 92123.	October 18, 2013	060284
San Mateo (FEMA Docket No.: B–1337).	City of South San Francisco (13–09–1038P).	The Honorable Pedro Gonzalez, Mayor, City of South San Francisco, P.O. Box 711, South San Francisco, CA 94083.	City Hall, 400 Grand Avenue, South San Francisco, CA 94080.	September 9, 2013	065062
Santa Barbara (FEMA Docket No.: B–1337).	Unincorporated areas of Santa Barbara County (13–09–1226P).	The Honorable Salud Carbajal, Chairman, Santa Barbara County Board of Supervisors, 105 East Anapamu Street, Santa Barbara, CA 93101.	Santa Barbara County Public Works Department, Water Resources Division, 123 East Anapamu Street, Santa Barbara, CA 93101.	September 20, 2013	060331
Santa Clara (FEMA Docket No.: B–1335).	City of San Jose (13–09–1387P).	The Honorable Chuck Reed, Mayor, City of San Jose, 200 East Santa Clara Street, San Jose, CA 95113.	Department of Public Works, 200 East Santa Clara Street, San Jose, CA 95113.	September 30, 2013	060349
Ventura (FEMA Docket No.: B–1337).	City of Simi Valley (13–09–1766P).	The Honorable Bob Huber, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	City Hall, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	September 19, 2013	060421
Colorado:					
Arapahoe (FEMA Docket No.: B–1335).	City of Aurora (13–08–0148P).	The Honorable Steve Hogan, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Engineering Department, 15151 East Alameda Parkway, Aurora, CO 80012.	October 11, 2013	080002
Arapahoe (FEMA Docket No.: B–1337).	City of Centennial (13–08–0083P).	The Honorable Cathy Noon, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 76 Inverness Drive East, Suite A, Centennial, CO 80112.	August 30, 2013	080315
Eagle (FEMA Docket No.: B–1335).	Unincorporated areas of Eagle County (12–08–0871P).	The Honorable John Stavney, Chairman, Eagle County Board of Commissioners, P.O. Box 850, Eagle, CO 81631.	Eagle County Engineering Department, 500 Broadway Street, Eagle, CO 81631.	October 25, 2013	080051

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Jefferson (FEMA Docket No.: B–1337).	Unincorporated areas of Jefferson County (13–08–0231P).	The Honorable Donald Rosier, Chairman, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Department of Planning and Zoning, 100 Jefferson County Parkway, Golden, CO 80419.	September 6, 2013	080087
Larimer (FEMA Docket No.: B–1335).	Unincorporated areas of Larimer County (12–08–0883P).	The Honorable Steve Johnson, Chairman, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.	Larimer County Engineering Department, 200 West Oak Street, Fort Collins, CO 80521.	September 30, 2013	080101
Mesa (FEMA Docket No.: B–1335).	City of Grand Junction (13–08–0266P).	The Honorable Sam Susuras, Mayor, City of Grand Junction, 250 North 5th Street, Grand Junction, CO 81501.	City Hall, 250 North 5th Street, Grand Junction, CO 81501.	October 14, 2013	080117
	Unincorporated areas of Mesa County (13–08–0266P).	The Honorable Steven Acquafresca, Chairman, Mesa County Board of Commissioners, P.O. Box 20000, Grand Junction, CO 81502.	Mesa County Public Works Department, 200 South Spruce Street, Grand Junction, CO 81501.	October 14, 2013	080115
Routt (FEMA Docket No.: B–1337).	City of Steamboat Springs (13–08–0177P).	Ms. Deb Hinsvark, Manager, City of Steamboat Springs, P.O. Box 775088, Steamboat Springs, CO 80477.	City Hall, 124 10th Street, Steamboat Springs, CO 80477.	August 26, 2013	080159
Florida:					
Charlotte (FEMA Docket No.: B–1335).	Unincorporated areas of Charlotte County (13–04–3688P).	The Honorable Christopher Constance, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	October 11, 2013	120061
Collier (FEMA Docket No.: B–1337).	City of Naples (13–04–2098P).	The Honorable John F. Sorey, III, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	August 30, 2013	125130
Duval (FEMA Docket No.: B–1337).	City of Jacksonville (13–04–0158P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, FL 32202.	Development Services Division, 117 West Duval Street, Jacksonville, FL 32202.	September 6, 2013	120077
	City of Jacksonville (13–04–3128P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, FL 32202.	Development Services Division, 117 West Duval Street, Jacksonville, FL 32202.	August 30, 2013	120077
Duval (FEMA Docket No.: B–1335).	City of Jacksonville (13–04–3478P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Division, 117 West Duval Street, Jacksonville, FL 32202.	October 25, 2013	120077
Escambia (FEMA Docket No.: B–1335).	Unincorporated areas of Escambia County (13–04–3129P).	The Honorable Gene M. Valentino, Chairman, Escambia County Board of Commissioners, 221 Palafox Place, Suite 400, Pensacola, FL 32502.	Escambia County Development Services Department, 3363 West Park Place, Pensacola, FL 32505.	September 30, 2013	120080
	Pensacola Beach-Santa Rosa Island Authority (13–04–2463P).	The Honorable Thomas A. Campanella, DDS, Chairman, Pensacola Beach-Santa Rosa Island Authority Board of Commissioners, P.O. Box 1208, Pensacola Beach, FL 32562.	Pensacola Beach-Santa Rosa Island Authority Development Department, 1 Via De Luna, Pensacola Beach, FL 32561.	October 11, 2013	125138
Lake (FEMA Docket No.: B–1335).	Unincorporated areas of Lake County (13–04–3459P).	The Honorable Leslie Shamrock Campione, Chair, Lake County Board of Commissioners, P.O. Box 7800, Tavares, FL 32778.	Lake County Public Works Department, 437 Ardice Avenue, Eustis, FL 32726.	October 28, 2013	120421
Lee (FEMA Docket No.: B–1335).	Unincorporated areas of Lee County (13–04–3479P).	The Honorable Cecil L. Pendergrass, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, 2nd Floor, Fort Myers, FL 33901.	October 3, 2013	125124
Pinellas (FEMA Docket No.: B–1335).	City of Clearwater (13–04–2561P).	The Honorable George N. Cretekos, Mayor, City of Clearwater, 112 South Osceola Avenue, Clearwater, FL 33756.	City Audit Department, 100 South Myrtle Avenue, Suite 220, Clearwater, FL 33756.	October 4, 2013	125096
Sumter (FEMA Docket No.: B–1337).	Unincorporated areas of Sumter County (13–04–1285P).	The Honorable Doug Gilpin, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Planning Department, 7375 Powell Road, Wildwood, FL 34785.	September 20, 2013	120296
Georgia:					
Dougherty (FEMA Docket No.: B–1337).	City of Albany (13–04–1420P).	The Honorable Dorothy Hubbard, Mayor, City of Albany, 222 Pine Avenue, Albany, GA 31701.	City Hall, 222 Pine Avenue, Albany, GA 31701.	September 6, 2013	130075
Glynn (FEMA Docket No.: B–1337).	Unincorporated areas of Glynn County (13–04–2726P).	The Honorable Mary Hunt, Chair, Glynn County Board of Commissioners, 172 Palmera Lane, Brunswick, GA 31525.	Glynn County Building Department, 1725 Reynolds Street, Brunswick, GA 31525.	August 30, 2013	130092

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Mississippi: Union (FEMA Docket No.: B–1337).	Town of New Albany (13–04–2091P).	The Honorable Tim Kent, Mayor, Town of New Albany, P.O. Box 56, New Albany, MS 38652.	Town Hall, 101 West Bankhead Street, New Albany, MS 38652.	July 22, 2013	280174
Nevada: Clark (FEMA Docket No.: B–1335).	City of Henderson (13–09–0920P).	The Honorable Andy Hafen, Mayor, City of Henderson, 240 Water Street, Henderson, NV 89015.	Public Works Department, 240 Water Street, Henderson, NV 89015.	October 4, 2013	320005
North Carolina:					
Rowan (FEMA Docket No.: B–1335).	Town of Granite Quarry (12–04–5555P).	The Honorable Mary S. Ponds, Mayor, Town of Granite Quarry, 143 North Salisbury Avenue, Granite Quarry, NC 28072.	Town Hall, 143 North Salisbury Avenue, Granite Quarry, NC, 28072.	October 17, 2013	370212
Union (FEMA Docket No.: B–1335).	Town of Waxhaw (13–04–3703P).	The Honorable Duane Gardner, Mayor, Town of Waxhaw, 317 North Broome Street, Waxhaw, NC 28173.	Town Hall, 317 North Broome Street, Waxhaw, NC 28173.	October 10, 2013	370473
	Unincorporated areas of Union County (12–04–5106P).	The Honorable Jerry Simpson, Chairman, Union County Board of Commissioners, 500 North Main Street, Monroe, NC 28112.	Union County Planning Department, 407 North Main Street, Room 149, Monroe, NC 28112.	October 17, 2013	370234
	Unincorporated areas of Union County (13–04–3703P).	The Honorable Jerry Simpson, Chairman, Union County Board of Commissioners, 500 North Main Street, Monroe, NC 28112.	Union County Planning Department, 407 North Main Street, Room 149, Monroe, NC 28112.	October 10, 2013	370234
North Dakota: Stark (FEMA Docket No.: B–1337).	Unincorporated areas of Stark County (13–08–0275P).	The Honorable Ken Zander, Chairman, Stark County Board of Commissioners, P.O. Box 130, Dickinson, ND 58602.	Stark County Recorder's Office, 51 3rd Street East, Dickinson, ND 58602.	August 19, 2013	385369
South Carolina:					
Berkeley (FEMA Docket No.: B–1337).	Town of Moncks Corner (13–04–1115P).	The Honorable William W. Peagler, III, Mayor, Town of Moncks Corner, P.O. Box 700, Moncks Corner, SC 29461.	Town Hall, 118 Carolina Avenue, Moncks Corner, SC 29461.	September 19, 2013	450031
Greenville (FEMA Docket No.: B–1337).	City of Greenville (13–04–1043P).	The Honorable Knox White, Mayor, City of Greenville, P.O. Box 2207, Greenville, SC 29602.	City Council Office, 206 South Main Street, Greenville, SC 29601.	July 26, 2013	450091
Tennessee: Knox (FEMA Docket No.: B–1337).	City of Knoxville (13–04–1221P).	The Honorable Madeline Rogero, Mayor, City of Knoxville, P.O. Box 1631, Knoxville, TN 37902.	Engineering Division, City County Building, 400 Main Street, Room 480, Knoxville, TN 37902.	September 20, 2013	475434
Utah: Utah (FEMA Docket No.: B–1335).	City of Lindon (13–08–0544P).	The Honorable Jim Dain, Mayor, City of Lindon, 100 North State Street, Lindon, UT 84042.	Council Chambers Office, 100 North State Street, Lindon, UT 84042.	October 25, 2013	490210
Wyoming: Natrona (FEMA Docket No.: B–1337).	City of Casper (13–08–0084P).	The Honorable Kenyne Schlager, Mayor, City of Casper, 200 North David Street, Casper, WY 82601.	Community Development Department, 200 North David Street, Casper, WY 82601.	August 30, 2013	560037
	Unincorporated areas of Natrona County (13–08–0084P).	The Honorable Bill McDowell, Chairman, Natrona County Board of Commissioners, 200 North Center, Casper, WY 82601.	Natrona County Planning and Zoning Department, 120 West 1st Street, Suite 200, Casper, WY 82601.	August 30, 2013	560036

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 31, 2014.

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–05312 Filed 3–11–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1403]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and

must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama:						
Jefferson	City of Bessemer (13–04–7454P).	The Honorable Kenneth E. Gulley, Mayor, City of Bessemer, 1800 3rd Avenue North, Bessemer, AL 35020.	City Hall, Engineering Department, 1800 3rd Avenue North, Bessemer, AL 35020.	*www.msc.fema.gov/lomc*	March 13, 2014	010115
Jefferson	Unincorporated areas of Jefferson County (13–04–7454P).	The Honorable David Carrington, Chairman, Jefferson County Commission, 716 Richard Arrington, Jr. Boulevard North, Birmingham, AL 35203.	Jefferson County Land Development Department, 716 Richard Arrington, Jr. Boulevard North, Suite 260, Birmingham, AL 35203.	*www.msc.fema.gov/lomc*	March 13, 2014	010217
Arizona:						
Maricopa	Town of Buckeye (13–09–2406P).	The Honorable Jackie A. Meck, Mayor, Town of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Town Hall, 100 North Apache Street, Suite A, Buckeye, AZ 85326.	*www.msc.fema.gov/lomc*	March 14, 2014	040039
Maricopa	Unincorporated areas of Maricopa County (13–09–2406P).	The Honorable Andrew Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Maricopa County Flood Control District, 2801 West Durango Street, Phoenix, AZ 85009.	*www.msc.fema.gov/lomc*	March 14, 2014	040037
Pima	Unincorporated areas of Pima County (13–09–2458P).	The Honorable Ramon Valadez, Chairman, Pima County Board of Supervisors, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 97 East Congress Street, 3rd Floor, Tucson, AZ 85701.	*www.msc.fema.gov/lomc*	February 7, 2014	040073
Pinal	City of Apache Junction (13–09–1704P).	The Honorable John Insalaco, Mayor, City of Apache Junction, 300 East Superstition Boulevard, Apache Junction, AZ 85119.	City Hall, 1001 North Idaho Road, Apache Junction, AZ 85219.	*www.msc.fema.gov/lomc*	March 25, 2014	040120

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Yavapai	Unincorporated areas of Yavapai County (13–09–0731P).	The Honorable Chip Davis, Chairman, Yavapai County Board of Supervisors, 10 South 6th Street, Cottonwood, AZ 86326.	Yavapai County Flood Control District, 500 South Marina Street, Prescott, AZ 86303.	*www.msc.fema.gov/lomc*	March 7, 2014	040093
California:						
Humboldt	City of Arcata (13–09–2457P).	The Honorable Shane Brinton, Mayor, City of Arcata, 736 F Street, Arcata, CA 95521.	Public Works Department, 736 F Street, Arcata, CA 95521.	*www.msc.fema.gov/lomc*	February 28, 2014.	060061
Orange	City of Irvine (13–09–3195P).	The Honorable Steven S. Choi, Ph.D., Mayor, City of Irvine, 1 Civic Center Plaza, Irvine, CA 92606.	Public Works Department, Development Engineering, 1 Civic Center Plaza, 2nd Floor, Irvine, CA 92606.	*www.msc.fema.gov/lomc*	March 21, 2014	060222
Colorado:						
Denver	City and County of Denver (13–08–1197P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	*www.msc.fema.gov/lomc*	March 21, 2014	080046
Douglas	Town of Parker (13–08–0607P).	The Honorable Mike Waid, Mayor, Town of Parker, 20120 East Main Street, Parker, CO 80138.	Public Works Department, 20120 East Main Street, Parker, CO 80138.	*www.msc.fema.gov/lomc*	March 14, 2014	080310
El Paso	City of Colorado Springs (13–08–1078P).	The Honorable Steve Bach, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	Floodplain Administrator's Office, 2880 International Circle, Colorado Springs, CO 80910.	*www.msc.fema.gov/lomc*	March 14, 2014	080060
Jefferson	City of Lakewood (13–08–0333P).	The Honorable Bob Murphy, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, CO 80226.	Engineering Department, 480 South Allison Parkway, Lakewood, CO 80226.	*www.msc.fema.gov/lomc*	February 28, 2014.	085075
Florida:						
Escambia	Unincorporated areas of Escambia County (13–04–7319P).	The Honorable Gene M. Valentino, Chairman, Escambia County Board of Commissioners, 221 Palafox Place, Suite 400, Pensacola, FL 32502.	Escambia County Development Services Department, 3363 West Park Place, Pensacola, FL 32505.	*www.msc.fema.gov/lomc*	March 26, 2014	120080
Escambia	Unincorporated areas of Escambia County (13–04–7654P).	The Honorable Gene M. Valentino, Chairman, Escambia County Board of Commissioners, 221 Palafox Place, Suite 400, Pensacola, FL 32502.	Escambia County Development Services Department, 3363 West Park Place, Pensacola, FL 32505.	*www.msc.fema.gov/lomc*	March 26, 2014	120080
Orange	City of Maitland (13–04–7033P).	The Honorable Howard Schieferdecker, Mayor, City of Maitland, Maitland Municipal Complex, 1776 Independence Lane, Maitland, FL 32751.	City Hall, 1776 Independence Lane, Maitland, FL 32751.	*www.msc.fema.gov/lomc*	March 7, 2014	120184
Orange	City of Orlando (13–04–7033P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32808.	Permitting Services Division, 400 South Orange Avenue, Orlando, FL 32801.	*www.msc.fema.gov/lomc*	March 7, 2014	120186
Orange	City of Winter Park (13–04–7033P).	The Honorable Kenneth W. Bradley, Mayor, City of Winter Park, 401 South Park Avenue, Winter Park, FL 32789.	City Hall, 401 South Park Avenue, Winter Park, FL 32789.	*www.msc.fema.gov/lomc*	March 7, 2014	120188
Orange	Unincorporated areas of Orange County (13–04–7033P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*www.msc.fema.gov/lomc*	March 7, 2014	120179
Pinellas	City of Dunedin (13–04–5166P).	The Honorable Dave Eggers, Mayor, City of Dunedin, 542 Main Street, Dunedin, FL 34698.	Engineering Department, 542 Main Street, Dunedin, FL 34698.	*www.msc.fema.gov/lomc*	March 20, 2014	125103

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Sarasota	Unincorporated areas of Sarasota County (13–04–5170P).	The Honorable Carolyn J. Mason, Chair, Sarasota County Commission, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County, Stormwater Management Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*www.msc.fema.gov/lomc*	March 21, 2014	125144
Seminole	City of Casselberry (13–04–7033P).	The Honorable Charlene Glancy, Mayor, City of Casselberry, 95 Triplet Lake Drive, Casselberry, FL 32707.	Fire/Public Works Administration, 95 Triplet Lake Drive, Casselberry, FL 32707.	*www.msc.fema.gov/lomc*	March 7, 2014	120291
Seminole	Unincorporated areas of Seminole County (13–04–7033P).	The Honorable Bob Dallari, Chairman, Seminole County Board of Commissioners, 1101 East 1st Street, Sanford, FL 32771.	County Services Building, 1101 East 1st Street, Sanford, FL 32771.	*www.msc.fema.gov/lomc*	March 7, 2014	120289
Hawaii:						
Hawaii	Hawaii County (13–09–2580P).	The Honorable William P. Kenoi, Mayor, Hawaii County, 25 Aupuni Street, Hilo, HI 96720.	Hawaii County Public Works Department, 101 Pauahi Street, Suite 7, Hilo, HI 96720.	*www.msc.fema.gov/lomc*	February 21, 2014.	155166
Mississippi:						
Jones	City of Ellisville (13–04–1560P).	The Honorable Tim Waldrup, Mayor, City of Ellisville, 110 North Court Street, Ellisville, MS 39437.	City Hall, 110 North Court Street, Ellisville, MS 39437.	*www.msc.fema.gov/lomc*	February 28, 2014.	280091
Jones	Unincorporated areas of Jones County (13–04–1560P).	The Honorable Andy Dial, President, Jones County Board of Supervisors, P.O. Box 1468, Laurel, MS 39441.	Jones County Courthouse, 415 North 5th Avenue, Laurel, MS 39441.	*www.msc.fema.gov/lomc*	February 28, 2014.	280222
Union	Unincorporated areas of Union County (13–04–3496P).	The Honorable Danny Jordan, President, Union County Board of Supervisors, 109 East Main Street, New Albany, MS 38652.	Union County Courthouse, 109 East Main Street, New Albany, MS 38652.	*www.msc.fema.gov/lomc*	March 10, 2014	280237
North Carolina:						
Alamance	City of Burlington (14–04–0924P).	The Honorable Ronnie K. Wall, Mayor, City of Burlington, 425 South Lexington Avenue, Burlington, NC 27216.	Inspection Division, 425 South Lexington Avenue, Burlington, NC 27216.	*www.msc.fema.gov/lomc*	March 31, 2014	370002
Alamance	City of Burlington (14–04–0926P).	The Honorable Ronnie K. Wall, Mayor, City of Burlington, 425 South Lexington Avenue, Burlington, NC 27216.	Inspection Division, 425 South Lexington Avenue, Burlington, NC 27216.	*www.msc.fema.gov/lomc*	March 31, 2014	370002
Gaston	City of Gastonia (14–04–0932P).	The Honorable John Bridgeman, Mayor, City of Gastonia, P.O. Box 1748, Gastonia, NC 28053.	Garland Municipal Business Center, 150 South York Street, Gastonia, NC 28052.	*www.msc.fema.gov/lomc*	April 5, 2014	370100
Guilford	City of Greensboro (14–04–0935P).	The Honorable Robbie Perkins, Mayor, City of Greensboro, P.O. Box 3136, Greensboro, NC 27402.	City of Greensboro Central Library, 219 North Church Street, Greensboro, NC 27401.	*www.msc.fema.gov/lomc*	April 5, 2014	375351
Guilford	Unincorporated areas of Guilford County (14–04–0935P).	The Honorable Linda O. Shaw, Chairman, Guilford County Board of Commissioners, P.O. Box 3427, Greensboro, NC 27402.	Independent Center, 400 West Market Street, Greensboro, NC 27402.	*www.msc.fema.gov/lomc*	April 5, 2014	370111
South Carolina:						
York	City of Rock Hill (13–04–4084P).	The Honorable Doug Echols, Mayor, City of Rock Hill, 155 Johnson Street, Rock Hill, SC 29731.	City Hall, 155 Johnson Street, Rock Hill, SC 29731.	*www.msc.fema.gov/lomc*	February 7, 2014	450196
York	Unincorporated areas of York County (13–04–4084P).	The Honorable J. Britt Blackwell, Chairman, York County Council, 6 South Congress Street, York, SC 29745.	York County Engineering Department, 6 South Congress Street, York, SC 29745.	*www.msc.fema.gov/lomc*	February 7, 2014	450193
Tennessee:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Sevier	City of Sevierville (13–04–7165P).	The Honorable Bryan C. Atchley, Mayor, City of Sevierville, 120 Gary Wade Boulevard, Sevierville, TN 37862.	City Hall, 120 Gary Wade Boulevard, Sevierville, TN 37862.	*www.msc.fema.gov/lomc*	March 28, 2014	475444
Utah:						
Utah	City of Lehi (13–08–0558P).	The Honorable Bert Wilson, Mayor, City of Lehi, 153 North 100 East, Lehi, UT 84043.	Building and Planning Department, 99 West Main Street, Suite 100, Lehi, UT 84043.	*www.msc.fema.gov/lomc*	March 20, 2014	490209
Utah	City of Saratoga Springs (13–08–0558P).	The Honorable Mia Love, Mayor, City of Saratoga Springs, 1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045.	Planning and Zoning Department, 1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045.	*www.msc.fema.gov/lomc*	March 20, 2014	490250
Utah	Unincorporated areas of Utah County (13–08–0558P).	The Honorable Doug Whitney, Chairman, Utah County Board of Commissioners, 100 East Center Street, Suite 2300, Provo, UT 84606.	Utah County Public Works Department, 2855 South State Street, Provo, UT 84606.	*www.msc.fema.gov/lomc*	March 20, 2014	495517

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 31, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–05311 Filed 3–11–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1357]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The

community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case no.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama: Tuscaloosa.	City of Tuscaloosa (13–04–7373P).	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, 2201 University Boulevard, Tuscaloosa, AL 35401.	Engineering Department, 2201 University Boulevard, Tuscaloosa, AL 35401.	*www.msc.fema.gov/lomc.*	February 7, 2014	010203
Arizona:						
Pima	Unincorporated areas of Pima County (13–09–0833P).	The Honorable Ramon Valadez, Chairman, Pima County Board of Supervisors, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	97 East Congress Street, 3rd Floor, Tucson, AZ 85701.	*www.msc.fema.gov/lomc.*	January 24, 2014	040073
Pinal	City of Maricopa, (13–09–0781P).	The Honorable Christian Price, Mayor, City of Maricopa, P.O. Box 610, Maricopa, AZ 85139.	City Clerk's Department, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	*www.msc.fema.gov/lomc.*	January 24, 2014	040052
California:						
Los Angeles	City of Santa Clarita (13–09–2046P).	The Honorable Bob Kellar, Mayor, City of Santa Clarita, 23920 Valencia Boulevard, Santa Clarita, CA 91355.	City Hall, 23920 Valencia Boulevard, Santa Clarita, CA 91355.	*www.msc.fema.gov/lomc.*	February 7, 2014	060729
San Luis Obispo.	City of San Luis Obispo (13–09–2401P).	The Honorable Jan Howell Marx, Mayor, City of San Luis Obispo, 990 Palm Street, San Luis Obispo, CA 93401.	Public Works Department, 919 Palm Street, San Luis Obispo, CA 93401.	*www.msc.fema.gov/lomc.*	January 31, 2014	060310
Ventura	City of Camarillo (13–09–1000P).	The Honorable Charlotte Craven, Mayor, City of Camarillo, 601 Carmen Drive, Camarillo, CA 93010.	Public Works Department, 601 Carmen Drive, Camarillo, CA 93010.	*www.msc.fema.gov/lomc.*	January 31, 2014	065020
Ventura	Unincorporated areas of Ventura County (13–09–1000P).	The Honorable Peter C. Foy, Chairman, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, CA 93009.	Ventura County Hall of Administration, Public Works Agency, 800 South Victoria Avenue, Ventura, CA 93009.	*www.msc.fema.gov/lomc.*	January 31, 2014	060413
Colorado:						
Boulder	City of Lafayette (13–08–0605P).	The Honorable Carolyn Cutler, Mayor, City of Lafayette, 1290 South Public Road, Lafayette, CO 80026.	City Hall, 1290 South Public Road, Lafayette, CO 80026.	*www.msc.fema.gov/lomc.*	January 24, 2014	080026
Boulder	City of Louisville (13–08–0605P).	The Honorable Bob Muckle, Mayor, City of Louisville, 1101 Lincoln Avenue, Louisville, CO 80027.	City Hall, 749 Main Street, Louisville, CO 80027.	*www.msc.fema.gov/lomc.*	January 24, 2014	085076
Denver	City and County of Denver (13–08–0332P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 North Bannock Street, Suite 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	*www.msc.fema.gov/lomc.*	February 12, 2014	080046
Florida:						
Collier	City of Naples (13–04–5410P).	The Honorable John F. Sorey, III, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	*www.msc.fema.gov/lomc.*	January 24, 2014	125130
Orange	City of Orlando (13–04–2963P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32808.	Permitting Services Department, 400 South Orange Avenue, Orlando, FL 32801.	*www.msc.fema.gov/lomc.*	February 7, 2014	120186
Orange	Unincorporated areas of Orange County (13–04–2963P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*www.msc.fema.gov/lomc.*	February 7, 2014	120179
Sarasota	City of Sarasota (13–04–6594P).	The Honorable Shannon Snyder, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	City Hall, 1565 1st Street, Sarasota, FL 34236.	*www.msc.fema.gov/lomc.*	January 31, 2014	125150

State and county	Location and case no.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Sarasota	Unincorporated areas of Sarasota County (13–04–6707P).	The Honorable Carolyn Mason, Chair, Sarasota County Commission, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Stormwater Management Division, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*www.msc.fema.gov/lomc.*	February 12, 2014	125144
Sumter	Unincorporated areas of Sumter County (13–04–5645P).	The Honorable Doug Gilpin, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Planning Department, 7375 Powell Road, Wildwood, FL 34785.	*www.msc.fema.gov/lomc.*	February 7, 2014	120296
Georgia: Forsyth	Unincorporated areas of Forsyth County (13–04–6334P).	The Honorable R.J. Amos, Chairman, Forsyth County Board of Commissioners, 110 East Main Street, Suite 210, Cumming, GA 30040.	Forsyth County Administration Building, 110 East Main Street, Suite 120, Cumming, GA 30040.	*www.msc.fema.gov/lomc.*	January 9, 2014	130312
Hawaii: Hawaii	Hawaii County (13–09–2129P).	The Honorable William P. Kenoi, Mayor, Hawaii County, 25 Aupuni Street, Suite 1401, Hilo, HI 96720.	Hawaii County Office Building, Department of Public Works, 101 Pauahi Street, Suite 7, Hilo, HI 96720.	*www.msc.fema.gov/lomc.*	February 7, 2014	155166
Kentucky: Christian	City of Hopkinsville (13–04–5407P).	The Honorable Dan Kemp, Mayor, City of Hopkinsville, 101 North Main Street, Hopkinsville, KY 42240.	Lackey Municipal Building, 101 North Main Street, Hopkinsville, KY 42240.	*www.msc.fema.gov/lomc.*	January 31, 2014	210055
Nevada: Douglas	Unincorporated areas of Douglas County (13–09–2041P).	The Honorable Greg Lynn, Chairman, Douglas County Board of Commissioners, P.O. Box 218, Minden, NV 89423.	Douglas County Community Development Department, Planning Division, 1594 Esmeralda Avenue, Minden, NV 89423.	*www.msc.fema.gov/lomc.*	January 27, 2014	320008
North Carolina:						
Lee	Unincorporated areas of Lee County (11–04–7013P).	The Honorable Charlie Parks, Chairman, Lee County Board of Commissioners, P.O. Box 1968, Sanford, NC 27331.	Summit Building, 408 Summit Drive, Sanford, NC 27331.	*www.msc.fema.gov/lomc.*	January 15, 2014	370331
Henderson	Unincorporated areas of Henderson County (12–04–1370P).	The Honorable Charles Messer, Chairman, Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792.	100 North King Street, Hendersonville, NC 28792.	*www.msc.fema.gov/lomc.*	January 2, 2014	370125
McDowell	Unincorporated areas of McDowell County (11–04–8431P).	The Honorable David N. Walker, Chairman, McDowell County Board of Commissioners, County Administration Building, 60 East Court Street, Marion, NC 28752.	County Administration Building, 60 East Court Street, Marion, NC 28752.	*www.msc.fema.gov/lomc.*	December 26, 2013	370148
Wake	Town of Cary (12–04–8021P).	The Honorable Harold Weinbrecht, Jr., Mayor, Town of Cary, P.O. Box 8005, Cary, NC 27512.	Stormwater Services Division, 316 North Academy Street, Cary, NC 27512.	*www.msc.fema.gov/lomc.*	February 13, 2014	370238
Wake	Town of Cary (13–04–3068P).	The Honorable Harold, Weinbrecht, Jr., Mayor, Town of Cary, P.O. Box 8005, Cary, NC 27512.	Stormwater Services Division, 316 North Academy Street, Cary, NC 27512.	*www.msc.fema.gov/lomc.*	January 30, 2014	370238
South Carolina:						
Charleston	City of Charleston (13–04–5644P).	The Honorable Joseph P. Riley, Jr., Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29402.	Department of Public Service, 75 Calhoun Street, 3rd Floor, Charleston, SC 29401.	*www.msc.fema.gov/lomc.*	January 31, 2014	455412
	Unincorporated areas of Charleston County (13–04–5644P).	The Honorable Teddie E. Pryor, Sr., Chairman, Charleston County Council, 4045 Bridge View Drive, North Charleston, SC 29405.	Charleston County Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405.	*www.msc.fema.gov/lomc.*	January 31, 2014	455413
South Dakota: Lawrence.	City of Spearfish (13–08–0834P).	The Honorable Dana Boke, Mayor, City of Spearfish, 625 North 5th Street, Spearfish, SD 57783.	Public Works Department, 625 North 5th Street, Spearfish, SD 57783.	*www.msc.fema.gov/lomc.*	February 12, 2014	460046
Utah:						

State and county	Location and case no.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Davis	City of Farmington (13–08–0082P).	The Honorable Scott Harbertson, Mayor, City of Farmington, P.O. Box 160, Farmington, UT 84025.	City Hall, 160 South Main Street, Farmington, UT 84025.	*www.msc.fema.gov/lomc.*	February 7, 2014	490044
Davis	Unincorporated areas of Davis County (13–08–0082P).	The Honorable John Petroff, Jr., Chairman, Davis County Board of Commissioners, P.O. Box 618, Farmington, UT 84025.	Davis County Planning Department, 61 South Main Street, Farmington, UT 84025.	*www.msc.fema.gov/lomc.*	February 7, 2014	490038

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 31, 2014.

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–05315 Filed 3–11–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2014–N032; FXES11130600000–145–FF06E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered or threatened species. With some exceptions, the Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please send your written comments by April 11, 2014.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD–ROM of the documents. Please specify the permit you are interested in by number (e.g., Permit No. TE–XXXXXX).

- *Email: permitsR6ES@fws.gov.* Please refer to the respective permit number (e.g., Permit No. TE–XXXXXX) in the subject line of the message.
- *U.S. Mail:* Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486–DFC, Denver, CO 80225.
- *In-Person Drop-off, Viewing, or Pickup:* Call (303) 236–4212 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Permit Coordinator, Ecological Services, (303) 236–4212 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 et seq.) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for permits and requires that we invite public comment before issuing these permits.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittees to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Documents and other information the applicants have submitted with their applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Application Number TE121914

Applicant: USGS Northern Prairie Wildlife Research Center, 8711 37th Street SE., Jamestown, ND.

The applicant requests an amendment to their existing permit to increase the number of interior least tern (*Sternula antillarum athalassos*) to be banded and to add additional research localities in North Dakota, South Dakota, and Montana for the purpose of enhancing the species' survival.

Permit Application Number TE069539

Applicant: Cheyenne River Sioux Tribe, Prairie Management Program, 97 South Willow St., Eagle Butte, SD.

The applicant requests the renewal of their existing permit to take (capture, handle, and release) black-footed ferret (*Mustela nigripes*) for research and presence/absence surveys within the boundaries of the Cheyenne River Sioux Tribe Reservation in South Dakota, for the purpose of enhancing the species' survival.

Permit Application Number TE060668

Applicant: Mark Bellini, Ojai, CA 93023.

The applicant requests an amendment to an existing permit to conduct presence/absence surveys and nest monitoring throughout the range of the species in Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah for the purpose of enhancing the species' survival.

National Environmental Policy Act

In compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection,

by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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

Authority: We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.).

Dated: March 4, 2014.

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2014–05446 Filed 3–11–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

[Geological Survey [GX14EE000101100]

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Meeting.

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on April 1–2, 2014 at the South Interior Building Auditorium, 1951 Constitution Avenue NW., Washington, DC 20240. The meeting will be held in the first floor Auditorium. The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, was established to advise the Federal Geographic Data Committee (FGDC) on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure (NSDI), and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

- Leadership Dialogue
- 2014 NGAC Guidance
- FGDC Initiatives (NSDI Strategic Plan, Geospatial Platform, Geospatial Portfolio Management)
- NGAC Subcommittee Activities
- NGAC Action Plan

The meeting will include an opportunity for public comment on April 2. Comments may also be submitted to the NGAC in writing. Members of the public who wish to attend the meeting must register in advance. Please register by contacting Arista Maher at the U.S. Geological Survey (703–648–6283, *amaher@usgs.gov*). Registrations are due by March 28, 2014. While the meeting will be open to the public, registration is required for entrance to the South Interior Building, and seating may be limited due to room capacity.

DATES: The meeting will be held from 1:00 p.m. to 5:30 p.m. on April 1 and from 8:30 a.m. to 4:00 p.m. on April 2.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting is available at *www.fgdc.gov/ngac.*

Kenneth Shaffer,

Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2014–05298 Filed 3–11–14; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUTW02100–L13300000–EN0000]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Sevier Playa Project, Millard County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Federal Land Policy and Management Act of 1976, as amended, and the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) Utah Fillmore Field Office intends to prepare an Environmental Impact Statement (EIS) to analyze and disclose impacts associated with the Sevier Playa Project, a proposed potash mine located on public land in central Millard County, Utah, and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing for 30 calendar days following the publication of this notice. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: *www.ut.blm.gov.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. Additional opportunities for public participation will be provided upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Sevier Playa Project by any of the following methods:

- Email: *blm__ut__fm__comments@blm.gov.*
- Fax: 435–743–3135.
- Mail: BLM, Fillmore Field Office, 95 East 500 North, Fillmore, UT 84631.

Documents pertinent to this proposal may be examined at the BLM Fillmore Field Office.

FOR FURTHER INFORMATION CONTACT: Cindy Ledbetter, Environmental Coordinator; telephone 435–743–3100; address BLM, 95 East 500 North, Fillmore, UT 84631; email *blm__ut__fm__comments@blm.gov.* Contact Ms. Ledbetter 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 leave a message or question for Ms. Ledbetter. The FIRS is available 24 hours a day, 7 days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, Peak Minerals Inc. (Peak Minerals), has requested to construct an operational potash mine on BLM-leased lands which they hold the right to develop, and to use off-lease BLM-administered lands through an application for a right-of-way (ROW) authorization for supporting structures. Peak Minerals is proposing to construct, operate, and maintain the Sevier Playa Project which would include facilities to extract and process potash from the brine solution found in the leased area. Potash is defined by regulation under 43 CFR part 3500 and the Mineral Leasing Act of 1920 as a solid leasable mineral. The Sevier Playa leased area is located in southwestern Utah in the central portion of Millard County, and is defined generally by the geographical boundaries of the Sevier Playa. Peak Minerals controls directly, or through agreement, the BLM mineral leases on more than 124,000 acres. Potash leases grant the lessee the exclusive right and privilege to explore for, drill for, mine, extract, remove, beneficiate, concentrate, or otherwise process and dispose of the potassium deposits and other associated minerals. The leased lands for the proposed Project are predominantly administered by the

BLM, with isolated 640-acre sections managed by the Utah School and Institutional Trust Lands Administration. The proposed project would be designed to produce 300,000 tons of potash per year in the form of K_2SO_4 or sulphate of potash (SOP), for a total estimated production (over the anticipated minimum project life of 30 years) of 9 million metric tons of SOP.

An operating plan for mining (Mining Plan) for the Sevier Playa Project, prepared by Peak Minerals, describes the project in detail and is available at the BLM Fillmore Field Office. As described in the Mining Plan, brine would be extracted from beneath the playa surface by extraction trenches and wells. Enhanced aquifer recharge would be implemented to support the hydraulic head necessary to maintain target extraction rates. Extracted brine would be transferred to concentration ponds to concentrate and precipitate the resource through solar evaporation. Potash salts would be harvested and stockpiled, then crushed to reduce particle size. Scrubbing and flotation would separate potassium-rich salts from other materials contained in the precipitate. Crystallization processes would further refine the product to meet purity specifications.

The project facilities would include ponds, wells, a processing facility, power line, gas line, rail facility, freshwater well, and access roads. The site would be accessed via state highways on the north and east sides. To the extent possible, existing roads would be used for access for construction and maintenance. Power would be brought in from the north end of the playa via a new power line. The fresh water supply would come from a well supply due south of the plant site, while the natural gas supply line would be brought from a supply point east of the plant site. The main substation would be located on the northwest corner of the processing plant. An administration building and combined equipment shop, maintenance area, and warehouse would be constructed.

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 process for developing the EIS. At present, the BLM has identified the following preliminary issues: Air quality, water quality and water rights, traffic and usage of secondary roads, on-site and compensatory mitigation, and wildlife concerns. The BLM will use 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. 470f) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed Sevier Playa Project 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 Sevier Playa Project 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.

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

Authority: 40 CFR 1501.7.

Jenna Whitlock,

Associate State Director.

[FR Doc. 2014–05359 Filed 3–11–14; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–KAHO–15083; PPPWKAHOS0, PPMPSPD1Z.YM0000]

Request for Nominations for the Na Hoa Pili O Kaloko-Honokohau Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of Request for Nominations for the Na Hoa Pili O Kaloko-Honokohau Advisory Commission.

SUMMARY: The National Park Service, U.S. Department of the Interior, proposes to appoint a member to the Na Hoa Pili O Kaloko-Honokohau (The Friends of Kaloko-Honokohau), an advisory commission for the park. The Superintendent, Kaloko-Honokohau National Historical Park, acting as administrative lead, is requesting nominations for qualified persons to serve on the Commission.

DATES: Nomination must be postmarked not later than May 12, 2014.

ADDRESSES: Nominations or requests for further information should be sent to Tammy Duchesne, Superintendent, Kaloko-Honokohau National Historical Park, 73–4786 Kanalani Street, Suite #14, Kailua-Kona, Hawaii 96740.

FOR FURTHER INFORMATION CONTACT: Jeff Zimpfer, National Park Service, Environmental Protection Specialist, Kaloko-Honokohau National Historical Park, 73–4786 Kanalani St., #14, Kailua Kona, Hawaii 96740, by telephone (808) 329–6881, ext. 1500, or email: *jeff_zimpfer@nps.gov.*

SUPPLEMENTARY INFORMATION: The Na Hoa Pili O Kaloko-Honokohau Advisory Commission scope and objectives are as follows: The Kaloko-Honokohau National Historical Park was established by Section 505(a) of Public Law 95–625, November 10, 1978, as amended. Section 505(f) of that law, as amended, established the Na Hoa Pili O Koloko-Honokohau (The Friends of Kaloko-Honokohau), as advisory commission for the park. The Commission was re-established by Title VII, Subtitle E, Section 7401 of Public Law 111–11, the Omnibus Public Land Management Act of 2009, March 30, 2009. The Commission's new termination date is December 18, 2018.

The purpose of the Commission is to advise the Superintendent and the Director, National Park Service, with respect to the historical, archeological, cultural, and interpretive programs of the park. The Commission is to afford particular emphasis to the quality of traditional Native Hawaiian cultural practices demonstrated in the park.

For the purposes of Section 505(e), native Hawaiians are defined as any lineal descendents of the race inhabiting the Hawaiian Islands prior to the year 1778.

Nominations are needed to represent the following category: member to represent Native Hawaiian interests.

Submitting Nominations:

Nominations should be typed and must include each of the following:

A. Brief summary of no more than two (2) pages explaining the nominee's suitability to serve on the Commission.

B. Resume or curriculum vitae.

C. At least one (1) letter of reference.

The Commission consists of nine members, each appointed by the Secretary of the Interior, and four ex

officio non-voting members, as follows: (a) All nine Secretarial appointees will be residents of the State of Hawaii, and at least six of those appointees will be native Hawaiians; (b) Native Hawaiian organizations will be invited to nominate members, and at least five members will be appointed from those nominations to represent the interests of those organizations. The other four members will represent Native Hawaiian interests; (c) the nine voting members will be appointed for 5-year terms. No member may serve more than one term consecutively. Any vacancy in the Commission shall be filled by appointment for the remainder of the term; (d) the four ex officio members include the Park Superintendent, the Pacific West Regional Pacific Islands Director, one person appointed by the Governor of Hawaii, and one person appointed by the Mayor of the County of Hawaii. The Secretary of the Interior shall designate one member of the Commission to be Chairman.

Members of the Commission will receive no pay, allowances, or benefits by reason of their service on the Commission. However, while away from their homes or regular places of business in the performance of services for the Commission as approved by the Designated Federal Officer, members will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed such expenses under Section 5703 of Title 5 of the United States Code.

The Obama Administration prohibits individuals who are currently federally registered lobbyists to serve on all Federal Advisory Committee Act (FACA) and non-FACA boards, committees, or councils.

All required documents must be compiled and submitted in one complete nomination package. Incomplete submissions (missing one or more of the items described above) will not be considered.

Nominations should be postmarked no later than May 12, 2014, to Tammy Duchesne, Superintendent, Kaloko-Honokohau National Historical Park, 73–4786 Kanalani Street, Suite #14, Kailua-Kona, Hawaii 96740.

Dated: March 6, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–05334 Filed 3–11–14; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SER–BICY–15013;PPSEBICY00, PPMPSPD1Z.YM0000]

2014 Meetings of the Big Cypress National Preserve Off-Road Vehicle Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Notice of Meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), notice is hereby given of the meetings of the Big Cypress National Preserve Off-Road Vehicle (ORV) Advisory Committee for 2014.

DATES: The Committee will meet on the following dates:

Tuesday, April 22, 2014, 3:30–8:00 p.m. (Eastern)

Tuesday, October 7, 2014, 3:30–8:00 p.m. (Eastern)

ADDRESSES: All meetings will be held at the Big Cypress Swamp Welcome Center, 33000 Tamiami Trail East, Ochopee, Florida. Written comments and requests for agenda items may be submitted electronically on the park Web site: *http://www.nps.gov/bicy/parkmgmt/orv-advisory-committee.htm.* Alternatively, comments and requests may be sent to: Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, FL 34141–1000, Attn: ORV Advisory Committee.

FOR FURTHER INFORMATION CONTACT: J. D. Lee, Acting Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, Florida 34141–1000, by telephone (239) 695–1103, or go to the park Web site: *http://www.nps.gov/bicy/parkmgmt/orv-advisory-committee.htm.*

SUPPLEMENTARY INFORMATION: The Committee was established (**Federal Register**, August 1, 2007, pp. 42108–42109) pursuant to the Preserve's 2000 *Recreational Off-Road Vehicle Management Plan* and the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix 1–16) to examine issues and make recommendations regarding the management of off-road vehicles (ORVs) in the Preserve. The agendas for these meetings will be published by press release and available at the park Web site: *http://www.nps.gov/bicy/parkmgmt/orv-advisory-committee.htm.*

The meetings will be open to the public, and time will be reserved for public comment. Oral comments will be summarized for the record. If you wish to have your comments recorded verbatim, you must submit them in writing. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 6, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–05331 Filed 3–11–14; 8:45 am]

BILLING CODE 4310–JD–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–CACO–15016; PPNECACOS0, PPMPSD1Z.YM0000]

Notice of April 14, 2014, Meeting for Cape Cod National Seashore Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting Notice.

SUMMARY: This notice sets forth the date of the 293nd meeting of the Cape Cod National Seashore Advisory Commission.

DATES: The public meeting of the Cape Cod National Seashore Advisory Commission will be held on Monday, April 14, 2014, at 1:00 p.m. (Eastern).

ADDRESSES: The Commission members will meet in the conference room at park headquarters, 99 Marconi Site Road, Wellfleet, Massachusetts 02667.

The 293nd meeting of the Cape Cod National Seashore Advisory Commission will take place on Monday, April 14, 2014, at 1:00 p.m., in the conference room at park headquarters, 99 Marconi Station, in Wellfleet, Massachusetts, to discuss the following:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meeting
   (February 3, 2014)
3. Reports of Officers
4. Reports of Subcommittees
   Update of Pilgrim Nuclear Plant Emergency Planning Subcommittee
5. Superintendent's Report
   Update on FY 14 Budget and Program
   Storm Damage
   Science at the Seashore and Inventory and Monitoring, including NPS Network
   Improved Properties/Town Bylaws
   Herring River Wetland Restoration
   Shorebird Management Planning

Highlands Center Update

Ocean Stewardship Topics—Shoreline Change

Climate Friendly Parks

6. Old Business

Continue Discussion of NSTAR Spraying Plans, Clearing Alternatives, and Utility Right-of-Ways

7. New Business

8. Date and Agenda for Next Meeting

9. Public Comment

10. Adjournment

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from George E. Price, Jr., Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667, or via telephone at (508) 771–2144.

SUPPLEMENTARY INFORMATION: The Commission was reestablished pursuant to Public Law 87–126, as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or her designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members. Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent prior to the meeting. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 6, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–05330 Filed 3–11–14; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–14839; PPWOCRADN0–PCU00RP14.R50000]

Native American Graves Protection and Repatriation Review Committee: Meetings

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), of three meetings of the Native American Graves Protection and Repatriation Review Committee (Review Committee). The Review Committee will meet on April 10, 2014, from 2 p.m. until approximately 6 p.m. EDT via teleconference; November 20–21, 2014, from 8:30 a.m. to 4:30 p.m. EST in Washington, DC; and on December 11, 2014, from 2 p.m. until approximately 4 p.m. EST via teleconference, if necessary. All meetings will be open to the public.

DATES: The Review Committee will meet on April 10, 2014; November 20–21, 2014; and December 11, 2014, if necessary. For the April 10 meeting, both public comment requests and accompanying materials, and requests for culturally identifiable information (CUI) disposition, must be received by February 24, 2014. For the November 20–21 meeting, public comment requests and accompanying materials must be received by October 6, 2014. Requests for CUI disposition must be received by September 15, 2014. Requests for findings of fact must be received by August 29, 2014. Requests to convene parties and facilitate the resolution of a dispute must be received by July 25, 2014.

ADDRESSES: The Review Committee will meet at the National Museum of the American Indian, Fourth Street and Independence Avenue SW., Washington, DC 20560, on November 20–21, 2014. Electronic submissions are to be sent to *NAGPRA_info@nps.gov.* Mailed submissions are to be sent to Designated Federal Officer, NAGPRA Review Committee, National Park Service, National NAGPRA Program, 1201 Eye Street NW., 8th Floor (2253), Washington, DC 20005.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), of three meetings of the Native American Graves Protection and Repatriation Review Committee (Review Committee). The Review Committee was established in Section 8 of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C. 3006.

Teleconference Meeting, April 10, 2014

The Review Committee will meet on April 10, 2014, from 2 p.m. until approximately 6 p.m. EDT via teleconference. This meeting will be open to the public. Those who desire to attend the meeting should contact *NAGPRA@rap.midco.net,* between March 31, 2014, and April 8, 2014, to be provided the telephone access number for the meeting. The agenda for this meeting will include discussion of the Review Committee's Report to the Congress for 2014 and National NAGPRA Program reports. In addition, the agenda may include requests to the Review Committee for a recommendation to the Secretary of the Interior, as required by law, in order to effect the agreed-upon disposition of Native American human remains determined to be culturally unidentifiable and for public comment by Indian tribes, Native Hawaiian organizations, museums, Federal agencies, and the public. The agenda and materials for this meeting will be posted on or before March 10, 2014, at *http://www.nps.gov/nagpra.*

The Review Committee is soliciting public comment by Indian tribes, Native Hawaiian organizations, museums, and Federal agencies on the following two topics: (1) The progress made, and any barriers encountered, in implementing NAGPRA and (2) the outcomes of disputes reviewed by the Review Committee pursuant to 25 U.S.C. 3006(c)(4). The Review Committee also will consider other public comment by Indian tribes, Native Hawaiian organizations, museums, Federal agencies, and the public. A public comment request must, at minimum, include an abstract of the presentation and contact information for the presenter(s). Public comment requests and presentation materials must be received by February 24, 2014.

The Review Committee will consider requests for a recommendation to the Secretary of the Interior, as required by law, in order to effect the agreed-upon disposition of Native American human remains determined to be CUI. A CUI disposition request must include the appropriate, completed form posted on the National NAGPRA Program Web site and, as applicable, the ancillary materials noted on the form. To access and download the appropriate form—either the form for CUI with a ''tribal land'' or ''aboriginal land'' provenience or the form for CUI without a ''tribal

land'' or ''aboriginal land'' provenience—go to *http://www.nps.gov/nagpra,* and then click on ''Request for CUI Disposition Forms.'' CUI disposition requests must be received by February 24, 2014.

Submissions may be made in one of three ways:

1. Electronically, as an attachment to a message (preferred for submissions of 10 pages or less). Electronic submissions are to be sent to *NAGPRA_info@nps.gov.*

2. By mail, on a single compact disc (preferred for submissions of more than 10 pages). Mailed submissions are to be sent to: Designated Federal Officer, NAGPRA Review Committee, National Park Service, National NAGPRA Program, 1201 Eye Street NW., 8th Floor (2253), Washington, DC 20005.

3. By mail, in hard copy.

Such items are subject to posting on the National NAGPRA Program Web site prior to the meeting.

Meeting, November 20–21, 2014

The Review Committee will meet on November 20–21, 2014, at the National Museum of the American Indian, Fourth Street and Independence Avenue SW., Washington, DC 20560, from 8:30 a.m. to 4:30 p.m. EST. This meeting will be open to the public. The agenda for this meeting will include the finalization of the Review Committee Report to Congress for 2014; discussion of the scope of the Report; National NAGPRA Program reports; and, if published, comments upon proposed regulations to revise 43 CFR part 10. In addition, the agenda may include requests to the Review Committee for a recommendation to the Secretary of the Interior, as required by law, in order to effect the agreed-upon disposition of Native American human remains determined to be culturally unidentifiable; public comment by Indian tribes, Native Hawaiian organizations, museums, Federal agencies, and the public; requests to the Review Committee, pursuant to 25 U.S.C. 3006(c)(3), for review and findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items; and facilitation of the resolution of disputes among parties convened by the Review Committee pursuant to 25 U.S.C. 3006(c)(4). Presentation to the Review Committee by telephone may be requested but is not guaranteed. The agenda and materials for this meeting will be posted on or before October 20, 2014, at *http://www.nps.gov/nagpra.*

The Review Committee is soliciting public comment by Indian tribes, Native Hawaiian organizations, museums, and Federal agencies on the following two topics: (1) The progress made, and any barriers encountered, in implementing NAGPRA and (2) the outcomes of disputes reviewed by the Review Committee pursuant to 25 U.S.C. 3006(c)(4). The Review Committee also will consider other public comment by Indian tribes, Native Hawaiian organizations, museums, Federal agencies, and the public. A public comment request must, at minimum, include an abstract of the presentation and contact information for the presenter(s). Public comment requests and presentation materials must be received by October 6, 2014.

The Review Committee will consider requests for a recommendation to the Secretary of the Interior, as required by law, in order to effect the agreed-upon disposition of Native American human remains determined to be CUI. A CUI disposition request must include the appropriate, completed form posted on the National NAGPRA Program Web site and, as applicable, the ancillary materials noted on the form. To access and download the appropriate form—either the form for CUI with a ''tribal land'' or ''aboriginal land'' provenience or the form for CUI without a ''tribal land'' or ''aboriginal land'' provenience—go to *http://www.nps.gov/nagpra,* and then click on ''Request for CUI Disposition Forms.'' CUI disposition requests must be received by September 15, 2014.

The Review Committee will consider requests, pursuant to 25 U.S.C. 3006(c)(3), for review and findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items, where consensus among affected parties is unclear or uncertain. A request for findings of fact must be accompanied by a statement of the fact(s) at issue and supporting materials, including those exchanged by the parties to consultation concerning the Native American human remains and/or other cultural items. Requests for findings of fact must be received by August 29, 2014.

The Review Committee will consider requests, pursuant to 25 U.S.C. 3006(c)(4), to convene parties and facilitate the resolution of a dispute, where consensus clearly has not been reached among affected parties regarding the identity or cultural affiliation of human remains or other cultural items, or the return of such items. A request to convene parties and facilitate the resolution of a dispute must be accompanied by a statement of the decision of the museum or Federal agency subject to the dispute resolution request, a statement of the issue and the materials exchanged by the parties concerning the Native American human remains and/or other cultural items. Requests to convene parties and facilitate resolution of a dispute must be received by July 25, 2014.

Submissions may be made in one of three ways:

1. Electronically, as an attachment to a message (preferred for submissions of 10 pages or less). Electronic submissions are to be sent to *NAGPRA_info@nps.gov.*

2. By mail, on a single compact disc (preferred for submissions of more than 10 pages). Mailed submissions are to be sent to: Designated Federal Officer, NAGPRA Review Committee, National Park Service, National NAGPRA Program, 1201 Eye Street NW., 8th Floor (2253), Washington, DC 20005.

3. By mail, in hard copy.

Such items are subject to posting on the National NAGPRA Program Web site prior to the meeting.

Teleconference, December 11, 2014

The Review Committee will also meet via teleconference on December 11, 2014, from 2 p.m. until approximately 4 p.m. EST, for the sole purpose of finalizing the Review Committee Report to Congress, should the report not be finalized by November 21. This meeting will be open to the public. Those who desire to attend the meeting should contact *NAGPRA@rap.midco.net,* between November 25 and December 2, 2014, to be provided the telephone access number for the meeting. A transcript and minutes of the meeting will also appear on the Web site.

General Information

Information about NAGPRA, the Review Committee, and Review Committee meetings is available on the National NAGPRA Program Web site at *http://www.nps.gov/nagpra.* For the Review Committee's meeting procedures, click on ''Review Committee,'' then click on ''Procedures.'' Meeting minutes may be accessed by going to the Web site, then clicking on ''Review Committee,'' and then clicking on ''Meeting Minutes.'' Approximately fourteen weeks after each Review Committee meeting, the meeting transcript is posted for a limited time on the National NAGPRA Program Web site.

Review Committee members are appointed by the Secretary of the Interior. The Review Committee is responsible for monitoring the NAGPRA inventory and identification process; reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such

items; facilitating the resolution of disputes; compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum, and recommending specific actions for developing a process for disposition of such human remains; consulting with Indian tribes and Native Hawaiian organizations and museums on matters affecting such tribes or organizations lying within the scope of work of the Committee; consulting with the Secretary of the Interior on the development of regulations to carry out NAGPRA; and making recommendations regarding future care of repatriated cultural items. The Review Committee's work is carried out during the course of meetings that are open to the public.

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

Dated: March 5, 2014.

Sherry Hutt,

Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 2014–05333 Filed 3–11–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–GETT–15054; PPMPSPD1Z.YM0000] [PPNEGETTS1]

Gettysburg National Military Park Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice announces the April 3, 2014, meeting of the Gettysburg National Military Park Advisory Commission.

DATES: The meeting is scheduled for April 3, 2014.

Time: The meeting will begin at 7:00 p.m. and end by 9:00 p.m.

ADDRESSES: The meeting will be held at the Gettysburg National Military Park Museum/Visitor Center Ford Education Center, 1195 Baltimore Pike, Gettysburg, Pennsylvania 17325.

FOR FURTHER INFORMATION CONTACT: Jo Sanders, Secretary to the Superintendent, Gettysburg National Military Park, 1195 Baltimore Pike, Suite 100, Gettysburg, PA 17325, by telephone (717) 338–4403.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The meeting will include presentations on the Gettysburg National Military Park Operational Update. Any member of the public may file with the Commission a written statement concerning agenda items. Written statements should be sent to: the Gettysburg National Military Park Advisory Commission, 1195 Baltimore Pike, Suite 100, Gettysburg, Pennsylvania 17325. Before including your address, telephone number, email address, or other personal information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Dated: March 6, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–05329 Filed 3–11–14; 8:45 am]

BILLING CODE 4310–JD–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–RTCA–15118; PPMPSPD1T.Y00000; PPSESERO10]

Wekiva River System Advisory Management Committee Meetings (2014)

AGENCY: National Park Service, Interior.

ACTION: Notice of Meetings.

SUMMARY: This notice announces the 2014 schedule of meetings for the Wekiva River System Advisory Management Committee.

DATES: The meetings are scheduled for: April 8, 2014; June 4, 2014; September 9, 2014; and November 12, 2014.

Time: All scheduled meetings will begin at 3:00 p.m. and will end by 5:00 p.m. (Eastern).

ADDRESSES: All scheduled meetings will be held at the Wekiwa Springs State Park, 1800 Wekiwa Circle, Apopka, FL 32712. Call (407) 884–2006 or visit online at *http://www.floridastateparks.org/wekiwasprings/* for additional information on this facility.

FOR FURTHER INFORMATION CONTACT: Jaime Doubek-Racine, Community Planner and Designated Federal Officer, Rivers, Trails, and Community Assistance Program, Florida Field Office, Southeast Region, 5342 Clark Road, PMB #123, Sarasota, Florida 34233, by telephone (941) 685–5912.

SUPPLEMENTARY INFORMATION: The Wekiva River System Advisory Management Committee was established by Public Law 106–299 (16 U.S.C. 1274) to assist in the development of the comprehensive management plan for the Wekiva River System and provide advice to the Secretary of the Interior in carrying out the management responsibilities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1274).

Efforts have been made locally to ensure that the interested public is aware of the meeting dates. The scheduled meetings will be open to the public. Each scheduled meeting will result in decisions and steps that advance the Wekiva River System Advisory Management Committee towards its objective of managing and implementing projects developed from the comprehensive management plan for the Wekiva Wild and Scenic River. Any member of the public may file with the Committee a written statement concerning any issues relating to the development of the comprehensive management plan for the Wekiva Wild and Scenic River.

Before including your address, telephone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The statement should be addressed: Wekiva River System Advisory Management Committee, National Park Service, 5342 Clark Road, PMB #123, Sarasota, Florida 34233, or sent by email to *jaime_doubek-racine@nps.gov.*

Dated: March 6, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–05332 Filed 3–11–14; 8:45 am]

BILLING CODE 4310–JD–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–15089; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before February 15, 2014. Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by March 27, 2014. 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.

Dated: February 21, 2014.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

ALABAMA

Lee County

Pepperell Mill and Mill Village Historic District, Pepperell Pkwy., 28th St. N., 1st Ave. & 30th St. N., Opelika, 14000090

MISSOURI

Clay County

Elms, The, Historic District, (Excelsior Springs, Missouri MPS) Roughly 400 blk. Regent Ave., 500 blk. Elms Blvd., 500–600 blks. Kansas City Ave., Excelsior Springs, 14000091

NEW YORK

Kings County

Crown Heights North Historic District, Roughly portions of Pacific, Dean & Bergen Sts., Eastern Pkwy., Bedford, Nostrand, New York, Brooklyn & Kingston Aves., Brooklyn, 14000092

Steuben County

Myrtle, Henry C. House, 7663 Cty. Rd. 13, Bath, 14000093

Quick, Martin A., House, 123 W. Morris St., Bath, 14000094

PENNSYLVANIA

Montgomery County

Fisher, Dr. Norman & Doris, House, 197 E. Mill Rd., Hatboro, 14000095

Philadelphia County

Brownhill and Kramer Hosiery Mill, 406–426 Memphis St., 1421–1437 E. Columbia Ave., Philadelphia, 14000096

Juvenile and Domestic Branches of the Municipal Court, 1801 Vine St., Philadelphia, 14000097

TEXAS

Bell County

Killeen Downtown Historic District, Roughly bounded by Ave. A, Santa Fe Plaza, N. 4th & N. 8th Sts., Killeen, 14000098

Bexar County

Perez Rancho Site and Delores Crossing, (El Camino Real de los Tejas National Historic Trail MPS) Address Restricted, San Antonio, 14000099

Bowie County

Texarkana Junior College and Texas High School, W. 16th & Pine Sts., Texarkana, 14000102

Dallas County

511 Akard Building, 511 N. Akard, Dallas, 14000103

Nacogdoches County

D'Ortolan, Bernardo, Rancho Site, (El Camino Real de los Tejas National Historic Trail MPS) Address Restricted, Nacogdoches, 14000101

D'Ortolan, Raphael, Site, (El Camino Real de los Tejas National Historic Trail MPS) Address Restricted, Nacogdoches, 14000100

Rusk County

Monte Verdi Plantation, 11992 Cty. Rd. 4233 W., Cushing, 14000104

Tarrant County

Inspiration Point Shelter House, Roughly 250 yds. S. of 2400 blk. of Roberts Cut Off Rd., Fort Worth, 14000105

Uvalde County

First National Bank, 100 S. East St., Uvalde, 14000106

WEST VIRGINIA

Wood County

Bethel Presbyterian Church, 7132 Ols St. Marys Pike, Waverly, 14000107

[FR Doc. 2014–05305 Filed 3–11–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Number 1010–0187]

Information Collection: Project Planning for the Use of OCS Sand, Gravel, and Shell Resources in Construction Projects That Qualify for a Negotiated Noncompetitive Agreement; Submitted for OMB Review; Comment Request

ACTION: 30-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is notifying the public that we have submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval. This ICR concerns the paperwork requirements that respondents will submit to BOEM to obtain Outer Continental Shelf (OCS) sand, gravel, and shell resources for use in shore protection, beach and coastal restoration, and other authorized projects that qualify for a negotiated noncompetitive agreement. This notice provides the public a second opportunity to comment on the paperwork burden of this collection.

DATES: Submit written comments by April 11, 2014.

ADDRESSES: Submit comments on this ICR 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 BOEM Information Collection Clearance Officer, Arlene Bajusz, Bureau of Ocean Energy Management, 381 Elden Street, HM–3127, Herndon, Virginia 20170 (mail) or *arlene.bajusz@boem.gov* (email). Please reference ICR 1010–0187 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: To obtain information pertaining to this notice and/or the Marine Minerals Program, contact the Program at (703) 787–1215. 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:

OMB Control Number: 1010–0187.

Title: Project Planning for the Use of OCS Sand, Gravel, and Shell Resources in Construction Projects that Qualify for a Negotiated Noncompetitive Agreement.

Abstract: Under the authority delegated by the Secretary of the

Interior, BOEM is authorized, pursuant to section 8(k)(2) of the OCS Lands Act (43 U.S.C. 1337(k)(2)), to convey rights to OCS sand, gravel, and shell resources by negotiated noncompetitive agreement (NNA) for use in shore protection and beach and coastal restoration, or for use in construction projects funded in whole or part by, or authorized by, the Federal Government.

Background

Since 1994, 43 shore protection or beach and coastal restoration projects have been completed using OCS sand resources, conveying more than 77 million cubic yards of OCS material and restoring more than 232 miles of shoreline. Recently, the program has seen an increase in demand for OCS resources due to the decreasing availability of sand sources located in State waters and an increase in coastal storm intensity, duration, and frequency. In order for BOEM to continue to meet the needs of local, State and regional entities, information regarding upcoming projects must be acquired to plan for future projects and anticipated workload. Therefore, BOEM will issue calls for information about needed resources and locations from interested parties to develop and maintain a project schedule.

This ICR addresses the information needed from States, local governments, Federal agencies, environmental and other interest organizations, and all other interested parties to update and maintain a NNA project schedule. It includes the potential for an annual call for information and the potential for a call in response to an emergency declaration, such as a tropical storm. In order to meet the needs of the States under the current BOEM staff and funding resources, BOEM may request the relevant States to prioritize their own projects based on several criteria including likelihood of project funding and progress of environmental work. The information provided by States will also help BOEM determine appropriate future resource allocation, identify potential conflicts of use, conduct environmental analyses, develop NNAs, and meet all necessary environmental and legal requirements.

BOEM's calls for information will request interested parties to submit a description of their proposed projects for which OCS sand, gravel, and shell resources will be used. The description must include the offshore borrow sites if known; the estimated date of construction; a short description of current project funding; the name of a primary point of contact with that person's mailing address, telephone number, and email address; as well as any additional information concerning the status of the project that would be useful to BOEM. This information may include detailed maps; geospatial data and coordinates of desired resources and sites that would be nourished; a description of the environmental impact documents that have been completed to date concerning any portion of the project; a cited reference list; status of geological and geophysical permit (if required); information concerning known or suspected archaeological or historic artifacts; interpretations of geology and extent of sand areas; known volumes of sand resource site; historical data related to the proposed borrow or placement area; and a description of the status of Federal, State, and/or local permits required for the project.

With this renewal, we are also including a provision for a call in response to emergency declarations, such as a tropical storm. Hurricane Sandy demonstrated BOEM's need for accurate and timely information following a natural disaster declaration. Therefore, we are increasing the estimated hour burden for this collection.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2). No items of a sensitive nature are collected. Responses are required to obtain or retain benefits.

Frequency: Annually and on occasion.

Description of Respondents: Potential respondents primarily comprise States, local governments, and other interested parties.

Estimated Reporting and Recordkeeping Hour Burden: We are estimating that the annual reporting burden for this collection is about 200 hours, assuming an emergency declaration is made each year. Individual Entity Compilation: 25 entities × 1 hour/entity × 2 responses/year = 50 hours; Individual State Compilation: 15 States × 5 hours/State × 2 responses/year = 150 hours (50 county hours + 150 State hours = 200 total burden hours).

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no non-hour paperwork cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*,) requires each agency ". . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . ." Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on October 3, 2013, BOEM published a **Federal Register** notice (78 FR 61381) announcing that we would submit this ICR to OMB for approval. This notice provided the required 60-day comment period. We received no comments in response.

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

Dated: February 27, 2014.

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulations, and Analysis.

[FR Doc. 2014–05300 Filed 3–11–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF LABOR

Proposed Information Collection Request Submitted for Public Comment; Evaluating the Effectiveness of the 408(b)(2) Disclosure Requirements

AGENCY: Employee Benefits Security Administration (EBSA) and the Office of the Assistant Secretary for Policy/Chief Evaluation Office, Labor.

ACTION: Proposed collection; notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on

proposed 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. The Department's Employee Benefits Security Administration (EBSA) and the Office of the Assistant Secretary for Policy/Chief Evaluation Office (CEO) are soliciting comments on the proposed information collection request (ICR) described below. A copy of the ICR may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 12, 2014.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by either one of the following methods: *Email: richie.celeste.j@dol.gov; Mail or Courier:* Office of the Assistant Secretary for Policy/Chief Evaluation Office, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received should reference the agency name and title of the proposed information collection. Commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Contact Celeste Richie by telephone at 202–693–5076 (this is not a toll-free number) or by email at *richie.celeste.j@dol.gov.*

SUPPLEMENTARY INFORMATION: This notice requests public comment on the Department's proposed collection of information titled ''Evaluating the Effectiveness of the 408(b)(2) Disclosure Requirements.'' As further described below, the collection of information is designed to explore current practices and effects of EBSA's rule that was issued in February 2012, known as the ''408(b)(2) regulation,'' which requires covered service providers (''CSPs'') to pension plans to provide specific disclosures to responsible plan fiduciaries (''RPFs'') regarding the CSP's compensation for the services. In addition, EBSA intends to gather information about the utility of a guide, summary, or similar tool to help plan fiduciaries identify and understand the disclosures. A summary of the ICR and current burden estimates follows:

Agency: Employee Benefits Security Administration (EBSA) and the Office of the Assistant Secretary for Policy/Chief Evaluation Office (OASP/CEO), Department of Labor.

Title: ''Evaluating the Effectiveness of the 408(b)(2) Disclosure Requirements.''

Type of Review: New collection of information.

OMB Number: 1210–NEW.

Respondents: 70 to 100 Plan Sponsors and other Fiduciaries.

Total Burden Hours: Approximately 70 to 200 hours over one year.

Total Annual Other Burden Cost: $0.

Description: The Employee Retirement Income Security Act of 1974, as amended (ERISA) requires plan fiduciaries, when selecting and monitoring service providers and plan investments, to act prudently and solely in the interest of the plan's participants and beneficiaries. Responsible plan fiduciaries also must ensure that arrangements with their service providers are ''reasonable'' and that only ''reasonable'' compensation is paid for services. Fundamental to the ability of fiduciaries to discharge these obligations is obtaining information sufficient to enable them to make informed decisions about an employee benefit plan's services, the costs of such services, and the service providers.

In February 2012, EBSA issued the ERISA section 408(b)(2) final regulations, which require CSPs to ERISA-covered pension plans to provide specified information to assist RPFs in assessing the reasonableness of the compensation paid for services and the conflicts of interest that may affect a service provider's performance of services. In the preamble to the final rule, EBSA encouraged CSPs to provide RPFs, especially those to small- and medium-size plans, with a guide, summary, or similar tool to assist RPFs in identifying all of the disclosures required under the final rule, particularly when service arrangements and related compensation are complex and information is disclosed in multiple documents. EBSA did not adopt such a guide requirement as part of the final rule but included a sample guide as an appendix to the final rule that can be used on a voluntary basis by CSPs as a model for such a guide. In the preamble to the final rule, EBSA stated that it intends to publish a notice of proposed rulemaking in the near future under which CSPs may be required to furnish a guide or similar tool to assist RPFs' reviews of the disclosures. EBSA is publishing a notice of proposed rulemaking that would require CSPs to provide RPFs with a guide elsewhere in today's issue of the **Federal Register**.

In connection with the issuance of the notice of proposed rulemaking, EBSA and the CEO intend to request approval from the Office of Management and Budget (OMB) for the collection of data for the project titled ''Evaluating the Effectiveness of the 408(b)(2) Disclosure Requirements.'' The project is designed to explore current practices and effects of EBSA's final regulation and to gather information about the need for a guide, summary, or similar tool to help RPFs navigate and understand the disclosures.

EBSA and CEO intend to conduct approximately eight to ten focus group sessions with approximately 70 to 100 RPFs to small pension plans (those with less than 100 participants). They will be asked to provide information including the following: (1) Their role with respect to their plan; (2) the number of service providers hired by the plan; (3) whether they are aware of and understand the disclosures mandated by the 408(b)(2) final regulation; (4) their experience with receiving the disclosures; (5) whether they were able to find information regarding the services that would be provided and the costs of those services; (6) whether their review of the disclosures impacted their decision-making with regard to hiring, monitoring, or retaining service providers or changing plan investment options; (7) whether their CSPs provide a guide or similar organizational tool to help find specific information within the disclosures; and (8) whether a guide to the required disclosures would be beneficial to them, and if so, how much they would be willing to pay to receive a guide.

EBSA intends to use information collected from the focus groups to: (1) Assess responsible plan fiduciaries' experience in receiving the 408(b)(2) regulation's required disclosures; (2) assess the effectiveness of these disclosures in helping plan fiduciaries make decisions; (3) determine how well plan fiduciaries understood the disclosures, especially in the small plan marketplace (less than 100 participants); and (4) evaluate whether, and how, a guide, summary, or similar tool would help fiduciaries understand the disclosures.

Focus of Comments

The Department is particularly interested in comments that: (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., by permitting electronic submissions of responses).

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

James H. Moore, Jr.,

Deputy Assistant Secretary for Policy, U.S. Department of Labor.

[FR Doc. 2014–04867 Filed 3–11–14; 8:45 am]

BILLING CODE 4510–23–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–026)]

NASA Applied Sciences Advisory Committee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Applied Sciences Advisory Committee. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Thursday, April 17, 2014, 1:00 p.m. to 4:00 p.m., Local Time.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Meister, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–1557, fax (202) 358–4118, or *peter.g.meister@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public telephonically and by WebEx. Any interested person may call the USA toll free conference call number 1–866–762–9048, passcode 476274, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/,* meeting number 998 758 283, password @April17. The agenda for the meeting includes the following topics:

—Applied Sciences Program Update,
—Applied Science Budget Briefing,
—Missions and Applications.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014–05405 Filed 3–11–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts 181st Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506. This meeting also will be webcast. Agenda times are approximate.

DATES: March 28, 2014 from 9:00 a.m. to 11:30 a.m.. in Room M–09.

FOR FURTHER INFORMATION CONTACT: Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

SUPPLEMENTARY INFORMATION: The meeting, on Friday, March 28th will be open to the public on a space available basis. The meeting will begin with opening remarks, and voting on recommendations for funding and rejection and guidelines, followed by updates by the Acting Chairman. There also will be the following presentations (times are approximate): from 9:45 a.m. to 10:15 a.m.—a retrospective of recent Arts Endowment activities, followed by Council discussion; from 10:15 a.m. to 11:15 a.m.—presentations from recent Arts Endowment grantees; from 11:15 a.m. to 11:30 a.m.—concluding remarks and voting results. The meeting will adjourn at 11:30 a.m.

For information about webcasting of the open session of this meeting, go to *http://arts.gov/event/2014/national-council-arts-meeting-march-28-2014.*

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the February 15, 2012 determination of the Chairman. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of Accessibility, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5733, Voice/T.T.Y. 202/682–5496, at least seven (7) days prior to the meeting.

Dated: March 7, 2014.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 2014–05406 Filed 3–11–14; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Social, Behavioral and Economic Sciences; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Social, Behavioral and Economic Sciences (#1171)

Date/Time: April 3, 2014; 9:00 a.m. to 5:05 p.m., April 4, 2014; 9:00 a.m. to 12:15 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Stafford I, Room 110, Arlington, VA 22230

Type of Meeting: OPEN

Contact Person: Ms. Lisa Jones, Office of the Assistant Director, Directorate for Social, Behavioral and Economic Sciences, National Science Foundation, 4201 Wilson Boulevard, Room 905, Arlington, Virginia 22230, 703–292–8700

Summary of Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation on major goals and policies pertaining to Social, Behavioral and Economic Sciences Directorate Programs and activities.

Agenda: Agenda Topics

Thursday, April 3, 2014 9:00 a.m.–5:05 p.m.

Directorate Update: Dr. Joanne Tornow
Transparency, Accountability and Portfolio Framework
Discussion with NSF Leadership
Report from SBE Division of Social and Economic Sciences (SBE/SES) Committee of Visitor (COV)
Public Access
Report from Statistical Sciences at NSF (StatSNSF) Subcommittee
Proposed Revisions to the Common Rule for the Protection of Human Subjects in Behavioral and Social Sciences (Report from the National Research Council)
Report from the SBE AC Subcommittee on Replication

Friday, April 4, 2014 9:00 a.m.—12:15 p.m.

NSF activities related to Cognitive Science and Neuroscience and the BRAIN Initiative
Report from the SBE AC Subcommittee on the Future of SBE Survey Research
Report from the SBE AC Subcommittee on the Science and Practice of Broadening Participation
Agenda for future meeting, 2014 Meeting dates, Assignments, Concluding Remarks

Dated: March 7, 2014.

Suzanne Plimpton,

Acting Committee Management Officer.

[FR Doc. 2014–05383 Filed 3–11–14; 8:45 am]

BILLING CODE 7555–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Notice—March 20, 2014 Board of Directors Meeting

TIME AND DATE: Thursday, March 20, 2014, 2 p.m. (OPEN Portion); 2:15 p.m. (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Meeting open to the Public from 2 p.m. to 2:15 p.m.; Closed portion will commence at 2:15 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report
2. Tribute—Seth D. Harris
3. Tribute—Ambassador Miriam E. Sapiro
4. Tribute—Katherine M. Gehl
5. Audit Committee Nomination Approval
6. Minutes of the Open Session of the December 12, 2013 Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED (CLOSED TO THE PUBLIC 2:15 P.M.):

1. Finance Project—Global
2. Finance Project—Global
3. Finance Project—Global
4. Insurance Project—Sub-Saharan Africa
5. Finance Project—Israel
6. Amendment to Finance Project Resolution—Afghanistan
7. Amendment to Finance Project Resolution—Afghanistan
8. Finance Project—Nigeria and other OPIC-eligible countries in Sub-Saharan Africa
9. Minutes of the Closed Session of the December 12, 2013 Board of Directors Meeting
10. Reports
11. Pending Projects

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: March 10, 2014.

Connie M. Downs,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2014–05515 Filed 3–10–14; 4:15 pm]

BILLING CODE 3210–01–P

POSTAL SERVICE

Product Change—Standard Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Standard Mail negotiated service agreement to the market-dominant product list within the Mail Classification Schedule.

DATES: *Effective date:* March 12, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that on March 5, 2014, pursuant to 39 U.S.C. 3642 and 3622(c)(10), it filed with the Postal Regulatory Commission a *Notice of the United States Postal Service of Filing of Contract and Supporting Data and Request to Add PHI Acquisitions, Inc. Negotiated Service Agreement to the Market-Dominant Product List.* Documents are available at *www.prc.gov*, Docket Nos. MC2014–21, R2014–6.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2014–05310 Filed 3–11–14; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:
Rule 17f–7; OMB Control No. 3235–0529, SEC File No. 270–470.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collections of information discussed below.

Rule 17f–7 (17 CFR 270.17f–7) permits a fund under certain conditions to maintain its foreign assets with an eligible securities depository, which has to meet minimum standards for a depository. The fund or its investment adviser generally determines whether the depository complies with those requirements based on information provided by the fund's primary custodian (a bank that acts as global custodian). The depository custody arrangement also must meet certain conditions. The fund or its adviser must receive from the primary custodian (or its agent) an initial risk analysis of the depository arrangements, and the fund's contract with its primary custodian must state that the custodian will monitor risks and promptly notify the fund or its adviser of material changes in risks. The primary custodian and other custodians also are required to agree to exercise at least reasonable care, prudence, and diligence.

The collection of information requirements in rule 17f–7 are intended to provide workable standards that protect funds from the risks of using foreign securities depositories while assigning appropriate responsibilities to the fund's primary custodian and investment adviser based on their capabilities. The requirement that the foreign securities depository meet specified minimum standards is

intended to ensure that the depository is subject to basic safeguards deemed appropriate for all depositories. The requirement that the fund or its adviser must receive from the primary custodian (or its agent) an initial risk analysis of the depository arrangements, and that the fund's contract with its primary custodian must state that the custodian will monitor risks and promptly notify the fund or its adviser of material changes in risks, is intended to provide essential information about custody risks to the fund's investment adviser as necessary for it to approve the continued use of the depository. The requirement that the primary custodian agree to exercise reasonable care is intended to provide assurances that its services and the information it provides will meet an appropriate standard of care.

The staff estimates that each of approximately 938 investment advisers [1] will make an average of 8 responses annually under the rule to address depository compliance with minimum requirements, any indemnification or insurance arrangements, and reviews of risk analyses or notifications. The staff estimates each response will take 6 hours, requiring a total of approximately 48 hours for each adviser.[2] Thus the total annual burden associated with these requirements of the rule is approximately 45,024 hours.[3] The staff further estimates that during each year, each of approximately 15 global custodians will make an average of 4 responses to analyze custody risks and provide notice of any material changes to custody risk under the rule. The staff estimates that each response will take 260 hours, requiring approximately 1,040 hours annually per global custodian.[4] Thus the total annual burden associated with these requirements is approximately 15,600 hours.[5] The staff estimates that the total annual hour burden associated with all collection of information requirements of the rule is therefore 60,624 hours.[6]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule's permission for funds to maintain their assets in foreign custodians. The information provided under rule 17f–7 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 6, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05317 Filed 3–11–14; 8:45 am]

BILLING CODE 8011–01–P

[1] As of October 2013, 938 investment advisers managed or sponsored open-end registered funds (including exchange-traded funds) and closed-end registered funds.

[2] 8 responses per adviser × 6 hours per response = 48 hours per adviser.

[3] 938 hours × 48 hours per adviser = 45,024 hours.

[4] 260 hours per response × 4 responses per global custodian = 1,040 hours per global custodian.

[5] 15 global custodians × 1,040 hours per global custodian = 15,600 hours.

[6] 45,024 hours + 15,600 hours = 60,624 hours.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 19b–1, OMB Control No. 3235–0354, SEC File No. 270–312.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Section 19(b) of the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–19(b)) authorizes the Commission to regulate registered investment company (''fund'') distributions of long-term capital gains made more frequently than once every twelve months. Accordingly, rule 19b–1 under the Act (17 CFR 270.19b–1) regulates the frequency of fund distributions of capital gains. Rule 19b–1(c) states that the rule does not apply to a unit investment trust (''UIT'') if it is engaged exclusively in the business of investing in certain eligible securities (generally, fixed-income securities), provided that: (i) The capital gains distribution falls within one of five categories specified in the rule [1] and (ii) the distribution is accompanied by a report to the unitholder that clearly describes the distribution as a capital gains distribution (the ''notice requirement'').[2] Rule 19b–1(e) permits a fund to apply to the Commission for permission to distribute long-term capital gains that would otherwise be prohibited by the rule if the fund did not foresee the circumstances that created the need for the distribution. The application must set forth the pertinent facts and explain the circumstances that justify the distribution.[3] An application that meets those requirements is deemed to be granted unless the Commission denies the request within 15 days after the Commission receives the application.

Commission staff estimates that zero funds will file an application under rule 19b–1(e) each year. The staff understands that if a fund files an application it generally uses outside counsel to prepare the application. The cost burden of using outside counsel is discussed below. The staff estimates that, on average, a fund's investment adviser would spend approximately 4 hours to review an application, including 3.5 hours by an assistant general counsel at a cost of $467 per hour and 0.5 hours by an administrative assistant at a cost of $72 per hour, and the fund's board of directors would spend an additional 1 hour at a cost of $4,500 per hour, for a total of 5 hours.[4]

[1] 17 CFR 270.19b–1(c)(1).

[2] The notice requirement in rule 19b–1(c)(2) supplements the notice requirement of section 19(a) [15 U.S.C. 80a–19(a)], which requires any distribution in the nature of a dividend payment to be accompanied by a notice disclosing the source of the distribution.

[3] Rule 19b–1(e) also requires that the application comply with rule 0–2 [17 CFR 270.02] under the Act, which sets forth the general requirements for papers and applications filed with the Commission pursuant to the Act and rules thereunder.

[4] The estimate for assistant general counsels is from SIFMA's Management & Professional Earnings in the Securities Industry 2012, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead. The estimate for administrative assistants is from SIFMA's Office Salaries in the Securities Industry

Continued

Thus, the staff estimates that the annual hour burden of the collection of information imposed by rule 19b–1(e) would be approximately five hours per fund, at a cost of $6173.50.[5] Because the staff estimates that, each year, zero funds will file an application pursuant to rule 19b–1(e), the total burden for the information collection is 0 hours at a cost of $0.[6]

Commission staff estimates that there is no hour burden associated with complying with the collection of information component of rule 19b–1(c). Although Commission staff estimates that there is no hour burden associated with rule 19b–1, the staff is requesting an hour burden of one hour for administrative purposes.

As noted above, Commission staff understands that funds that file an application under rule 19b–1(e) generally use outside counsel to prepare the application.[7] The staff estimates that, on average, outside counsel spends 10 hours preparing a rule 19b–1(e) application, including eight hours by an associate and two hours by a partner. Outside counsel billing arrangements and rates vary based on numerous factors, but the staff has estimated the average cost of outside counsel as $450 per hour, based on information received from funds, intermediaries, and their counsel. The staff therefore estimates that the average cost of outside counsel preparation of the rule 19b–1(e) exemptive application is $4,500.[8] Because the staff estimates that, each year, zero funds will file an application pursuant to rule 19b–1(e), the total annual cost burden imposed by the exemptive application requirements of rule 19b–1(e) is estimated to be $0.[9]

The Commission staff estimates that there are approximately 3,361 UITs[10] that may rely on rule 19b–1(c) to make capital gains distributions. The staff estimates that, on average, these UITs rely on rule 19b–1(c) once a year to make a capital gains distribution.[11] In most cases, the trustee of the UIT is responsible for preparing and sending the notices that must accompany a capital gains distribution under rule 19b–1(c)(2). These notices require limited preparation, the cost of which accounts for only a small, indiscrete portion of the comprehensive fee charged by the trustee for its services to the UIT. The staff believes that as a matter of good business practice, and for tax preparation reasons, UITs would collect and distribute the capital gains information required to be sent to unitholders under rule 19b–1(c) even in the absence of the rule. The staff estimates that the cost of preparing a notice for a capital gains distribution under rule 19b–1(c)(2) is approximately $50. There is no separate cost to mail the notices because they are mailed with the capital gains distribution. Thus, the staff estimates that the capital gains distribution notice requirement imposes an annual cost on UITs of approximately $168,050.[12] The staff therefore estimates that the total cost imposed by rule 19b–1 is $168,050 ($168,050 plus $0 (total cost associated with rule 19b–1(e)) equals $168,050).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 6, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05318 Filed 3–11–14; 8:45 am]

BILLING CODE 8011–01–P

2012, modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead. The estimate for the board of directors as a whole is derived from estimates made by the staff regarding typical board size and compensation that is based on information received from fund representatives and publicly available sources.

[5] This estimate is based on the following calculations: $1634.50 (3.5 hours × $467 = $1634.50) plus $36 (0.5 hours × $72 = $36) plus $4500 equals $6173.50 (cost of one application).

[6] This estimate is based on the following calculation: $6173.50 (cost of one application) multiplied by 0 applications = $0 total cost.

[7] This understanding is based on conversations with representatives from the fund industry.

[8] This estimate is based on the following calculation: 10 hours multiplied by $450 per hour equals $4,500.

[9] This estimate is based on the following calculation: $4,500 multiplied by 0 (funds) equals $0.

[10] *See* 2013 Investment Company Fact Book, Investment Company Institute, *available at http://www.ici.org/pdf/2013_factbook.pdf.*

[11] The number of times UITs rely on the rule to make capital gains distributions depends on a wide range of factors and, thus, can vary greatly across years and UITs. UITs may distribute capital gains biannually, annually, quarterly, or at other intervals. Additionally, a number of UITs are organized as grantor trusts, and therefore do not generally make capital gains distributions under rule 19b–1(c), or may not rely on rule 19b–1(c) as they do not meet the rule's requirements.

[12] This estimate is based on the following calculation: 3361 UITs multiplied by $50 equals $168,050.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form N–8B–4, OMB Control No. 3235–0247, SEC File No. 270–180.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') requests for extension of the previously approved collection of information discussed below.

Form N–8B–4 (17 CFR 274.14) is the form used by face-amount certificate companies to comply with the filing and disclosure requirements imposed by Section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(b)). Among other items, Form N–8B–4 requires disclosure of the following information about the face-amount certificate company: date and form of organization; controlling persons; current business and contemplated changes to the company's business; investment, borrowing, and lending policies, as well as other fundamental policies; securities issued by the company; investment adviser; depositaries; management personnel; compensation paid to directors, officers, and certain employees; and financial statements. The Commission uses the information provided in the collection of information to determine compliance with Section 8(b) of the Investment Company Act of 1940.

Form N–8B–4 and the burden of compliance have not changed since the last approval. Each registrant files Form N–8B–4 for its initial filing and does not file post-effective amendments to Form N–8B–4.[1] Commission staff estimates

[1] Pursuant to Section 30(b)(1) of the Act, each respondent keeps its registration statement current through the filing of periodic reports as required by Section 13 of the Securities Exchange Act of 1934 and the rules thereunder. Post-effective

that no respondents will file Form N–8B–4 each year. There are currently only four existing face-amount certificate companies, and none have filed a Form N–8B–4 in many years. No new face-amount certificate companies have been established since the last OMB information collection approval for this form, which occurred in 2011. Accordingly, the staff estimates that, each year, zero face-amount certificate companies will file Form N–8B–4, and that the total burden for the information collection is zero hours. Although Commission staff estimates that there is no hour burden associated with Form N–8B–4, the staff is requesting an hour burden of one hour for administrative purposes. Estimates of the burden hours are made solely for the purposes of the PRA and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

The information provided on Form N–8B–4 is mandatory. The information provided on Form N–8B–4 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 6, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05319 Filed 3–11–14; 8:45 am]

BILLING CODE 8011–01–P

amendments are filed with the Commission on the face-amount certificate company's Form S–1. Hence, respondents only file Form N–8B–4 for their initial registration statement and not for post-effective amendments.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17f–5; OMB Control No. 3235–0269, SEC File No. 270–259.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') requests for extension of the previously approved collections of information discussed below.

Rule 17f–5 (17 CFR 270.17f–5) under the Investment Company Act of 1940 [15 U.S.C. 80a] (the ''Act'') governs the custody of the assets of registered management investment companies (''funds'') with custodians outside the United States. Under rule 17f–5, a fund or its foreign custody manager (as delegated by the fund's board) may maintain the fund's foreign assets in the care of an eligible fund custodian under certain conditions. If the fund's board delegates to a foreign custody manager authority to place foreign assets, the fund's board must find that it is reasonable to rely on each delegate the board selects to act as the fund's foreign custody manager. The delegate must agree to provide written reports that notify the board when the fund's assets are placed with a foreign custodian and when any material change occurs in the fund's custody arrangements. The delegate must agree to exercise reasonable care, prudence, and diligence, or to adhere to a higher standard of care. When the foreign custody manager selects an eligible foreign custodian, it must determine that the fund's assets will be subject to reasonable care if maintained with that custodian, and that the written contract that governs each custody arrangement will provide reasonable care for fund assets. The contract must contain certain specified provisions or others that provide at least equivalent care. The foreign custody manager must establish a system to monitor the performance of the contract and the appropriateness of continuing to maintain assets with the eligible foreign custodian.

The collection of information requirements in rule 17f–5 are intended to provide protection for fund assets maintained with a foreign bank custodian whose use is not authorized by statutory provisions that govern fund custody arrangements,[1] and that is not subject to regulation and examination by U.S. regulators. The requirement that the fund board determine that it is reasonable to rely on each delegate is intended to ensure that the board carefully considers each delegate's qualifications to perform its responsibilities. The requirement that the delegate provide written reports to the board is intended to ensure that the delegate notifies the board of important developments concerning custody arrangements so that the board may exercise effective oversight. The requirement that the delegate agree to exercise reasonable care is intended to provide assurances to the fund that the delegate will properly perform its duties.

The requirements that the foreign custody manager determine that fund assets will be subject to reasonable care with the eligible foreign custodian and under the custody contract, and that each contract contain specified provisions or equivalent provisions, are intended to ensure that the delegate has evaluated the level of care provided by the custodian, that it weighs the adequacy of contractual provisions, and that fund assets are protected by minimal contractual safeguards. The requirement that the foreign custody manager establish a monitoring system is intended to ensure that the manager periodically reviews each custody arrangement and takes appropriate action if developing custody risks may threaten fund assets.[2]

Commission staff estimates that each year, approximately 130 registrants[3] could be required to make an average of one response per registrant under rule 17f–5, requiring approximately 2.5 hours of board of director time per response, to make the necessary findings concerning foreign custody managers. The total annual burden associated with these requirements of the rule is up to approximately 325 hours (130 registrants × 2.5 hours per registrant). The staff further estimates that during each year, approximately 15

[1] *See* section 17(f) of the Act. 15 U.S.C. 80a–17(f).

[2] The staff believes that subcustodian monitoring does not involve ''collection of information'' within the meaning of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (''Paperwork Reduction Act'').

[3] This figure is an estimate of the number of new funds each year, based on data reported by funds in 2012 on Forms N–1A, N–2, N–4, N–6, and S–6. In practice, not all funds will use foreign custody managers, and the actual figure may be smaller.

global custodians[4] are required to make an average of 4 responses per custodian concerning the use of foreign custodians other than depositories. The staff estimates that each response will take approximately 270 hours, requiring approximately 1,080 total hours annually per custodian. The total annual burden associated with these requirements of the rule is approximately 16,200 hours (15 global custodians × 1,080 hours per custodian). Therefore, the total annual burden of all collection of information requirements of rule 17f–5 is estimated to be up to 16,525 hours (325 + 16,200). The total annual cost of burden hours is estimated to be $5,609,200 (325 hours × $4,000/hour for board of directors' time, plus 16,200 hours × $266/hour for a trust administrator's time).[5] Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule's permission for funds to maintain their assets in foreign custodians.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 6, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05316 Filed 3–11–14; 8:45 am]

BILLING CODE 8011–01–P

[4] This estimate is based on staff research.

[5] The board hourly rate is based on fund industry representations. The $266/hour figure for a trust administrator is from SIFMA's Management & Professional Earnings in the Securities Industry 2012, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71657; File No. SR–NASDAQ–2014–020]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Proposed Rule Change Relating to Listing and Trading of Exchange-Traded Managed Fund Shares

March 6, 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 26, 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 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

Pursuant to the provisions of Section 19(b)(1) of the Act,[3] and Rule 19b–4 thereunder,[4] Nasdaq is filing with the Commission a proposed rule change to list and trade under proposed Nasdaq Rule 5745 the shares of a proposed new type of open-end management investment company registered under the Investment Company Act of 1940, as amended (''1940 Act''), called an Exchange-Traded Managed Fund (''ETMF''), and to amend related references under Nasdaq Rules 4120, 5615 (and IM–5615–4) and 5940.

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, and is set forth in Sections A, B, and C below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(1).

[4] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt Nasdaq Rule 5745 for the purpose of permitting the listing and trading of ETMF Shares. Similar to Managed Fund Shares as defined in Nasdaq Rule 5735,[5] ETMF Shares would be issued in specified aggregate unit quantities in return for a deposit of a specified basket of securities and/or a cash amount with a value equal to the product of the ETMF's net asset value per Share (''NAV'') and the number of Shares issued. When aggregated in the same specified unit quantities, ETMF Shares could be redeemed in exchange for a specified basket of securities and/or cash with a value per Share equal to the ETMF's NAV. Unlike Managed Fund Shares, ETMF Shares would trade on Nasdaq using a new trading protocol called ''NAV-Based Trading.'' In NAV-Based Trading, all bids, offers and execution prices would be expressed as a premium/discount (which may be zero) to the ETMF's next-determined NAV (*e.g.,* NAV − $0.01; NAV+$0.01). An ETMF's NAV would be determined each business day, normally as of 4:00 p.m. Eastern Time. Trade executions using NAV-Based Trading would be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of the ETMF's NAV at the end of the business day.

Proposed Listing Rules for Exchange-Traded Managed Fund Shares

Proposed Nasdaq Rule 5745(b)(1) provides that Nasdaq will file separate proposals under Section 19(b) of the Act before the listing of ETMF Shares. Proposed Nasdaq Rule 5745(b)(2) provides that transactions in ETMF Shares will occur during Nasdaq's Regular Market Session through 4:00 p.m.[6] Proposed Nasdaq Rule 5745(b)(3) provides that ETMF Shares will trade on Nasdaq at market-determined premiums or discounts to the next-determined NAV, and that the minimum price variation for quoting and entry of orders in ETMF Shares will be $0.01. Proposed Rule Nasdaq 5745(b)(4) provides that Nasdaq will implement written

[5] 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).

[6] Nasdaq Rule 4120(b)(4) defines the Regular Market Session as the trading session from 9:30 a.m. to 4:00 p.m. or 4:15 p.m. ETMF Shares will trade until 4:00 p.m.

surveillance procedures for ETMF Shares. Proposed Nasdaq Rule 5745(b)(5) provides that, for ETMF Shares based on an international or global portfolio, the statutory prospectus or the application for exemption from provisions of the 1940 Act for such series of ETMF Shares must state that such series must comply with the federal securities laws in accepting securities for deposit and satisfying redemptions with securities, including that the securities accepted for deposit and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act'').

Proposed Definitions. Proposed Nasdaq Rule 5745(c)(1) defines the term ''ETMF Share'' as a security that: (1) Represents an interest in a registered investment company organized as an open-end management investment company that invests in a portfolio of securities and other assets selected and managed by the ETMF's investment adviser consistent with the ETMF's investment objectives and policies; (2) is issued in specified aggregate unit quantities in return for a deposit of a specified portfolio of securities and/or a cash amount with a value per Share equal to the ETMF's NAV; (3) when aggregated in the same specified unit quantities, may be redeemed in exchange for a specified portfolio of securities and/or cash with a value per Share equal to the ETMF's NAV; and (4) is traded on Nasdaq or another national securities exchange using NAV-Based Trading, including pursuant to UTP.

In addition, proposed Nasdaq Rule 5745(c)(2) defines the term ''Intraday Indicative Value'' (''IIV'') as the estimated indicative value of an ETMF Share based on current information regarding the value of the securities and other assets held by the ETMF. Proposed Nasdaq Rule 5745(c)(3) defines the term ''Composition File'' as the specified portfolio of securities and/or cash that an ETMF will accept as a deposit in issuing ETMF Shares and the specified portfolio of securities and/or cash that an ETMF will deliver in a redemption of ETMF Shares. The current Composition File will be disseminated through the National Securities Clearing Corporation (''NSCC'') once each business day before the open of trading in ETMF Shares on Nasdaq on such day. To maintain the confidentiality of current portfolio trading, an ETMF's Composition File generally will not be a pro rata reflection of the ETMF's securities positions. Each security included in the Composition File will be a current holding of the ETMF, but the Composition File generally will not include all of the securities in the ETMF's portfolio or match the weightings of the included securities in the portfolio. The Composition File also may consist entirely of cash, in which case it will not include any of the securities in the ETMF's portfolio.

Proposed Nasdaq Rule 5745(c)(4) defines the term ''Reporting Authority'' as Nasdaq, an institution or a reporting service designated by Nasdaq as the official source for calculating and reporting information relating to such series of ETMF Shares, including, but not limited to, the IIV, the amount of any cash distribution to holders of ETMF Shares, NAV, the Composition File or other information relating to the issuance, redemption or trading of ETMF Shares. A series of ETMF Shares may have more than one Reporting Authority, each having different functions.

Initial and Continued Listing. Proposed Nasdaq Rule 5745(d) sets forth the initial and continued listing criteria applicable to ETMF Shares.[7] Proposed Nasdaq Rule 5745(d)(1)(A) provides that, for each series of ETMF Shares, Nasdaq will establish a minimum number of ETMF Shares required to be outstanding at the time of commencement of trading. In addition, under proposed Nasdaq Rule 5745(d)(1)(B), Nasdaq must obtain a representation from the issuer of each series of ETMF Shares that the NAV for such series will be calculated on each business day that the New York Stock Exchange is open for trading and that the NAV will be made available to all market participants at the same time. Under proposed Nasdaq Rule 5745(d)(1)(C), the Reporting Authority that provides the Composition File must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the ETMF's portfolio positions and changes in positions.

Proposed Nasdaq Rule 5745(d)(2)(A) provides that each series of ETMF Shares could continue to be listed and traded if the IIV for the ETMF Shares is widely disseminated by one or more major market data vendors at intervals of not more than 15 minutes during the Regular Market Session when the ETMF Shares trade on Nasdaq. Proposed Nasdaq Rule 5745(d)(2)(B) provides that Nasdaq will consider the suspension of trading in, or removal from listing of, a series of ETMF Shares under any of the following circumstances: (1) If, following the initial twelve-month period after commencement of trading on the Exchange of a series of ETMF Shares, there are fewer than 50 beneficial holders of the series of ETMF Shares for 30 or more consecutive trading days; (2) if the ETMF's IIV or NAV is no longer calculated or if its IIV, NAV or Composition File is no longer available to all market participants at the same time; (3) if the ETMF has failed to submit any filings required by the Commission or if Nasdaq is aware that the ETMF is not in compliance with the conditions of any exemptive order or no-action relief granted by the Commission with respect to the series of ETMF Shares; or (4) if such other event shall occur or condition exists which, in the opinion of Nasdaq, makes further dealings on Nasdaq inadvisable.

Proposed Nasdaq Rule 5745(d)(2)(C) provides that, if the IIV of a series of ETMF Shares is not being disseminated as required, Nasdaq may halt trading during the day in which the interruption to the dissemination of the IIV occurs. If the interruption to the dissemination of the IIV persists past the trading day in which it first occurred, Nasdaq will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to a series of ETMF Shares is not calculated on each business day that the New York Stock Exchange is open for trading and disseminated to all market participants at the same time, it will halt trading in such series until such time as the NAV is available to all market participants. If Nasdaq becomes aware that the

[7] An investment adviser to an ETMF would be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the investment adviser and any subadviser and their related personnel would be subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above. The Exchange represents that, for initial and/or continued listing, an ETMF must be in compliance with Rule 10A–3 under the Act. 17 CFR 240.10A–3.

Composition File with respect to a series of ETMF Shares is not disseminated to all market participants at the same time, it will halt trading in such series until such time as the Composition File is available to all market participants.

In addition, proposed Nasdaq Rule 5745(d)(2)(D) provides that, upon termination of an ETMF, the ETMF Shares issued in connection with such entity must be removed from listing on Nasdaq. Proposed Nasdaq Rule 5745(d)(2)(E) provides that voting rights must be as set forth in the applicable ETMF prospectus.

Additional Provisions. Proposed Nasdaq Rule 5745(e) provides that neither Nasdaq, the Reporting Authority nor any agent of Nasdaq shall have any liability for damages, claims, losses or expenses caused by any errors, omissions or delays in calculating or disseminating any of the following: the current portfolio value; the current value of the securities and other assets required to be deposited in connection with issuance of ETMF Shares; the amount of any dividend-equivalent payment or cash distribution to holders of ETMF Shares; NAV; the Composition File; or other information relating to the purchase, redemption or trading of ETMF Shares, resulting from any negligent act or omission by Nasdaq, the Reporting Authority or any agent of Nasdaq, or any act, condition or cause beyond the reasonable control of Nasdaq, its agent or the Reporting Authority, including, but not limited to, an act of God, fire, flood, extraordinary weather conditions, war, insurrection, riot, strike, accident, action of government, communications or power failure, equipment or software malfunction, or any error, omission or delay in the reports of transactions in one or more underlying securities.

Proposed Nasdaq Rule 5745(f) applies only to series of ETMF Shares that are the subject of an order by the Commission exempting such series from certain prospectus delivery requirements under Section 24(d) of the 1940 Act and are not otherwise subject to prospectus delivery requirements under the Securities Act. Nasdaq will inform its members regarding application of Proposed Nasdaq Rule 5745(f) to a particular series of ETMF Shares by means of an information circular prior to commencement of trading in such series. Under the proposed rule, Nasdaq requires that members provide to all purchasers of a series of ETMF Shares a written description of the terms and characteristics of those securities, in a form prepared by the open-end management investment company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser. In addition, members shall include such a written description with any sales material relating to a series of ETMF Shares that is provided to customers or the public. Any other written materials provided by a member to customers or the public making specific reference to a series of ETMF Shares as an investment vehicle must include a statement in substantially the following form: ''A circular describing the terms and characteristics of (the series of ETMF Shares) has been prepared by the (open-end management investment company name) and is available from your broker. It is recommended that you obtain and review such circular before purchasing (the series of ETMF Shares).'' A member carrying an omnibus account for a non-member broker-dealer is required to inform such non-member that execution of an order to purchase a series of ETMF Shares for such omnibus account will be deemed to constitute agreement by the non-member to make such a written description available to its customers on the same terms as are directly applicable to members under this rule. Upon request of a customer, a member shall also provide a prospectus for the particular series of ETMF Shares.

Proposed Nasdaq Rule 5745(g) provides that, if the investment adviser to an ETMF issuing Shares is a registered broker-dealer or affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer personnel or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition and/or changes to such ETMF's portfolio holdings. Personnel who make decisions on the ETMF's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable ETMF portfolio.

Other Proposed Rule Changes

The Exchange also proposes to amend: (1) Nasdaq Rule 4120(a)(9) and (10) to add provisions applicable to ETMF Shares with respect to trading halts; (2) Nasdaq Rule 4120(b)(4)(A) and (E) to modify certain defined terms to include references to ETMF Shares; (3) Nasdaq Rule 5615(a)(5) and IM–5615–4 to add references to ETMFs for purposes of certain corporate governance requirements; and (4) Nasdaq Rule 5940(a) and (b) to add references to ETMF Shares to those securities already covered under the rule relating to both entry fees and annual fees.[8]

Key Features of ETMF Shares

Open-End Registered Investment Company. An ETMF Share means a security that represents an interest in an open-end investment company registered under the 1940 Act that invests in a portfolio of securities and other assets selected and managed by its investment adviser consistent with its investment objectives and policies and which is traded on a national securities exchange using NAV-Based Trading.

1940 Act Exemptive Relief. The 1940 Act contemplates management investment companies that either (1) issue redeemable securities (*i.e.,* open-end investment companies) or (2) do not issue redeemable securities (*i.e.,* closed-end investment companies). ETMF Shares are redeemable, but only in large blocks of shares, not individually. Because exchange-traded funds (''ETFs'') issuing Managed Fund Shares (''Active ETFs'') do not fit neatly into either the open-end category or the closed-end category, Active ETFs have had to seek exemptive relief from the Commission to permit registration as an open-end investment company. ETMFs share some key structural features with Active ETFs, including creations and redemptions only in large blocks of shares, and require exemptive relief from the Commission from substantially the same provisions of the 1940 Act.

Creations and Redemptions. As with Managed Fund Shares, ETMF Shares will be issued and redeemed on a daily basis at NAV[9] in specified blocks of Shares called ''Creation Units.'' Creation Units may be purchased and redeemed by or through ''Authorized Participants.''[10] Purchases and sales of

[8] The Exchange also proposes to make certain other minor technical changes to these rules unrelated to ETMFs. Specifically, the Exchange proposes to amend Rule 4120(a)(9), (b)(4)(A), and (b)(4)(E) to include appropriate references to various derivative securities defined in Rule 5711, and to make certain other typographical corrections and clarifications.

[9] As with other registered open-end investment companies, the NAV of ETMF Shares generally would be calculated daily Monday through Friday as of the close of regular trading on the New York Stock Exchange, normally 4:00 p.m. Eastern Time. NAV would be calculated by dividing the ETMF's net asset value by the number of ETMF Shares outstanding. Information regarding the valuation of investments in calculating the ETMF's NAV would be contained in the registration statement for the ETMF Shares.

[10] ''Authorized Participants'' would be either: (1) ''Participating parties,'' *i.e.,* brokers or other participants in the Continuous Net Settlement System of the NSCC, a clearing agency registered with Commission and affiliated with the Depository Trust Company (''DTC''), or (2) DTC participants, which in either case have executed participant agreements with the ETMF's distributor and

Shares in amounts smaller than the number of Shares required for a Creation Unit may be effected only in the secondary market through NAV-based transactions, as described below, and not directly with the ETMF.

As with Active ETFs, the creation and redemption process for ETMFs may be effected ''in kind,'' in cash, or in a combination of securities and cash. Creation ''in kind'' means that the Authorized Participant—usually a brokerage house or large institutional investor—purchases the Creation Unit with a basket of securities equal in value to the aggregate NAV of the Shares in the Creation Unit. When an Authorized Participant redeems a Creation Unit in kind, it receives a basket of securities equal in value to the aggregate NAV of the Shares in the Creation Unit.

Composition File. As defined in proposed Nasdaq Rule 5475(c)(3), the Composition File is the specified portfolio of securities and/or cash that an ETMF will accept as a deposit in issuing a Creation Unit of ETMF Shares, and the specified portfolio of securities and/or cash that an ETMF will deliver in a redemption of a Creation Unit of ETMF Shares. The Composition File will be disseminated through the NSCC once each business day before the open of trading in ETMF Shares on such day. Because ETMFs seek to preserve the confidentiality of their current portfolio trading program, the Composition File generally will not be a pro rata reflection of the ETMF's securities positions. Each security included in the Composition File will be a current holding of the ETMF, but the Composition File generally will not include all of the securities in the ETMF's portfolio or match the weightings of the included securities in the portfolio. Securities that the investment adviser to the ETMF is in the process of acquiring for the ETMF generally would not be represented in the Composition File until their purchase has been completed. Similarly, securities that are held in the ETMF's portfolio but in the process of being sold may not be removed from the Composition File until the sale program is substantially completed. ETMFs creating and redeeming Shares in kind would use cash amounts to supplement the in-kind transactions to the extent necessary to ensure that Creation Units are purchased and redeemed at NAV. The Composition File also may consist entirely of cash, in which case it will not include any of the securities in the ETMF's portfolio.[11]

NAV-Based Trading. Because ETMF Shares will be listed and traded on the Exchange, ETMF Shares will be available for purchase and sale on an intraday basis, like shares of conventional ETFs and other listed securities. Different from conventional ETF share trading, however, ETMF Shares would be purchased and sold in the secondary market at prices based on the next-determined NAV. All bids, offers and execution prices would be expressed as a premium/discount (which may be zero) to the ETMF's next-determined NAV (*e.g.,* NAV − $0.01, NAV + $0.01). An ETMF's NAV would be determined each business day, normally as of 4:00 p.m. Eastern Time. Trade executions would be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of NAV.

• *Trading Premiums and Discounts.* ETMF Share prices would be quoted throughout the day relative to NAV. The premium or discount to NAV at which ETMF Share prices are quoted and transactions are executed would vary depending on market factors, including the balance of supply and demand for ETMF Shares among investors, transaction fees and other costs in connection with creating and redeeming Creation Units of ETMF Shares, competition among market makers and other arbitrageurs, the ETMF Share inventory positions and inventory strategies of market makers and other arbitrageurs, and the volume of ETMF Share trading. Reflecting these and other market factors, prices for ETMF Shares in the secondary market may be above, at or below NAV.

• *Transmitting and Processing Orders.* Member firms would utilize existing order types and interfaces to transmit ETMF Share bids and offers to Nasdaq, which would process ETMF Share trades like trades in shares of conventional ETFs and other listed securities. In the systems used to transmit and process transactions in ETMF Shares, Nasdaq expects an ETMF's next-determined NAV to be represented by a proxy price (*e.g.,* 100.00) and a premium/discount of a stated amount to the next-determined NAV to be represented by the same increment/decrement from the proxy price used to denote NAV (*e.g.,* NAV − $0.01 would be represented as 99.99; NAV + $0.01 as 100.01).[12]

To avoid potential investor confusion, Nasdaq would work with member firms and providers of market data services to seek to ensure that representations of intraday bids, offers and execution prices for ETMFs that are made available to the investing public follow the ''NAV − $0.01/NAV + $0.01'' (or similar) display format, rather than displaying proxy prices. Nasdaq expects all ETMFs listed on the Exchange to have a unique identifier associated with their ticker symbols, which would indicate that their Shares are traded using NAV-Based Trading. Nasdaq makes available to member firms and market data services certain proprietary data feeds (''Nasdaq Data Feeds'') that are designed to supplement the market information disseminated through the consolidated tape (''Consolidated Tape''). The Exchange would use a Nasdaq Data Feed to disseminate intraday price and quote data for ETMFs in real time in the ''NAV − $0.01/NAV + $0.01'' (or similar) display format. Member firms could use the Nasdaq Data Feed to source intraday ETMF prices for presentation to the investing public in the ''NAV − $0.01/NAV + $0.01'' (or similar) display format. Alternatively, member firms could source intraday ETMF prices in proxy price format from the Consolidated Tape and use a simple algorithm to convert prices into the ''NAV − $0.01/NAV + $0.01'' (or similar) display format.

• *Intraday Reporting of Quotes and Trades.* All ETMF bids, offers and trade executions would be reported intraday in real time by the Exchange to the

transfer agent regarding the creation and redemption of Creation Units. Investors would not have to be Authorized Participants in order to transact in Creation Units, but must place an order through and make appropriate arrangements with an Authorized Participant for such transactions.

[11] In determining whether an ETMF will issue or redeem Creation Units entirely on a cash basis, the key consideration will be the benefit that would accrue to the ETMF and its investors. For instance, in bond transactions, the investment adviser to the ETMF may be able to obtain better execution than Authorized Participants because of the investment adviser's size, experience and potentially stronger relationships in the fixed-income markets.

[12] Order transmission and processing systems currently in common use by exchanges and member firms are generally not designed to accommodate pricing arrangements, such as NAV-Based Trading, in which bids, offers and execution prices are determined by reference to a price or value that is unknown at the time of trade execution. Compared to the alternative of building and maintaining (and requiring member firms to build and maintain) a dedicated NAV-Based Trading order transmission and processing system, the Exchange believes that the proposed approach (using, for processing purposes, a proxy price to represent next-determined NAV) offers major advantages in terms of cost, efficiency and time to implement. To convert proxy prices used to represent intraday bids, offers and execution prices into prices expressed in relation to the next-determined NAV, member firms would subtract from the reported proxy price (*e.g.,* 99.99) the proxy for NAV (*e.g.,* 100.00) and inserting ''NAV'' in front of the calculated number expressed in dollars (*e.g.,* 99.99–100.00 = −0.01, expressed as ''NAV − $0.01'').

Consolidated Tape [13] and separately disseminated to member firms and market data services through a Nasdaq Data Feed. The Exchange would also provide the member firms participating in each ETMF Share trade with a contemporaneous notice of trade execution, indicating the number of ETMF Shares bought or sold and the executed premium/discount to NAV.[14]

• *Final Trade Pricing, Reporting and Settlement.* All executed ETMF Share trades would be recorded and stored intraday by Nasdaq to await the calculation of the ETMF's end-of-day NAV and the determination of final trade pricing. After the Reporting Authority calculates an ETMF's NAV and provides this information to the Exchange, Nasdaq would price each ETMF Share trade entered into during the day at the ETMF's NAV plus/minus the trade's executed premium/discount. Using the final trade price, each executed ETMF Share trade would then be disseminated to member firms and market data services through the Nasdaq Data Feed used to report ETMF Share trades, and confirmed to the member firms participating in the trade to supplement the previously provided information to include final pricing. After the pricing is finalized, Nasdaq would deliver the ETMF Share trading data to NSCC for clearance and settlement, following the same processes used for the clearance and settlement of trades in conventional ETFs and other exchange-traded securities.

Portfolio Disclosure and ETMF Share Trading Efficiency. As required for traditional open-end investment companies, ETMFs would disclose their full portfolio positions at least quarterly, with a delay (not to exceed 60 days) to limit opportunities for other market participants to engage in predatory trading practices that might harm fund shareholders.[15]

Rule 5735 requires Active ETFs to disclose publicly their full portfolio positions at least once daily. The purpose of this requirement is to provide Active ETF market makers with the portfolio information needed to hedge the intraday market risk they assume as they take inventory positions in connection with their market making activities. In conventional ETF trading, a condition to maintaining a tight relationship between market trading prices and contemporaneous underlying portfolio values is that market makers have sufficient information regarding portfolio positions to enable them to earn reliable arbitrage profits by entering into long (or short) positions in ETF shares and offsetting short (or long) positions in the underlying holdings (or a suitable proxy).

In ETMF trading, by contrast, a market maker assumes no intraday market risk in connection with its inventory positions because all ETMF Share transaction prices are based on the next-determined NAV. Whether an ETMF's underlying value goes up or down over the course of a trading day will not affect how much profit a market maker earns by selling (or buying) ETMF Shares in the market at a net premium (discount) to NAV, and then purchasing (redeeming) an offsetting number of ETMF Shares at the end of the day in transactions with the ETMF. No intraday market risk means no requirement for intraday hedging, and therefore no associated requirement for portfolio disclosure to maintain a tight relationship between ETMF Share trading prices and NAV.

The arbitrage that connects ETMF trading prices to NAV is effected at the end of each trading day when a market maker or other arbitrageur purchases (or redeems) Creation Units of ETMF Shares through an Authorized Participant to offset the net amount of ETMF Shares it has sold (bought) over the course of the trading day, and buys (sells) the quantity of Composition File instruments corresponding to the number of Creation Units purchased (redeemed). An ETMF market maker that purchases (or redeems) a Creation Unit at the end of a trading day to offset its net intraday sales (purchases) of a Creation Unit quantity of ETMF Shares will earn arbitrage profits to the extent that it either sells (buys) Shares at an aggregate premium (discount) to NAV or buys (sells) a Creation Unit-equivalent quantity of Composition File instruments at an aggregate discount (premium) to their end-of-day values, and the net amount of ETMF premium (discount) plus Composition File instruments discount (premium) exceeds the transaction fee that applies to a purchase (redemption) of a Creation Unit of ETMF Shares.[16]

Different from ETFs trading in conventional intraday markets, ETMFs offer market makers an arbitrage profit opportunity that does not depend on either corresponding intraday adjustments in fund share and underlying portfolio positions or the use of a hedge portfolio to manage intraday market risk. A ''perfect arbitrage'' in an ETMF requires only that market makers holding short (or long) positions in ETMF Shares accumulated intraday transact with the ETMF to purchase (redeem) a corresponding number of Creation Units of ETMF Shares, buy (sell) the equivalent quantities of Composition File instruments at market-closing or better prices, and offload any remaining sub-Creation Unit ETMF Share inventory through secondary market transactions by the market close.[17]

Because the arbitrage mechanism that underlies ETMF trading is simpler, more reliable and exposes market makers to less risk than ETF arbitrage, market makers should require less profit inducement to establish and maintain markets in ETMF Shares than in similarly constituted ETFs, thereby enabling ETMFs to routinely trade at smaller premiums/discounts and narrower bid-ask spreads. Further, because the arbitrage mechanism that underlies efficient trading of ETMFs

[13] Due to systems limitations, the Consolidated Tape would report intraday execution prices and quotes for ETMFs using a proxy price format. As noted, Nasdaq would separately report real-time execution prices and quotes to member firms and providers of market data services in the ''NAV − $0.01/NAV + $0.01'' (or similar) display format, and otherwise seek to ensure that representations of intraday bids, offers and execution prices for ETMFs that are made available to the investing public follow the same display format.

[14] All orders to buy or sell an ETMF Share that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on such day.

[15] *See* 17 CFR 249.332; 17 CFR 274.130. In adopting the requirement for quarterly portfolio disclosure with not more than a 60 day delay, the Commission noted that it took seriously concerns that more frequent portfolio disclosure and/or a shorter delay for release of this information might expand the opportunities for other market participants to engage in predatory trading practices that harm fund shareholders. *Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies,* Securities Exchange Act Release No. 49333 (Feb. 27, 2004). As with traditional mutual funds, an ETMF could elect to provide more frequent disclosure of portfolio positions, if appropriate.

[16] The arbitrage mechanism is simplified for cash creations and redemptions. An ETMF market maker that purchases (or redeems) a Creation Unit in cash to offset its net intraday sales (purchases) of a Creation Unit quantity of ETMF Shares will earn arbitrage profits to the extent that it sells (buys) ETMF Shares in the secondary market at an aggregate premium (discount) to NAV that exceeds the transaction fee that applies to a cash creation (redemption) of a Creation Unit of ETMF Shares.

[17] Market makers are expected generally to seek to minimize their exposure to price risk in ETMF Shares by holding little or no overnight inventory. Establishing Creation Unit sizes for ETMFs that are somewhat smaller (*i.e.,* in a range of 5,000 to 50,000 Shares) than is customary for ETFs should support efficient arbitrage between an ETMF's trading prices and NAV by facilitating tighter market maker inventory management. To the extent that market makers hold small positions in ETMF Shares overnight, they are expected to aggregate such holdings with other risk positions and transact at or near the market close to buy or sell offsetting positions in appropriate, broad-based hedging instruments. Such hedging of overnight inventory risk on a macro basis does not require disclosure of non-Composition File portfolio positions.

does not involve portfolio positions that are not included in the Composition File, the need for full portfolio transparency to achieve tight markets in ETMF Shares is eliminated.

Recognizing the potential harm to shareholders of disclosing portfolio trading information on a current basis (and the absence of a need for such information to maintain tight trading markets using NAV-Based Trading), proposed Nasdaq Rule 5745 would not require daily portfolio disclosure or specify a minimum level of correspondence between an ETMF's portfolio positions and its Composition File.

Intraday Indicative Value. For each series of ETMF Shares, an estimated value of an individual ETMF Share, defined in proposed Nasdaq Rule 5745(c)(2) as the ''Intraday Indicative Value,'' would be widely disseminated by one or more major market data vendors at intervals of not more than 15 minutes throughout the Regular Market Session when ETMF Shares trade on the Exchange. The IIV would be based on current information regarding the value of the securities and other assets held by an ETMF.[18] Unlike Nasdaq Rule 5735, which requires dissemination of IIVs every 15 seconds for Managed Fund Shares, proposed Nasdaq Rule 5745 would not require the dissemination of an IIV on such a frequent basis. Dissemination of IIVs plays a different, and lesser, role in NAV-Based Trading of ETMF Shares than in conventional ETF trading. For Managed Fund Shares (and ETFs generally), the primary purpose of IIVs is to provide retail investors with a measure of the contemporaneous underlying value of a fund's positions, allowing them to assess the reasonableness of trading prices in relation to underlying value. For ETMF Shares, NAV-Based Trading provides investors with a direct measure of the relationship between trading prices and NAV (*e.g.,* NAV − $0.01, NAV + $0.02) and, using limit orders, a means for controlling the premium or discount to NAV at which they trade shares. The purpose of IIVs in NAV-Based Trading is to enable investors to estimate the next-determined NAV so they can determine the number of ETMF Shares to buy or sell if they want to transact in an approximate dollar amount (*e.g.,* if an investor wants to acquire approximately $5,000 of an ETMF, how many Shares should the investor buy?).[19] For this purpose, dissemination of IIVs at intervals of not more than 15 minutes should generally be sufficient. More frequent dissemination of IIVs may increase fund costs without apparent benefit and could focus unwarranted investor attention on these disclosures. Moreover, for certain strategies, more frequent IIV disclosure could provide unintended information about current portfolio trading activity to market participants who possess the requisite analytical capabilities, computation power and motivation to reverse engineer the ETMF's portfolio positions. As proposed, an ETMF would be permitted to disseminate IIVs at intervals of less than 15 minutes, but would not be required to do so to maintain trading on the Exchange.

Availability of Information. Prior to the commencement of market trading in ETMF Shares, each ETMF will be required to establish and maintain a public Web site through which its current prospectus may be downloaded. The Web site will include additional ETMF information updated on a daily basis, including most recent NAV. The Composition File will be disseminated through the NSCC before the open of trading in ETMF Shares on Nasdaq on each business day. Consistent with the disclosure requirements that apply to traditional open-end investment companies, a complete list of current ETMF portfolio positions will be made available at least once each calendar quarter, with a reporting lag of not more than 60 days. ETMFs may provide more frequent disclosures of portfolio positions at their discretion.

Reports of ETMF Share transactions will be disseminated to the market and delivered to the member firms participating in the trade contemporaneous with execution. Once an ETMF's daily NAV has been calculated, Nasdaq would price each ETMF Share trade entered into during the day at the ETMF's NAV plus/minus the trade's executed premium/discount. Using the final trade price, each executed ETMF Share trade would then be disseminated to member firms and market data services through the Nasdaq Data Feed used to report ETMF Share trades, and confirmed to the member firms participating in the trade to supplement the previously provided information to include final pricing.

Information regarding NAV-based trading prices and volumes of ETMF Shares will be continually available on a real-time basis throughout each trading day on brokers' computer screens and other electronic services. The previous trading day's closing price and volume information for the ETMF Shares will be published daily.

Exchange Listing. Nasdaq intends to enter into a license agreement to allow for the listing and trading of ETMF Shares on the Exchange.[20] ETMF Shares listed on the Exchange may trade pursuant to UTP on other national securities exchanges that have obtained appropriate licenses, adopted applicable exchange rules and developed systems to support NAV-Based Trading. Fees collected by the Exchange in connection with the listing and trading of ETMF Shares will comply with the statutory requirements set forth in the Act.

Trading Halts

The Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in ETMF Shares. Nasdaq will halt trading in ETMF Shares under the conditions specified in Nasdaq Rules 4120, as proposed to be amended, and in proposed Nasdaq Rule 5745(d)(2)(C), as discussed above. Additionally, Nasdaq may cease trading ETMF Shares if other

[18] IIVs disseminated throughout each trading day would be based on the same portfolio as used to calculate that day's NAV. Like Managed Fund Shares, ETMFs will reflect purchases and sales of portfolio positions in their NAV the next business day after trades are executed.

[19] Because, in NAV-Based Trading, prices of executed trades are not determined until the reference NAV is calculated, buyers and sellers of ETMF Shares during the trading day will not know the final value of their purchases and sales until the end of the trading day. An ETMF's registration statement, Web site and any advertising or marketing materials will include prominent disclosure of this fact. Although IIVs may provide useful estimates of the value of intraday trades, they cannot be used to calculate with precision the dollar value of the ETMF Shares to be bought or sold. An IIV of an ETMF will generally differ from NAV to the extent that the value of the ETMF's portfolio holdings change intraday between the time the IIV is calculated and the end of the trading day. The fact that an investor placing an order to purchase or sell ETMF Shares would not know the trade price at the time the order is entered is similar to certain existing order types in conventional share trading. For standard market orders, trading prices are not known until the order executes. For market-on-close orders, trading prices are not established until the end of the trading day. In addition, for purchases and sales of share quantities of mutual funds, an investor does not know the transaction value until NAV is calculated at the end of the day. Member firms may have different systems for communicating these trade characteristics to their customers and for ensuring that customers have sufficient resources to engage in these trades. Member firms may require that a cash buffer be maintained in a customer's account relative to the current value of the security to be purchased. Alternatively, customers may have margin accounts or arrangements with their broker-dealer to provide for payment subsequent to trade execution, but prior to trade settlement.

[20] Aspects of ETMFs and NAV-Based Trading are protected intellectual property subject to issued and pending U.S. patents held by Navigate Fund Solutions LLC (''Navigate''), a wholly owned subsidiary of Eaton Vance Corp. Nasdaq would enter into a license agreement with Navigate to allow for NAV-Based Trading on the Exchange of ETMFs that have themselves entered into license agreements with Navigate.

unusual conditions or circumstances exist which, in the opinion of Nasdaq, make further dealings on Nasdaq detrimental to the maintenance of a fair and orderly market. To manage the risk of a non-regulatory ETMF Share trading halt, Nasdaq has in place back-up processes and procedures to ensure orderly trading. Because, in NAV-Based Trading, all trade execution prices are linked to end-of-day NAV, buyers and sellers of ETMF Shares should be less exposed to risk of loss due to intraday trading halts than buyers and sellers of conventional ETFs and other exchange-traded securities.

Trading Rules

Nasdaq deems ETMF Shares to be equity securities, thus rendering trading in ETMF Shares to be subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in ETMF Shares from 9:30 a.m. until 4:00 p.m. Eastern Time.[21] As provided in proposed Nasdaq Rule 5745(b)(3), the minimum price variation for quoting and entry of orders in ETMF Shares traded on the Exchange will be $0.01.

Surveillance

The Exchange represents that trading in ETMF Shares will be subject to the existing trading surveillances, administered by both Nasdaq and the Financial Industry Regulatory Authority, Inc. (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[22] The Exchange represents that these procedures are adequate to properly monitor trading of ETMF Shares on the Exchange 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 with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG'')[23] regarding trading in ETMF Shares, and in exchange-traded securities and instruments held by ETMFs (to the extent such exchange-traded securities and instruments are known through the publication of the Composition File and periodic public disclosures of an ETMF's portfolio), and FINRA may obtain trading information regarding such trading from other markets and other entities. In addition, the Exchange may obtain information regarding trading in ETMF Shares, and in exchange-traded securities and instruments held by ETMFs (to the extent such exchange-traded securities and instruments are known through the publication of the Composition File and periodic public disclosures of an ETMF's portfolio), 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.

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 in an ETMF, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the ETMF Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of ETMF Shares in Creation Units (and noting that ETMF Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in ETMF Shares to customers; (3) how information regarding the IIV is disseminated; (4) the requirement that members deliver a prospectus to investors purchasing ETMF Shares prior to or concurrently with the confirmation of a transaction; and (5) information regarding NAV-Based Trading protocols.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the ETMF. Members purchasing ETMF Shares from the ETMF for resale to investors will deliver a summary 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.

The Information Circular also will reference that the ETMF is subject to various fees and expenses described in its registration statement. The Information Circular will also disclose the trading hours of the ETMF Shares and the applicable NAV calculation time for the ETMF Shares. The Information Circular will disclose that information about the ETMF Shares will be publicly available on the ETMF's Web site.

Information regarding ETMF trading protocols will be disseminated to Nasdaq members in accordance with current processes for newly listed products. Nasdaq intends to provide its members with a detailed explanation of NAV-Based Trading through a Trading Alert issued prior to the commencement of trading in ETMF Shares on the Exchange.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act[24] in general, and Section 6(b)(5) of the Act[25] 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 a national market system. Nasdaq also believes that imposition of an initial entry fee and an annual fee in connection with the listing of ETMF Shares under proposed Nasdaq Rule 5940 is consistent with Section 6(b)(4) of the Act[26] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that the Exchange operates or controls.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that ETMF Shares would be listed and traded on the Exchange pursuant to the initial and continued listing criteria in proposed Nasdaq Rule 5745. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of ETMF Shares on Nasdaq and to deter and detect violations of

[21] *See, supra* note 6.

[22] FINRA provides surveillance of trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[23] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of an ETMF's portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(5).

[26] 15 U.S.C. 78f(b)(4).

Exchange rules and the applicable federal securities laws. If the investment adviser to an ETMF is a registered broker-dealer or affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer personnel or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition and/or changes to the ETMF's portfolio holdings. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement, to the extent necessary.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest. The Exchange will obtain a representation from each issuer of ETMF Shares that the NAV per ETMF Share will be calculated on each business day that the New York Stock Exchange is open for trading and that the NAV will be made available to all market participants at the same time. In addition, a large amount of information would be publicly available regarding ETMFs and ETMF Shares, thereby promoting market transparency. An IIV will be disseminated by one or more major market data vendors at intervals of not more than 15 minutes during trading on the Exchange. Prior to the commencement of market trading in ETMF Shares, each ETMF will be required to establish and maintain a public Web site through which its current prospectus may be downloaded. The Web site will include additional ETMF information updated on a daily basis, including the most recent NAV. The Composition File will be disseminated through the NSCC before the open of trading in ETMF Shares on each business day. A complete list of current ETMF portfolio positions will be made available at least once each calendar quarter, with a reporting lag of not more than 60 days. ETMFs may provide more frequent disclosures of portfolio positions at their discretion.

Transactions in ETMF Shares will be reported to the Consolidated Tape, disseminated to member firms and market data services through the Nasdaq Data Feed used to report ETMF Share trades, and reported to the member firms participating in the trade contemporaneous with execution. Once an ETMF's daily NAV has been calculated and the final price of its intraday Share trades has been determined, Nasdaq disseminate final pricing information through the Nasdaq Data Feed used to report ETMF Share trades and deliver a confirmation with final pricing to the transacting parties. Information regarding NAV-based trading prices and volumes of ETMF Shares traded will be continually available on a real-time basis throughout each trading day on brokers' computer screens and other electronic services. The previous trading day's closing price and volume information for the ETMF Shares will be published daily. Because ETMF Shares will trade at prices based on the next-determined NAV, investors will be able to buy and sell individual Shares at a known premium or discount to NAV that they can limit by transacting using limit orders. NAV-Based Trading provides a level of trading cost transparency and control that is normally not achievable in conventional ETF trading. Trading in ETMF Shares would be subject to proposed Nasdaq Rules 5745(d)(2)(B) and (C), which provide for the suspension of trading or trading halts under certain circumstances, including if, in the view of the Exchange, trading in ETMF Shares becomes inadvisable.

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. Proposed Nasdaq Rule 5745 will permit the listing and trading of a new type of exchange-traded product that can provide investors with access to a broad range of active strategies in a structure that provides the cost and tax efficiencies and shareholder protections of ETFs, while removing the requirement for portfolio transparency to ensure a tight relationship between market trading prices and NAV. Because proposed Nasdaq Rule 5745 would not require ETMFs to publish portfolio positions daily, ETMFs are expected to have broad appeal among active managers who seek to make their strategies available in an exchange-traded structure, but have not embraced Active ETFs due to concerns about the adverse effects of publicly disclosing portfolio trading information on a daily basis.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

With respect to the imposition of initial entry fees and annual fees for the listing of ETMF Shares under proposed Nasdaq Rule 5940, Nasdaq believes that the proposed fees are reasonable and equitably allocated. Nasdaq notes that the proposed fees would be in the same amount as the entry fees and annual fees that apply to Portfolio Depository Receipts, Index Fund Shares and Managed Fund Shares, which, like ETMF Shares, are exchange-listed shares of investment companies registered under the 1940 Act.

Accordingly, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(4) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the Exchange believes that the introduction of ETMFs would promote competition. ETMFs would permit investment managers that have been unwilling to sponsor Active ETFs to introduce actively managed exchange-traded investment companies with features that could be attractive to investors. The Exchange believes that the NAV-Based Trading of ETMF Shares would provide investors with an ability to control trading costs in a way that is not normally available in conventional ETF trading. These developments could significantly enhance competition to the benefit of the markets and investors.

Nasdaq intends to enter into a license agreement to allow for the listing and trading of ETMF Shares.[27] ETMF Shares listed on the Exchange may trade pursuant to UTP on other national securities exchanges that have obtained appropriate licenses, adopted applicable exchange rules and developed systems to support NAV-Based Trading. Fees collected by the Exchange in connection with the listing and trading of ETMF Shares will comply with the statutory requirements set forth in the Act. Nasdaq believes that this proposal would enable a unique investment product to begin trading in a regulated exchange environment and thereby provide additional trading choices to the benefit of investors, including retail investors.

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)

[27] As noted above, aspects of ETMFs and NAV-Based Trading are protected intellectual property subject to issued and pending U.S. patents.

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–2014–020 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–2014–020. 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–2014–020 and should be submitted on or before April 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05320 Filed 3–11–14; 8:45 am]

BILLING CODE 8011–01–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of meeting.

SUMMARY: The SJI Board of Directors will be meeting on Monday, March 31, 2014 at 1:00 p.m. The meeting will be held at SJI Headquarters in Reston, Virginia. The purpose of this meeting is to consider grant applications for the 2nd quarter of FY 2014, and other business. All portions of this meeting are open to the public.

ADDRESSES: SJI Headquarters, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *contact@sji.gov*.

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2014–05338 Filed 3–11–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In January 2014, there were two applications approved. This notice also includes information on one application, approved in October 2013, inadvertently left off the October 2013 notice. Additionally, 10 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: County of Routt, Hayden, Colorado.

Application Number: 13–09–C–00–HDN.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $2,332,663.

Earliest Charge Effective Date: November 1, 2013.

Estimated Charge Expiration Date: September 1, 2018.

Class of Air Carriers Not Required to Collect PFC'S: None.

Brief Description of Projects Approved for Collection and Use:

Acquire snow removal equipment.
Install fuel storage tank.
Acquire aircraft rescue and firefighting vehicle.
Install curbside bag belt in airport terminal.
Modify snow removal equipment storage building.
Conduct wildlife hazard assessment.
PFC administration.

Brief Description of Withdrawn Project: Acquire foreign object debris remover.

Date of Withdrawal: October 7, 2013.

Decision Date: October 8, 2013.

FOR FURTHER INFORMATION CONTACT: Jesse Lyman, Denver Airports District Office, (303) 342–1280.

Public Agency: Golden Triangle Regional Airport Authority, Columbus, Mississippi.

Application Number: 14–08–C–00–GTR.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $171,490.

Earliest Charge Effective Date: October 1, 2018.

Estimated Charge Expiration Date: October 1, 2019.

Class of Air Carriers Not Required to Collect PFC'S: None.

Brief Description of Projects Approved for Collection And Use:

Sealcoat runway and taxiway.
Rehabilitate taxiway.
Rehabilitate taxiway (design).

Decision Date: January 2, 2014.

FOR FURTHER INFORMATION CONTACT: Brian Hendry, Jackson Airports District Office, (601) 664–9897.

[28] 17 CFR 200.30–3(a)(12).

Public Agency: County of Oneida and City of Rhinelander, Rhinelander, Wisconsin.

Application Number: 14–13–C–00–RHI.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $47,508.

Earliest Charge Effective Date: May 1, 2014.

Estimated Charge Expiration Date: December 1, 2014.

Class Of Air Carriers Not Required To Collect PFC'S: Part 135 air taxi/commercial operators filing FAA Form 1800–31 and operating at Rhinelander/Oneida County Airport (RHI).

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at RHI.

Brief Description of Projects Approved for Collection and Use:

Design and construction of taxiway.

Aircraft rescue and firefighting facility (design).

Environmental assessment—remove obstructions.

Design obstruction removal.

Mark airfield pavements.

Construct aircraft rescue and firefighting building.

Design and construct access road.

Decision Date: January 22, 2014.

FOR FURTHER INFORMATION CONTACT: Nancy Nistler, Minneapolis Airports District Office, (612) 253–4638.

AMENDMENTS TO PFC APPROVALS

Amendment no. city, state	Amendment approved date	Original approved net PCF revenue	Amended approved net PCF revenue	Original estimated charge exp. date	Amended estimated charge exp. date
11–10–C–01–VLD Valdosta GA	12/17/13	$472,800	$517,379	01/01/14	01/01/14
12–14–C–02–YKM Yakima, WA	01/06/14	907,615	1,041,984	03/01/15	01/01/16
03–03–C–02–HLN Helena, MT	01/10/14	2,938,178	3,383,375	10/01/12	03/01/15
08–02–C–04–PIE Clearwater, FL	01/15/14	10,528,075	17,685,075	08/01/14	06/01/17
09–08–C–01–HDN Hayden, CO	01/16/14	1,691,312	696,252	05/01/15	09/01/13
03–06–C–01–FAR Fargo, ND	01/16/14	12,469,848	10,197,865	05/01/17	04/01/12
04–06–C–02–PSC Pasco, WA	01/16/14	8,599,230	5,545,404	04/01/16	09/01/09
09–01–C–02–CHS Charleston, SC	01/22/14	14,833,920	14,415,631	06/01/13	05/01/13
12–19–C–01–COS Colorado Springs, CO	01/23/14	728,878	633,878	06/01/14	11/01/15
13–08–C–01–LBB Lubbock, TX	01/27/14	6,859,912	6,859,912	05/01/20	05/01/20

Issued in Washington, DC, on March 6, 2014.

Joe Hebert,

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 2014–05358 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In December 2013, there were three applications approved. This notice also includes information on eight applications, two approved in November 2012, one approved in August 2013, and five approved in November 2013, inadvertently left off the November 2012, August 2013, and November 2013 notices, respectively. Additionally, four approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

PUBLIC AGENCY: City of Chicago Department of Aviation, Chicago, Illinois.

APPLICATION NUMBER: 13–26–C–00–ORD.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $2,484,000.

EARLIEST CHARGE EFFECTIVE DATE: November 1, 2038.

ESTIMATED CHARGE EXPIRATION DATE: December 1, 2038.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: Air taxi.

DETERMINATION: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Chicago O'Hare International Airport.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AND USE: O'Hare School sound insulation program—noise abatement modifications, St. Tarcissus School.

DECISION DATE: November 2, 2012.

FOR FURTHER INFORMATION CONTACT: Amy Hanson, Chicago Airports District Office, (847) 294–7354.

PUBLIC AGENCY: City of Atlanta Department of Aviation, Atlanta, Georgia.

APPLICATION NUMBER: 12–14–C–00–ATL.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $24,355,000.

EARLIEST CHARGE EFFECTIVE DATE: October 1, 2023.

ESTIMATED CHARGE EXPIRATION DATE: December 1, 2023.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: Air taxi/commercial operators when enplaning revenue passengers in limited, irregular, special service air taxi/commercial operations such as air ambulance services, student instruction, and non-stop sightseeing flights, that begin and end at the airport and are concluded within a 25-mile radius of the airport.

DETERMINATION: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Hartsfield—Jackson Atlanta International Airport.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND

USE AT A $4.50 PFC LEVEL: North deicing facility. Runway 10/28 bridge and taxiway SG bridge deck visual enhancements.

DECISION DATE: November 29, 2012.

FOR FURTHER INFORMATION CONTACT: Scott Seritt, Atlanta Airports District Office, (404) 305–7150.

PUBLIC AGENCY: Broward County Aviation Department, Dania Beach, Florida.

APPLICATION NUMBER: 13–13–C–00–FLL.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $50,899,175.

EARLIEST CHARGE EFFECTIVE DATE: February 1, 2031.

ESTIMATED CHARGE EXPIRATION DATE: February 1, 2032.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: Non-scheduled/on-demand air carriers.

DETERMINATION: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Fort Lauderdale/Hollywood International Airport.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE AT A $3.00 PFC LEVEL:

Loading bridges, phase II.

Rehabilitation of runway 9L/27R (design only).

Aircraft rescue and firefighting truck 210 replacement.

Disabled passenger lift replacement.

BRIEF DESCRIPTION OF PROJECT PARTIALLY APPROVED FOR COLLECTION AND USE AT A $4.50 PFC LEVEL: In-line explosives detection system baggage system.

DETERMINATION: Partially approved for collection and use. In accordance with § 158.15(b)(6), the duty free concession storage area in Terminal 2 is not PFC eligible. Further, in accordance with § 158.15(b)(2), the air carrier operations space is not PFC eligible. However, according to the PFC application, the costs of these relocations are not included in the PFC amount requested for this project so the PFC amount of the project is not being reduced as a result of the ineligible areas. In addition, the FAA found a mathematical error in the estimate for the baggage system in Terminal 4 and is reducing the approved PFC amount accordingly.

BRIEF DESCRIPTION OF PROJECT PARTIALLY APPROVED FOR COLLECTION AND USE AT A $3.00 PFC LEVEL: Hardstand operation equipment.

DETERMINATION: Partially approved for collection and use. In accordance with § 158.15(b)(2), the air stair component is not PFC eligible.

BRIEF DESCRIPTION OF WITHDRAWN PROJECT: Noise monitors.

DATE OF WITHDRAWAL: August 16, 2013.

DECISION DATE: August 26, 2013.

FOR FURTHER INFORMATION CONTACT: Susan Moore, Orlando Airports District Office, (407) 812–6331

PUBLIC AGENCY: State of Hawaii, Honolulu, Hawaii.

APPLICATION NUMBER: 13–05–C–00–HNL.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $301,094,938.

EARLIEST CHARGE EFFECTIVE DATE: February 1, 2014.

ESTIMATED CHARGE EXPIRATION DATE: July 1, 2026.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT HONOLULU INTERNATIONAL AIRPORT (HNL) AND USE AT HNL AT A $4.50 PFC LEVEL: Runway 08R/26L pavement rehabilitation.

Runway 04R/22L pavement rehabilitation.

Install runway 04L/22R lighting system.

Loading bridge replacement—Overseas Terminal.

Construct new Mauka concourse.

Aircraft parking apron—Mauka concourse.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT HNL AND USE AT HNL AT A $3.00 PFC LEVEL:

Second level roadway improvements—Overseas Terminal.

Shuttle bus stations between gates 6 and 62—terminal improvements.

Roof canopy replacement—Overseas Terminal.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT HNL AND USE AT HILO INTERNATIONAL AIRPORT (ITO) AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT HNL AND USE AT KONA INTERNATIONAL AT KEAHOLE AIRPORT (KOA) AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT HNL FOR FUTURE USE AT KAHULUI AIRPORT (OGG) AT A $3.00 PFC LEVEL: Land acquisition.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT HNL AND USE AT HNL, ITO, KOA, OGG, AND LIHUE AIRPORT (LIH) AT A $3.00 PFC LEVEL: PFC administrative costs.

BRIEF DESCRIPTION OF WITHDRAWN PROJECTS: Taxiway Z structural improvements at HNL.

Runway 08L/26R widening at HNL.

DATE OF WITHDRAWAL: July 19, 2013/

DECISION DATE: November 22, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Wong, Honolulu Airports District Office, (808) 541–1225.

PUBLIC AGENCY: State of Hawaii, Honolulu, Hawaii.

APPLICATION NUMBER: 13–05–C–00–OGG.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $85,385,132.

EARLIEST CHARGE EFFECTIVE DATE: February 1, 2014.

ESTIMATED CHARGE EXPIRATION DATE: July 1, 2026.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT OGG AND USE AT HNL AT A $4.50 PFC LEVEL: Runway 08R/26L pavement rehabilitation.

Runway 04R/22L pavement rehabilitation.

Install runway 04L/22R lighting system.

Loading bridge replacement—Overseas Terminal.

Construct new Mauka concourse.

Aircraft parking apron—Mauka concourse.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT OGG AND USE AT HNL AT A $3.00 PFC LEVEL: Second level roadway improvements—Overseas Terminal.

Shuttle bus stations between gates 6 and 62—terminal improvements.

Roof canopy replacement—Overseas Terminal.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT OGG AND USE AT ITO AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT OGG AND USE AT KOA AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT OGG FOR FUTURE USE AT OGG AT A $3.00 PFC LEVEL: Land acquisition.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT OGG AND USE AT HNL, ITO, KOA, OGG, AND LIH AT A $3.00 PFC LEVEL: PFC administrative costs.

BRIEF DESCRIPTION OF WITHDRAWN PROJECTS: Taxiway Z structural improvements at HNL.

Runway 08L/26R widening at HNL.

DATE OF WITHDRAWAL: July 19, 2013/

DECISION DATE: November 22, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Wong, Honolulu Airports District Office, (808) 541–1225.

PUBLIC AGENCY: State of Hawaii, Honolulu, Hawaii.

APPLICATION NUMBER: 13–05–C–00–KOA.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $26,963,726.

EARLIEST CHARGE EFFECTIVE DATE: February 1, 2014.

ESTIMATED CHARGE EXPIRATION DATE: July 1, 2026.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT KOA AND USE AT HNL AT A $4.50 PFC LEVEL: Runway 08R/26L pavement rehabilitation.

Runway 04R/22L pavement rehabilitation.

Install runway 04L/22R lighting system.

Loading bridge replacement—Overseas Terminal.

Construct new Mauka concourse.

Aircraft parking apron—Mauka concourse.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT KOA AND USE AT HNL AT A $3.00 PFC LEVEL: Second level roadway improvements—Overseas Terminal.

Shuttle bus stations between gates 6 and 62—terminal improvements.

Roof canopy replacement—Overseas Terminal.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT KOA AND USE AT ITO AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT KOA AND USE AT KOA AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT KOA FOR FUTURE USE AT OGG AT A $3.00 PFC LEVEL: Land acquisition.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT KOA AND USE AT HNL, ITO, KOA, OGG, AND LIH AT A $3.00 PFC LEVEL: PFC administrative costs.

BRIEF DESCRIPTION OF WITHDRAWN PROJECTS: Taxiway Z structural improvements at HNL.

Runway 08L/26R widening at HNL.

DATE OF WITHDRAWAL: July 19, 2013/

DECISION DATE: November 22, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Wong, Honolulu Airports District Office, (808) 541–1225.

PUBLIC AGENCY: State of Hawaii, Honolulu, Hawaii.

APPLICATION NUMBER: 13–05–C–00–LIH.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $17,975,817.

EARLIEST CHARGE EFFECTIVE DATE: February 1, 2014.

ESTIMATED CHARGE EXPIRATION DATE: July 1, 2026.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT LIH AND USE AT HNL AT A $4.50 PFC LEVEL: Runway 08R/26L pavement rehabilitation.

Runway 04R/22L pavement rehabilitation.

Install runway 04L/22R lighting system.

Loading bridge replacement—Overseas Terminal.

Construct new Mauka concourse.

Aircraft parking apron—Mauka concourse.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT LIH AND USE AT HNL AT A $3.00 PFC LEVEL: Second level roadway improvements—Overseas Terminal.

Shuttle bus stations between gates 6 and 62—terminal improvements.

Roof canopy replacement—Overseas Terminal.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT LIH AND USE AT ITO AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT LIH AND USE AT KOA AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT LIH FOR FUTURE USE AT OGG AT A $3.00 PFC LEVEL: Land acquisition.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT LIH AND USE AT HNL, ITO, KOA, OGG, AND LIH AT A $3.00 PFC LEVEL: PFC administrative costs.

BRIEF DESCRIPTION OF WITHDRAWN PROJECTS: Taxiway Z structural improvements at HNL.

Runway 08L/26R widening at HNL.

DATE OF WITHDRAWAL: July 19, 2013/

DECISION DATE: November 22, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Wong, Honolulu Airports District Office, (808) 541–1225.

PUBLIC AGENCY: State of Hawaii, Honolulu, Hawaii.

APPLICATION NUMBER: 13–03–C–00–ITO.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $17,975,817.

EARLIEST CHARGE EFFECTIVE DATE: February 1, 2014.

ESTIMATED CHARGE EXPIRATION DATE: July 1, 2026.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT ITO AND USE AT HNL AT A $4.50 PFC LEVEL: Runway 08R/26L pavement rehabilitation.

Runway 04R/22L pavement rehabilitation.

Install runway 04L/22R lighting system.

Loading bridge replacement—Overseas Terminal.

Construct new Mauka concourse.

Aircraft parking apron—Mauka concourse.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT ITO AND USE AT HNL AT A $3.00 PFC LEVEL: Second level roadway improvements—Overseas Terminal.

Shuttle bus stations between gates 6 and 62—terminal improvements.

Roof canopy replacement—Overseas Terminal.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT ITO AND USE AT ITO AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AT ITO AND USE AT KOA AT A $4.50 PFC LEVEL: Construct aircraft rescue and firefighting facility.

Install access control and closed circuit television.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT ITO FOR FUTURE USE AT OGG AT A $3.00 PFC LEVEL: Land acquisition.

BRIEF DESCRIPTION OF PROJECT APPROVED FOR COLLECTION AT ITO AND USE AT HNL, ITO, KOA, OGG, AND LIH AT A $3.00 PFC LEVEL: PFC administrative costs.

BRIEF DESCRIPTION OF WITHDRAWN PROJECTS: Taxiway Z structural improvements at HNL.

Runway 08L/26R widening at HNL.

DATE OF WITHDRAWAL: July 19, 2013/

DECISION DATE: November 22, 2013.

FOR FURTHER INFORMATION CONTACT: Steve Wong, Honolulu Airports District Office, (808) 541–1225.

PUBLIC AGENCY: Monterey Peninsula Airport District, Monterey, California.

APPLICATION NUMBER: 14–19–C–00–MRY.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $925,000.

EARLIEST CHARGE EFFECTIVE DATE: February 1, 2014.

ESTIMATED CHARGE EXPIRATION DATE: May 1, 2015.

CLASSES OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S:

(1) Non-scheduled/on-demand air carriers filing FAA Form 1800–31; and (2) commuters or small certificated air carriers filing Department of Transportation (DOT) Form T–100.

DETERMINATION: Approved. Based on information contained in the public agency's application, the FAA has determined that each of the approved classes accounts for less than 1 percent of the total annual enplanements at Monterey Peninsula Airport.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE: Acquire one standard police vehicle—security improvement.

Improve runway safety area, runway 10R/28L—phase 4.

DECISION DATE: December 3, 2013.

FOR FURTHER INFORMATION CONTACT: Neil Kumar, San Francisco Airports District Office, (650) 827–7627.

PUBLIC AGENCY: Jackson County Airport Authority, Medford, Oregon.

APPLICATION NUMBER: 14–11–C–00–MFR.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $1,082,418.

EARLIEST CHARGE EFFECTIVE DATE: September 1, 2025.

ESTIMATED CHARGE EXPIRATION DATE: August 1, 2026.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: Air taxi/commercial operators when enplaning revenue passengers in limited, irregular, special service air taxi/commercial operations such as air ambulance services, student instruction, and non-stop sightseeing flights, that begin and end at the airport and are concluded within a 25-mile radius of the airport.

DETERMINATION: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Rogue Valley International—Medford Airport.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE:

Rehabilitate taxiway C design.

Rehabilitate taxiway B/C construction.

Snow removal equipment (rotary plow).

Rehabilitate taxilanes.

Rehabilitate runway 14/32.

Relocate perimeter fencing.

PFC administration.

DECISION DATE: December 10, 2013.

FOR FURTHER INFORMATION CONTACT: Trang Tran, Seattle Airports District Office, (425) 227–1662.

PUBLIC AGENCY: County of Delta, Escanaba, Michigan.

APPLICATION NUMBER: 14–09–C–00–ESC.

APPLICATION TYPE: Impose and use a PFC.

PFC LEVEL: $4.50.

TOTAL PFC REVENUE APPROVED IN THIS DECISION: $134,671.

EARLIEST CHARGE EFFECTIVE DATE: April 1, 2014.

ESTIMATED CHARGE EXPIRATION DATE: November 1, 2016.

CLASS OF AIR CARRIERS NOT REQUIRED TO COLLECT PFC'S: None.

BRIEF DESCRIPTION OF PROJECTS APPROVED FOR COLLECTION AND USE: Airport layout plan update.

Runway 9/27 rehabilitation.

Environmental study.

Westland mitigation.

Acquire easements.

Obstruction removal.

Construct taxiway lighting.

Install supplemental wind cone.

Design and construct snow removal equipment building.

Design and construct perimeter fence.

Rehabilitate taxiways.

Rehabilitate runway 18/36.

Runway safety improvements, runway 18/36.

Apron rehabilitation.

Taxiway B widening and taxiway C rehabilitation.

DECISION DATE: December 19, 2013.

FOR FURTHER INFORMATION CONTACT: Irene Porter, Detroit Airports District Office, (734) 229–2915.

AMENDMENTS TO PFC APPROVALS

Amendment No. city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
10–08–C–02–GCC Gillette, WY	12/3/13	$813,164	$793,843	11/01/14	01/01/14
10–04–C–01–CEC Crescent City, CA	12/4/13	$96,221	$75,221	07/01/18	10/01/14
07–04–C–01–RAP Rapid City, SD	12/4/13	$1,401,088	$728,665	09/01/08	02/01/08
07–05–C–01–LAWTON, OK	12/17/13	$357,888	$566,166	04/01/09	04/01/09

Issued in Washington, DC, on March 6, 2014.

Joe Hebert,

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 2014–05350 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Connected Vehicle Pilot Deployment Program; Request for Information

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice is a Request for Information (RFI) and comments that will be used to help refine the plans for one or more pilot deployments, which combines connected vehicle and mobile device technologies innovations to improve traveler mobility and system productivity, while reducing environmental impacts and enhancing safety. The FHWA anticipates a procurement action for one or more pilot deployment concepts in 2015. The FHWA is issuing this RFI in collaboration with, and on behalf of, other agencies within the DOT, specifically the Federal Transit Administration, the Federal Motor Carrier Safety Administration, National Highway Traffic Safety Administration (NHTSA), and the Office of the Assistant Secretary for Research and Technology. Feedback and comments on any aspect of the RFI are welcome from all interested public, private, and academic entities. While all feedback is welcome, DOT is particularly interested in feedback on the questions provided in the last section of this RFI.

DATES: Responses to this RFI should be submitted by 11:59 p.m., e.t., on April 11, 2014.

ADDRESSES: Responses to this RFI should be delivered electronically as an email or attachment to an email sent to *CVPilots@dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions about the program discussed herein, contact Katherine Hartman, CV Pilots Program Lead, ITS Joint Program Office, 202–366–2742, *kate.hartman@dot.gov.* For legal questions, interpretations and counsel, please contact Adam Sleeter, Office of the Chief Counsel, 202–366–8839, *adam.sleeter@dot.gov,* 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Based on the successful results of the connected vehicle research program, and the recent decision by NHTSA to pursue vehicle to vehicle communications safety technology for light vehicles, a robust connected vehicle pilots program is envisioned as a mechanism to spur the implementation of connected vehicle technology. These pilots will serve as initial implementations of connected vehicle technology deployed in real world settings with the aim of delivering near-term safety, mobility, and environmental benefits to the public.

The DOT connected vehicle research program is a multimodal initiative that aims to enable safe, interoperable networked wireless communications among vehicles, infrastructure, and personal communications devices. Connected vehicle research is sponsored by the DOT and others to leverage the potentially transformative capabilities of wireless technology to make surface transportation safer, smarter, and greener. Research has resulted in a considerable body of work supporting pilot deployments, including concepts of operations and prototyping for more than two dozen applications. Concurrent Federal research efforts developed critical cross-cutting technologies and other enabling capabilities required to integrate and deploy applications. Descriptions of the following relevant research products, developed by the component connected vehicle research programs, can be found at the locations provided in footnotes:

- Dynamic Mobility Applications Program.[1]
- Real-Time Data Capture and Management Program.[2]
- Applications for the Environment: Real-Time Information (AERIS) Program.[3]
- Road-Weather Management Program.[4]
- Safety Pilot Model Deployment.[5]
- Vehicle-to-Infrastructure (V2I) Safety Program.[6]
- Vehicle-to-Vehicle (V2V) Safety Program.[7]

These programs seek to identify, develop, and deploy applications that leverage the full potential of trusted communications among connected vehicles, travelers, and infrastructure to better inform travelers, enhance current operational practices, and transform surface transportation systems management. In 2012–2013, the connected vehicle research program conducted the Safety Pilot Model Deployment in Ann Arbor, Michigan, to assess the potential of V2V and other safety applications to reduce crashes and improve roadway system safety.

Building on the collective body of connected vehicle research work, the Connected Vehicle Pilot Deployment Program seeks preliminary operational deployments of connected vehicle applications that synergistically capture and utilize new forms of connected vehicle and mobile device data to improve multimodal surface transportation system performance and enable enhanced performance-based systems management. The applications developed as connected vehicle applications include support for improved decisionmaking by both system users (travelers) and system managers. The intent is to deploy site-tailored collections of applications that address specific local needs while laying a foundation for broader regional and national deployment. Pilot deployment sites selected in this effort will focus on combinations of applications that result in improved and measureable system performance in one or more of the following areas:

- System Productivity.
- Mobility, including impact on freight movements.
- Livability/Accessibility (accessibility is defined as the ability to reach goods, services, and activities).
- Environment/Fuel Use.
- Traveler/System Safety, including advising of potentially unsafe conditions and mitigating the impact of events that may cause vehicle crashes.

Purpose of the Notice

The DOT seeks comments and innovative ideas from the public sector, private sector, and academic communities concerning the pilot program described in this RFI. While comments are welcome on any area of the RFI, the DOT is particularly interested in responses to the questions listed at the end of this RFI.

Connected Vehicle Pilot Deployment Program Description

This Connected Vehicle Pilot Deployment Program envisions multiple pilot deployments with an initial wave

[1] *http://www.its.dot.gov/dma/.*

[2] *http://www.its.dot.gov/data_capture/data_capture.htm.*

[3] *http://www.its.dot.gov/aeris/.*

[4] *http://www.its.dot.gov/connected_vehicle/road_weather.htm.*

[5] *http://www.its.dot.gov/safety_pilot/.*

[6] *http://www.its.dot.gov/research/v2i.htm.*

[7] *http://www.its.dot.gov/research/v2v.htm.*

starting in calendar year 2015. The program seeks to spur innovation among early adopters of connected vehicle application concepts, using best available and emerging technologies. The pilot deployments are expected to integrate connected vehicle research concepts into practical and effective elements, enhancing existing operational capabilities. The intent of these pilot deployments is to encourage partnerships of multiple stakeholders (e.g., private companies, States, transit agencies, commercial vehicle operators, and freight shippers) to deploy applications utilizing data captured from multiple sources (e.g., vehicles, mobile devices, and infrastructure) across all elements of the surface transportation system (i.e., transit, freeway, arterial, parking facilities, and tollways) to support improved system performance and enhanced performance-based management. The pilot deployments are also expected to support an impact assessment and evaluation effort that will inform a broader cost-benefit assessment of connected vehicle concepts and technologies.

The FHWA anticipates using go/no-go milestones to align Federal funding with pilot deployment progress throughout concept development and implementation. Example milestones include the completion of site partnerships, coordination agreements, and concept development documents and equipment test readiness. The FHWA anticipates selecting multiple sites to initiate pilot deployment planning. However, this initial group may be reduced in number prior to actual deployment.

The pilot deployments should address the following research questions:

- Can connected applications be successfully deployed as a part of operational practice, leveraging vehicles and mobile devices (in-vehicle or outside of the vehicle) both as data sources and application platforms?
- Can system productivity, environmental impact, traveler mobility, and transportation safety be measured and enhanced in innovative and meaningful ways by combining existing and emerging mobile data sources (e.g., by using vehicles and mobile devices as data sources)?
- To what extent can connected vehicle technologies and data be used to support real-time, performance-based management of roadways, transit systems, and freight carriers?
- What are the institutional, legal, and technical issues that may help or hinder the use of connected vehicle technologies?
- What wireless and other communications media can be combined to make large-scale data capture and mobility applications cost effective?
- How can diverse data sources be efficiently integrated and utilized?
- Can customer satisfaction with demonstrated applications be measured?
- Are State and local agencies prepared to implement and maintain connected vehicle technologies?
- How effective is a security credential management system in enabling connected vehicle communications?

Connected Vehicle Pilot Program Requirements Under Consideration

All candidate sites and prospective partners will be required to address the following fundamental aspects of the Connected Vehicle Pilot Deployment Program concept, including:

- *Innovative deployment of multiple connected vehicle applications.* Applications should exploit the value of integrated multisource data (vehicles, infrastructure, and mobile devices). Multiple connected vehicle applications must be deployed together in a complementary manner to improve overall pilot deployment cost-effectiveness. Pilot deployment concepts should cost-effectively leverage captured connected vehicle and mobile device data to provide innovative services to multiple users, including system managers.

Pilot deployments should build upon the DOT-sponsored research. Prototypes of selected connected vehicle applications are currently under development and testing, with demonstrations planned for calendar year 2014. Some concepts of operations, system requirements, and design documents will be made available, as well as algorithms and source code associated with these prototypes. A pilot deployment concept need not include all of the specific technologies identified in the connected vehicle research effort. However, each pilot deployment should combine concepts from multiple DOT application development efforts. A table of connected vehicle applications developed by DOT can be found at *http://www.its.dot.gov/connected_vehicle/connected_vehicle_apps.htm.*

- *Multisource data approach leveraging vehicle data via Dedicated Short Range Communications (DSRC).* Pilot deployments should feature frequent capture and systematic integration of data from an appropriate broad range of sources. Potential sources may include multiple types of infrastructure-based sensors, transit vehicle systems (bus and rail), a full range of vehicle types acting as mobile probes (including freight carriers and transit vehicles), and travelers moving between modes as they complete trips. At a minimum, vehicles must be deployed as one data source and DSRC deployed as one of the communication technologies.
- *Operational deployments.* Pilot deployments should be conducted in operational transportation networks. Pilot deployments set in laboratory or closed facility test environments are precluded from consideration. Preference will be shown to pilot deployment proposals that combine data drawn from fixed infrastructure-based sensor systems and contemporaneous populations of vehicles or travelers and mobile devices participating as mobile probes. Pilot deployments are intended to become integrated elements of current and future operational practice.
- *Performance measurement.* Well-defined, quantitative performance measures and a clear strategy for evaluating these impacts must be a part of any pilot deployment.
- *Diverse practical deployment environments.* Pilot deployments should include practical and effective connected vehicle deployments that include bi-directional communications between vehicles and transportation management systems. The DSRC vehicle communications must be included, but a deployment concept may also include additional data sources (e.g., mobile devices and infrastructure sensors) and other communication media. Pilot deployments should focus on achieving practical and measureable improvements that showcase the near-term potential of connected vehicle technology.
- *No driver distraction effects.* Piloted applications will involve collection of information from moving vehicles and presentation of information to drivers. Those activities must be conducted in a manner that will not distract drivers or compromise safety. Pilot deployments will not include applications that require driver interaction while operating a vehicle. *See www.distraction.gov* for additional information on distracted driving.
- *Data sharing.* A required element of the pilot deployments is the systematic collection of data from both mobile and fixed sources. It is the intent to provide open access to the data through the DOT Data Capture and Management Program. The data may be made available as the pilot deployment is conducted, or made

available shortly after the conclusion of the pilot deployment. The data is intended to support concurrent research activity and connected vehicle application development. If necessary, data should be transformed or aggregated to protect privacy, and the Government will consider allowing transformation or aggregation to protect intellectual property rights.

• *Independent evaluation.* Pilot deployments will be conducted with parallel and independent impact evaluations and target user satisfaction assessment. An independent evaluation contractor will assist in planning and executing an evaluation plan and author a national evaluation report.

• *Security Credentialing Management System.* Pilot deployments shall make appropriate use of the latest ITS standards for trusted information exchange.[8] Pilot sites will be expected to connect to a Security Credential Management System. A DOT-provided system will be available for the purposes of the pilot deployments.

• *Basic Safety Message broadcast.* All in-vehicle equipment deployed as a part of the pilot deployment are expected to transmit an SAE J2735 Basic Safety Message[9] even if crash avoidance applications are not part of the pilot site deployment plan.

RFI Guidelines

Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this RFI may be used by the Government for program planning on a non-attribution basis. This RFI notice is NOT a solicitation for proposals, applications, proposal abstracts, or quotations. This RFI notice is not to be construed as a commitment on the part of the Government to award a contract or grant, nor does the Government intend to directly pay for any information or responses submitted as a result of this RFI notice.

The Government prefers that submissions NOT include any information that might be considered proprietary or confidential. The Government intends to publicly release a summary of responses to this RFI. Such a summary may identify the number and types of responders (e.g., public agency, private entity, or academic institution). If you wish to submit any information under a claim of confidentiality, you should submit your complete submission, including the information you claim to be confidential commercial information, via email to the address given under **FOR FURTHER INFORMATION CONTACT**, above. If you submit materials containing information identified as confidential commercial information, you should include a cover letter setting forth the reasons you believe the information qualifies as confidential commercial information. (49 CFR 7.13(c)(4) and 7.17) If we receive a request to examine or copy this information, we will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552), and process the request in accordance with the procedures found in 49 CFR 7.17.

Responses should clearly identify the name(s) of the responding organization(s) or individual(s) and a designated point of contact, to include address, email, and phone number.

Summary of Questions

Specific questions posed in this notice follow. Responders are reminded that feedback or comments on any aspect of this notice are welcome from all interested public, private, and academic entities. While all feedback is welcome, the DOT is particularly interested in feedback on the following questions. Respondents may respond, to some, all, or none of these specific questions:

1. The DOT envisions an initial wave of pilot deployments to be awarded and commence in 2015. Additional waves may follow this first wave, through 2017. After a 12–18-month planning and deployment phase for each selected pilot site, a period of pilot operational testing and data collection is expected. The operational period, results analysis, and publication of final results are anticipated to occur over a period that does not exceed 18 months. Is this schedule too cautious, too ambitious, or about right?

2. There are important advantages to conducting multiple deployments, including diversity of innovation, technical approaches, and deployment environments and a more comprehensive assessment of connected vehicle technology impact and potential. At the same time, the breadth of envisioned applications and the potential costs of deployment argue for conducting a small number of deployments with critical mass. Is it feasible to achieve the goals of the program with multiple deployment sites? What is the rough order of magnitude of resources (e.g., cost, vehicles, roadside installations, devices, or size of geographic area) expected to enable a meaningful pilot deployment in a single site? What is an appropriate Federal/site cost share split?

3. The DOT intends to provide open appropriate access to the data collected as part of this effort through the Real-Time Data Capture and Management Program. Appropriate access includes suitable protections regarding data ownership, intellectual property rights, and privacy.

a. Do you see value in broadly sharing the data with other researchers?

b. Will such data sharing inhibit participation in the pilot deployment program? If so, what mitigation actions will encourage participation?

c. How should the Research Data Exchange[10] be used in support of the pilot deployments? Should data be uploaded as the deployments are being conducted (i.e., real-time feeds) or as daily archives?

4. To the greatest extent possible, it is the intent of the Connected Vehicle Pilot Deployment Program that algorithms and source code associated with new applications or application enhancements, and funded as a part of these pilot deployments, be made freely available under open source agreements on the Open Source Applications Development Portal.[11] The DOT has identified an open source approach as a method to ensure sharing of Government-funded research products and shorten the time lag between research and deployment.

a. Do you see value in making algorithms and application source code funded by this pilot deployment program broadly available?

b. Will such an open source approach inhibit participation in the pilot deployment effort? If so, what mitigation actions will encourage participation?

c. Should any particular type of application be provided in open source format (e.g., safety applications, non-safety applications, or mobility applications)?

d. The DOT seeks to encourage commercially developed applications based on these pilot deployments. What other avenues do you see for rapid commercialization besides an open source approach?

5. The DOT wants to use these pilot deployments to support early implementation of connected vehicle technology. Connected vehicle technology needs to be interoperable and, as a result, requires consistency across implementations. What is the

[8] *http://www.standards.its.dot.gov/.*

[9] *http://www.its.dot.gov/safety_pilot/pdf/Vehicle_Awareness_Device_Specification-r3–5—20111202.pdf.*

[10] *https://www.its-rde.net/.*

[11] http://itsforge.net/.

role of the Connected Vehicle Reference Implementation Architecture? [12]

6. How should the pilot programs be used to support early implementation of technologies enabling vehicle-to-vehicle applications?

7. The DOT has invested in connected test bed development.[13] What role should the affiliated connected vehicle test beds play in preparing or conducting pilot deployments?

8. The American Association of State Highway and Transportation Officials has prepared a connected vehicle footprint analysis.[14] To what extent can deployment scenarios identified in that analysis be achieved as a part of a pilot deployment?

9. How can the potential value of connected vehicle applications best be measured and estimated in concert with pilot deployment activities?

10. Based on the nature of the pilot deployments, DOT believes that a multimodal cooperative effort involving private and public sector organizations will be required. Feedback is requested on issues including the challenges in forming the teams as a lead organization, a partner, or another participant. What forms or demonstrations of commitment by the participants are reasonable and appropriate requirements of respondents to a solicitation for the pilot deployment program (e.g. letters of intent, proposed matching requirements, or draft project plans)?

Issued on: February 28, 2014.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2014–05414 Filed 3–11–14; 8:45 am]

BILLING CODE 4910–22–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
FEBRUARY 1, 2014 THRU FEBRUARY 28, 2014

02/03/2014		
20140470	G	ThyssenKrupp AG; Outokumpu Ojy; ThyssenKrupp AG.
20140479	G	Phillip Frost, M.D.; Ladenburg Thalmann Financial Services Inc.; Phillip Frost, M.D.
20140481	G	Stryker Corporation; Patient Safety Technologies, Inc.; Stryker Corporation.
20140491	G	EMC Corporation; A.W.S. Holding, LLC; EMC Corporation.
20140499	G	General Electric Company; Francisco Partners II, L.P.; General Electric Company.
20140508	G	Zhuzhou Times New Material Technology Co., Ltd.; ZF Friedrichshafen AG; Zhuzhou Times New Material Technology Co., Ltd.
02/04/2014		
20140450	G	AT&T Inc.; Graham Holdings Company; AT&T Inc.
20140457	G	Google Inc.; Nest Labs, Inc.; Google Inc.
02/06/2014		
20140436	G	Elliott International Limited; Juniper Networks, Inc.; Elliott International Limited.
20140437	G	Elliott Associates, L.P.; Juniper Networks, Inc.; Elliott Associates, L.P.
20140467	G	Nidec Corporation; Honda Motor Co., Ltd.; Nidec Corporation.
02/07/2014		
20140480	G	Partners Limited; Mitsui O.S.K. Lines, Ltd.; Partners Limited.
20140493	G	Oaktree Principal Fund V, L.P.; Diamond Foods, Inc.; Oaktree Principal Fund V, L.P.
20140519	G	KKR North America Fund XI, L.P.; Sedgwick, Inc.; KKR North America Fund XI, L.P.
20140521	G	Primero Mining Corp.; Brigus Gold Corp.; Primero Mining Corp.
02/10/2014		
20140441	G	Verizon Communications Inc.; Deutsche Telekom AG; Verizon Communications Inc.
20140442	G	Deutsche Telekom AG; Verizon Communication Inc.; Deutsche Telekom AG.
20140490	G	Insight Equity II LP; Material Sciences Corporation; Insight Equity II LP.
02/11/2014		
20140509	G	Lightyear Fund III AIV–2, L.P.; SunTrust Banks, Inc.; Lightyear Fund III AIV–2, L.P.

[12] *http://www.standards.its.dot.gov/Development Activities/CVReference.*

[13] *http://www.its.dot.gov/testbed.htm.*

[14] *http://ssom.transportation.org/Documents/Executive%20Briefing.pdf.*

EARLY TERMINATIONS GRANTED—Continued
FEBRUARY 1, 2014 THRU FEBRUARY 28, 2014

02/12/2014		
20140485	G	Verizon Communications Inc.; Intel Corporation; Verizon Communications Inc.
20140494	G	TPG Partners VI, L.P.; Warburg Pincus Private Equity XI, L.P.; TPG Partners VI, L.P.
02/18/2014		
20140478	G	MHR Institutional Partners III LP; Titan International, Inc; MHR Institutional Partners III LP.
20140487	G	Carl C. Icahn; eBay, Inc.; Carl C. Icahn.
20140501	G	Valor Equity Partners II, L.P.; Elon Musk; Valor Equity Partners II, L.P.
20140532	G	Myriad Genetics, Inc.; Crescendo Bioscience, Inc.; Myriad Genetics, Inc.
20140535	G	Wesco Aircraft Holdings, Inc.; The Resolute Fund, L.P.; Wesco Aircraft Holdings, Inc.
02/19/2014		
20140486	G	Astronics Corporation; European Aeronautic Defense and Space Company EADS N.V.; Astronics Corporation.
20140517	G	Corvex Master Fund LP; Signet Jewelers Limited; Corvex Master Fund LP.
20140520	G	Nicholas Schorsch; Lightyear Fund II, L.P.; Nicholas Schorsch.
20140523	G	Frontier Communications Corporation; AT&T Inc.; Frontier Communications Corporation.
20140528	G	ValueAct Co-Invest International L.P.; Microsoft Corporation; ValueAct Co-Invest International L.P.
20140538	G	Brown & Brown, Inc.; The Wright Insurance Group, LLC; Brown & Brown, Inc.
20140541	G	Nicholas Schorsch; David Perkins; Nicholas Schorsch.
20140542	G	AltaGas Ltd.; Chevron Corporation; AltaGas Ltd.
20140543	G	Idemitsu Kosan Co., Ltd.; Chevron Corporation; Idemitsu Kosan Co., Ltd.
02/21/2014		
20140405	G	Newco, a to-be-determined Delaware L.P.; Platinum Equity Capital Partners II, L.P.; Newco, a to-be-determined Delaware L.P.
20140547	G	General Electric Company; Cameron International Corporation; General Electric Company.
02/24/2014		
20140536	G	The Coca-Cola Company; Green Mountain Coffee Roasters, Inc.; The Coca-Cola Company.
20140546	G	William C. Young; Constar International Holdings LLC; William C. Young.
20140548	G	HudBay Minerals Inc.; Augusta Resource Corporation; HudBay Minerals Inc.
20140549	G	John Milligan, Ph.D.; Gilead Sciences, Inc.; John Milligan, Ph.D.
20140554	G	KKR North America Fund XI, L.P.; Berkshire Fund VI, Limited Partnership; KKR North America Fund XI, L.P.
02/25/2014		
20140539	G	Cardinal Health; Michael H. Banigan; Cardinal Health.
20140551	G	Allied Downhole Technologies, LLC; Michael D. Ports and Lori C. Ports; Allied Downhole Technologies, LLC.
20140552	G	International Forest Products Limited; Boris Zingarevich; International Forest Products Limited.
20140559	G	Emmis Communications Corporation; YMF Media New York LLC; Emmis Communications Corporation.
20140566	G	Silver Standard Resources Inc.; Goldcorp Inc.; Silver Standard Resources Inc.
20140569	G	Carlyle Partners VI Cayman Holdings, L.P.; Illinois Tool Works Inc.; Carlyle Partners VI Cayman Holdings, L.P.
20140572	G	Acosta Holdco, Inc.; Daymon Worldwide Inc.; Acosta Holdco, Inc.
20140573	G	TPG Partners VI, L.P.; ProSight Global Holdings Limited; TPG Partners VI, L.P.
02/26/2014		
20140518	G	Star Gas Partners, L.P.; Fortis Inc.; Star Gas Partners, L.P.
20140558	G	Arsenal Capital Partners III LP; Frankie Keller, Sr.; Arsenal Capital Partners LP.
20140563	G	The E.W. Scripps Company; Silver Point Capital Fund, L.P.; The E.W. Scripps Company.
20140564	G	Jeremy M. Jacobs; Shidax Corporation; Jeremy M. Jacobs.
20140567	G	TPG VI DE AIV II, L.P.; The Baumstark Family Trust; TPG VI DE AIV II, L.P.
20140570	G	KRG Capital Fund IV, L.P.; ICC-Nexergy, Inc.; KRG Capital Fund IV, L.P.
20140576	G	Sun Capital Partners Group VI, LLC; Schneider Electric S.A.; Sun Capital Partners Group VI, LLC.
20140578	G	Silver Standard Resources Inc.; Barrick Gold Corporation; Silver Standard Resources Inc.
02/27/2014		
20140575	G	Public Sector Pension Investment Board; Red Fox Management Holdings, LP; Public Sector Pension Investment Board.
20140588	G	Golden Gate Capital Opportunity Fund, L.P.; Jos. A. Bank Clothiers, Inc.; Golden Gate Capital Opportunity Fund, L.P.
20140589	G	Jos. A. Bank Clothiers, Inc.; Golden Gate Capital Opportunity Fund, L.P.; Jos. A. Bank Clothiers, Inc.

EARLY TERMINATIONS GRANTED—Continued
FEBRUARY 1, 2014 THRU FEBRUARY 28, 2014

20140593	G	AEA Investors Fund V LP; Gypsum Management and Supply, Inc.; AEA Investors Fund V LP.
02/28/2014		
20140461	G	AEA Investors Small Business Fund II LP; DRTH Holdings, Inc.; AEA Investors Small Business Fund II LP.
20140594	G	GTCR Fund X/A AIV LP; Cision AB; GTCR Fund X/A AIV LP.

FOR FURTHER INFORMATION CONTACT: Renee Chapman, Contact Representative; or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H–303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2014–05192 Filed 3–11–14; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (Per Diem for Nursing Home Care of Veterans in State Homes (38 CFR part 51) and Per Diem for Adult Day Care of Veterans in State Homes (38 CFR Part 52)) Activity; Comment Request; Withdrawal

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice; withdrawal of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), the Department of Veterans Affairs (VA) published a collection of information notice in the **Federal Register** on July 31, 2013, at 78 FR 147, announcing an opportunity for public comment on the proposed collection of certain information by the agency. The notice solicited comments on forms associated with 38 CFR parts 51 and 52, relating to per diem payments for certain services provided for residents of state-sponsored Veterans homes. With respect to the collection of information in that notice, we are withdrawing our request for comments because of the need to reassess the burden on the public associated with the respective forms.

This document withdraws the Notice at 78 FR 147 (July 31, 2013).

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 632–7492.

Dated: March 6, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–05297 Filed 3–11–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Wednesday,

No. 48 March 12, 2014

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Part 600

45 CFR Part 144

Basic Health Program: State Administration of Basic Health Programs; Eligibility and Enrollment in Standard Health Plans; Essential Health Benefits in Standard Health Plans; Performance Standards for Basic Health Programs; Premium and Cost Sharing for Basic Health Programs; Federal Funding Process; Trust Fund and Financial Integrity; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 600

Office of the Secretary

45 CFR Part 144

[CMS–2380–F]

RIN 0938–AR93

Basic Health Program: State Administration of Basic Health Programs; Eligibility and Enrollment in Standard Health Plans; Essential Health Benefits in Standard Health Plans; Performance Standards for Basic Health Programs; Premium and Cost Sharing for Basic Health Programs; Federal Funding Process; Trust Fund and Financial Integrity

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule establishes the Basic Health Program (BHP), as required by section 1331 of the Affordable Care Act. The BHP provides states the flexibility to establish a health benefits coverage program for low-income individuals who would otherwise be eligible to purchase coverage through the Affordable Insurance Exchange (Exchange, also called Health Insurance Marketplace). The BHP complements and coordinates with enrollment in a QHP through the Exchange, as well as with enrollment in Medicaid and the Children's Health Insurance Program (CHIP). This final rule also sets forth a framework for BHP eligibility and enrollment, benefits, delivery of health care services, transfer of funds to participating states, and federal oversight. Additionally, this final rule amends another rule issued by the Secretary of the Department of Health and Human Services (Secretary) in order to clarify the applicability of that rule to the BHP.

DATES: *Effective Date:* These regulations are effective on January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Jessica Schubel (410) 786–3032; or Carey Appold (410) 786–2117.

SUPPLEMENTARY INFORMATION:

Table of Contents

To assist readers in referencing sections contained in this document, we are providing the following table of contents.

I. Executive Summary
II. Background
III. Summary of Proposed Provisions and Analysis of the Responses to Public Comments
A. General Provisions and Definitions
B. Establishment of the Basic Health Program
C. Federal Program Administration
D. Eligibility and Enrollment
E. Standard Health Plan
F. Enrollee Financial Responsibilities
G. Payment to States
H. BHP Trust Fund
IV. Provisions of the Final Regulations
A. General Provisions and Definitions
B. Establishment and Certification of State Basic Health Programs
C. Federal Program Administration
D. Eligibility and Enrollment
E. Standard Health Plan
F. Enrollee Financial Responsibilities
G. Payments to States
H. BHP Trust Fund
V. Collection of Information Requirements
VI. Regulatory Impact Statement
A. Overall Impact
B. Unfunded Mandates Reform Act
C. Regulatory Flexibility Act
D. Federalism
Regulation Text

Acronyms

Because of the many organizations and terms to which we refer by acronym in this final rule, we are listing these acronyms and their corresponding terms in alphabetical order below:

[the] Act Social Security Act
Affordable Care Act The collective term for the Patient Protection and Affordable Care Act (Pub. L. 111–148) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152))
APTC Advance Payments of the Premium Tax Credit
BHP Basic Health Program
CHIP Children's Health Insurance Program
CMS Centers for Medicare & Medicaid Services
[the] Code Internal Revenue Code of 1986
EHBs Essential Health Benefits
FEHBP Federal Employees Health Benefits Program (5 U.S.C. 8901, et seq.)
FPL Federal poverty line
HCERA Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152, enacted March 30, 2010)
HHS [U.S. Department of] Health and Human Services
IHS Indian Health Service
MEC Minimum Essential Coverage
MAGI Modified adjusted gross income
PHS Act Public Health Service Act
PRA Paperwork Reduction Act of 1995
QHP Qualified Health Plan
SHOP Small Business Health Options Program

I. Executive Summary

This final rule implements section 1331 of the Patient Protection and Affordable Care Act (Pub. L. 111–148, enacted on March 23, 2010) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111.152, enacted on March 30, 2010), which are collectively referred to as the Affordable Care Act. Section 1331 of the Affordable Care Act directs the Secretary to establish the Basic Health Program (BHP). In addition, this final rule amends certain other federal regulations, clarifying their applicability to the new program.

For coverage effective beginning on January 1, 2014, qualified individuals and small businesses will be able to purchase private health insurance coverage through competitive marketplaces, also termed ''Exchanges'' (or the Health Insurance Exchange). The premium tax credit and cost-sharing reductions are available to help lower income qualified individuals purchase and secure coverage and services through the plans operating on the Exchange. At the same time, states provide coverage under Medicaid for low-income individuals and other individuals, including certain individuals with significant medical needs. New administrative procedures discussed in prior rulemaking establish a system for coordinating coverage across all insurance affordability programs (IAP) which includes coverage obtained through an Exchange with the associated premium tax credit and cost-sharing reductions, Medicaid, and the Children's Health Insurance Program. Beginning January 1, 2015, under this final rule, states will have an additional option to establish a BHP to provide coverage for certain individuals who are not eligible for Medicaid and would otherwise be eligible to obtain coverage through the Exchange.

This final rule establishes: (1) The requirements for certification of state submitted BHP Blueprints, and state administration of the BHP consistent with that Blueprint; (2) eligibility and enrollment requirements for standard health plan coverage offered through the BHP; (3) the minimum requirements for the benefits covered by such standard health plans; (4) the availability of federal funding of certified state BHPs; (5) the purposes for which states can use such federal funding; (6) the parameters for enrollee financial participation; and (7) the requirements for state and federal administration and oversight of BHP funds. The specific methods for calculating and providing payment to states, consistent with this rule, will be issued separately in a final payment notice.

II. Background

Section 1331 of the Affordable Care Act provides states with a new coverage option, the Basic Health Program (BHP),

for specified individuals who do not qualify for Medicaid but whose income does not exceed 200 percent of the federal poverty level (FPL). This final rule also implements statutory provisions of the BHP and other provisions necessary to ensure coordination with the other coverage options that, along with BHP, are collectively referred to as insurance affordability programs. Coordination is necessary to ensure that consumers are determined eligible for the appropriate program through a streamlined and seamless process and are enrolled in appropriate coverage without unnecessary paperwork or delay. This final rule describes standards for state administration and federal oversight of the BHP.

In the September 25, 2013 **Federal Register** (78 FR 59122), we published a proposed rule to provide states the opportunity to establish a BHP in coordination with other insurance affordability programs. Rather than establish new and different rules for the BHP, when possible, we align BHP rules with existing rules governing coverage through the Exchange, Medicaid, or CHIP. This approach is supported by the statutory linkage between the minimum benefit coverage, maximum cost sharing, and overall funding for the BHP with the Exchange. Where necessary to accommodate unique features of the BHP, we adapted existing regulations or established specific rules for the new program. Recognizing that states may choose different ways to structure their BHP, when possible, we offer states flexibility in choosing to administer the program in accordance with Exchange rules or those governing Medicaid or CHIP. In those sections in which we offer states the choice, states must adopt all of the standards in the referenced Medicaid or Exchange regulations.

For a detailed description of the background of this rule, please refer to ''Basic Health Program: State Administration of Basic Health Programs; Eligibility and Enrollment in Standard Health Plans; Essential Health Benefits in Standard Health Plans; Performance Standards for Basic Health Programs; Premium and Cost Sharing for Basic Health Programs; Federal Funding Process; Trust Fund and Financial Integrity'' proposed rule published in the September 25, 2013 **Federal Register** (78 FR 59122).

III. Summary of Proposed Provisions and Analysis of the Responses to Public Comments

For a complete and full description of the BHP proposed provisions as required by the statute, see the September 25, 2013 proposed rule (78 FR 59122).

We received a total of 132 timely comments from state agencies, groups advocating on behalf of consumers, health care providers, employers, health insurers, health care associations, Tribes, tribal organizations, and the general public. In addition, we held an all-state/advocate consultation session on November 6, 2013 as well as a tribal consultation session on November 7, 2013 to provide an overview of the BHP proposed rule where interested parties were afforded an opportunity to ask questions and make comments. We continued to meet during this time with interested states through the ''learning collaborative'' that was established prior to the publication of the proposed rule to solicit input related to program operations and coordination between all insurance affordability programs. At the consultation and learning collaborative sessions, participating parties were reminded to submit written comments before the close of the public comment period that was specified in the BHP proposed rule.

The following sections, arranged by subject area, include a summary of the public comments that we received, and our responses.

A. General Provisions and Definitions

In the September 25, 2013 proposed rule, we proposed in § 600.1 the general authority for the BHP regulation as specified in section 1331 of the Affordable Care Act. The statute specifies that a state electing to implement a BHP must enter into contracts for the provision of standard health plan coverage, which must, at a minimum include the essential health benefits (EHB). A state implementing BHP will receive federal funding based on the amount of premium tax credit and cost-sharing reductions that would have otherwise been available to enrollees had they obtained coverage in the Exchange. We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.5, we proposed the definitions and use of terms that apply to BHP. For specific definitions, please see the September 25, 2013 proposed rule (78 FR 59142).

We received several public comments for this section, which we discuss below. In addition to changes resulting from comments on this section, we have added a definition of ''interim certification'' in conformance with a change made to § 600.110. Interim certification is an approval status for the initial design of a state's BHP. It does not confer any permission to begin enrollment or authority to seek funding from the federal government for BHP expenditures.

Comment: Several commenters requested that the BHP use the Medicaid definition of Indian that is set forth in 42 CFR 447.51 for purposes of Medicaid premium and cost sharing reductions. The Affordable Care Act defines Indians for purposes of premium and cost sharing reductions in Exchange plans using the definition set out in section 4(d) of the Indian Self-Determination Act and Education Assistance Act, (25 U.S.C. 450b(d)). The referenced Medicaid regulatory definition of Indian is broader.

Response: We appreciate the commenters' recommendation; however, because a BHP is required by statute only to provide that premium and cost sharing liability will not exceed such liability under Exchange coverage, the regulation adopts the Exchange definition.

Comment: One commenter recommended that HHS define the term ''network of providers.''

Response: We have revised the list of definitions to include a definition of ''network of healthcare providers.''

B. Establishment of the Basic Health Program

In § 600.100 to § 600.170, we proposed the administrative structure for BHP. Within this structure, we proposed that the BHP Blueprint would be the vehicle for BHP certification and specified the operational principles required to implement a BHP.

In § 600.110(a), we proposed that the BHP Blueprint would be the comprehensive document submitted by states to the Secretary to receive certification of proposed BHP programs. For specific discussions on the proposed content of the Blueprint, refer to the September 25, 2013 proposed rule (78 FR 59142).

In § 600.110(b), we proposed that the BHP Blueprint be accompanied by a funding plan that provides enrollment and cost projections for the first 12 months of operation as well as additional funding sources if the state expects to use any non-federal funding. The funding plan must demonstrate that the federal funds will only be used to reduce premiums or cost-sharing or to provide additional benefits. In § 600.110(c), we proposed that HHS post the state's BHP Blueprint on-line.

The following sections, arranged by subject area, include a summary of the public comments that we received, and our responses.

1. General

Comment: We received a variety of supportive comments. One commenter supported the adoption of the Exchange approach of a Blueprint as opposed to utilizing a vehicle similar to a Medicaid state plan. A couple of commenters expressed support for the provision requiring Secretarial certification prior to implementation. We received several comments supporting the requirement that HHS post the Blueprint submitted by the state on-line.

Response: We are finalizing the proposed provisions with some modifications.

We are clarifying that HHS will post on line the Blueprint submitted by the state, and will update it to reflect subsequent amendments by the state (including amendments made to ensure certification by HHS).

Comment: Several commenters shared concerns related to the timing of the Blueprint requirements, and provided several suggestions in how to address this issue. One suggestion was to permit an abridged Blueprint in the first year of implementation, to permit greater flexibility in establishing contracts for standard health plans and making administrative arrangements. The abridged Blueprint would be required to include a few key areas in the Blueprint, such as its eligibility and enrollment processes as well as the standard health plan benefit package. Another suggestion included the use of an ''interim certification'' to outline basic program parameters until the contracting process concluded. One final suggestion was to permit a state to include contingencies in its Blueprint.

Response: We have carefully considered the commenters' concern that we were requiring too much detail and certainty in the initial Blueprint submission, because that level of detail would not be operationally feasible. In response to these comments, we are modifying the certification process to include an interim certification level, which we have defined in the definitions section. We expect that states will be able to provide their basic program design choices and we will be able to approve the structure of the program through the interim certification process, which will involve the submission of a limited set of Blueprint elements. We anticipate that interim certification will give states more certainty as they seek legislative and budget authority for their programs, with the understanding that full certification would be granted only when the Blueprint was fleshed out with additional detail. Full certification would still be required before states enroll individuals in a BHP.

Comment: We received several comments expressing concern regarding the required content of the Blueprint. Several commenters, for example, requested that we make clear that we would not require exact premium amounts in the Blueprint (information that would not be available until later in implementation), but would only require a description of the process the state would use to establish premiums (information that would be available earlier.)

Response: In our proposed rule we created some inconsistency which has now been corrected, at §§ 600.110(a)(6) and 600.505. Now both are consistent, requiring that the Blueprint contain only assurances that the premiums would be calculated in such a way that BHP enrollees would not pay more than they would have been required to pay if they had been enrolled in the applicable benchmark plan, taking into account any premium tax credit that would have been available.

Comment: On later sections of the regulation, we received many comments suggesting that we need to allow greater flexibility for states around the start-up and establishment of the program. As with other aspects of program operations, this flexibility would need to be addressed in the Blueprint.

Response: We appreciate the commenters' interest in ensuring smooth and efficient BHP implementation, and as such, we have included a 15th content area for the Blueprint in § 600.110(a). We will require a transition plan if a state requests to phase in enrollment, which would include information about coordination of such a transition with the Exchange operating in the state. This additional Blueprint requirement corresponds to modifications made to § 600.145.

2. Development and Submission of the BHP Blueprint (§ 600.115)

In § 600.115(a), we proposed that the Blueprint must be submitted by the Governor or the Governor's designee, and in § 600.115(b) we proposed that the state must identify the agency and officials, by position or title, responsible for program administration, operations, and financial oversight.

In § 600.115(c), we proposed that the state must seek public comment on the BHP Blueprint content before submission to the Secretary for certification, and ensure the comment process included federally recognized tribes located in the state. Additionally, we proposed that the state must seek comment on significant revisions which are those that alter core program operations required by § 600.145(e).

In § 600.115(d), we proposed that states may not implement BHP prior to receiving full certification. The date of implementation for this purpose is proposed as the first day that enrollees would receive coverage under BHP.

Comment: We received many comments on the public comment process. One commenter supported the flexibility that is afforded to states by not having a federally prescribed list of required public notice participants in the public notice standard. Another commenter expressed the opposite view and would like HHS to require a specific list of stakeholders that must be included in the public comment process, including consumer, health care and safety net advocacy groups. Another commenter suggested that the prescribed list of stakeholders should be the same as the Exchange.

Response: We recognize that BHP will have a significant impact on consumers, providers, plans and other stakeholders, and we appreciate the commenters' interest in ensuring the public is afforded the opportunity to provide meaningful comment. While ensuring appropriate public participation in the comment process is important, we are not mandating the participation of certain stakeholders because the circumstances in different states in serving low income populations are not the same. Moreover, such a requirement could be viewed as giving particular weight to those stakeholders over others. But we do not preclude any state from adopting such a procedure based on the circumstances in that state. Nor do we specify a calendar a state must use when soliciting public comment; the opportunity to comment, however, must be meaningful. We believe states will build on existing programs and approaches currently in place, and we want to provide the flexibility for them to do so.

Comment: Some commenters specifically recommended that we should borrow the section 1115 Medicaid demonstration transparency requirements under title XIX of the Act and apply those standards to BHP. The commenters expressed the sentiment that the level of rigor in the 1115 standards would be appropriate for BHP.

Response: Section 1115 transparency requirements are specified in statute in detail. Moreover, section 1115 demonstration authority is used when states are requesting permission to depart from otherwise applicable federal law but nevertheless achieving the

objectives of federal law, and public input is essential to informing the federal decision whether to approve the demonstration request. In that circumstance, it is particularly important to have a full opportunity for public comment to determine if there would be any unforeseen or adverse impact. In contrast, there is no statutory public input requirement for the development of a BHP. Moreover, when developing a BHP Blueprint, the need and purpose for public comment is different. A state is not departing from federal law but rather engaging the public in the state's political process to assist in choices the state is making in establishing or modifying a program within a set of options. The opportunity for public input will help to ensure that the state has fully considered whether its BHP approach will meet all statutory requirements and has given due consideration to the required factors in its processes to contract with standard health plans. Interested parties typically are already involved in those processes, and do not need formal notice and comment periods to provide input to states on these choices. It may be appropriate for states to adjust public input processes to reflect these circumstances. For these reasons, we are not accepting the commenters' recommendation to provide a rigid structure for the public input process for a BHP Blueprint and Blueprint amendments.

Comment: We received several comments recommending that HHS strengthen the definition of ''significant revisions'' in § 600.115(c)(1) beyond the proposed reference to those that alter ''core program operations required by § 600.145(e).''

Response: We thank the commenters for their recommendation and we are modifying the regulatory text to reflect this definition change and clarify when an amendment to a BHP Blueprint is necessary.

Comment: Several commenters expressed concern that the timeline for BHP Blueprint submission and certification should be constructed to give sufficient notice to Qualified Health Plans (QHP) prior to the submission of Exchange premiums, QHP applications and the annual contract review process.

Response: We appreciate that there are many timing decisions to make with regard to the submission and certification of a BHP Blueprint that will impact, and be impacted, by many variables in any given state. States must synchronize legislative and funding authority with contracting timelines and federal approval. Given the legislative and contracting calendar differences between states, we do not believe it would be appropriate to mandate a specific timetable, or calendar for the public notice process. However, we expect states to take the QHP issuer bidding timeframe into account and to work with issuers to avoid unnecessary disruption and uncertainty in the individual market, particularly as issuers look to set rates for the next year.

With these considerations in mind, we are finalizing the provisions in this section as proposed except that in § 600.115(c)(1). We are adding to the definition of ''significant revisions'' which will therefore, require an opportunity for public comment to ''those that alter core program operations required by § 600.145(f), as well as changes that alter the BHP benefit package, enrollment, disenrollment and verification policies.''

3. Certification of a BHP Blueprint (§ 600.120)

In, § 600.120(a), we proposed to establish the effective date of certification of the BHP Blueprint as the date of signature by the Secretary.

In § 600.120(b), we proposed that the certification date is established as the first date for which any payments may be transmitted to the state for BHP operations.

Under § 600.120(c), we proposed the period in which a certified Blueprint remains in effect. For specific discussions on this time period, refer to the September 25, 2013 proposed rule (78 FR 59143).

Under § 600.120(d), we proposed Blueprint standards for certification. For specific discussions on the standards, refer to the September 25, 2013 proposed rule (78 FR 59143).

Comment: One commenter was concerned with our proposed Blueprint standard in § 600.120(d)(3) specifying that the Blueprint be free of contingencies or reserved decisions on operational features. The commenter noted that, at times, contingencies are appropriate and contribute to operational success.

Response: We agree with the commenter regarding the need for contingencies and we will strive to develop a Blueprint template permissive of appropriate contingencies. We are deleting the word ''contingencies'' from paragraph (d). However, as the Blueprint will only collect information necessary for approval and oversight, we do not foresee being able to allow reserved decisions.

Comment: We received one comment requesting state flexibility in program development through 2016, particularly with respect to transitioning of populations.

Response: We have responded in other sections (§§ 600.110 and 600.145) regarding the need for flexibility around transitioning populations giving states with the shortest planning window, those that start in 2015, greater flexibility in planning for enrollment and service delivery needs.

4. Revisions to a Certified BHP Blueprint (§ 600.125)

In § 600.125(a), we proposed that a state seeking to make changes to its BHP Blueprint must submit those changes, if altering core program operations, to the Secretary for review and certification.

In § 600.125(b), we proposed that the state must continue to operate under the existing certification unless and until a revised Blueprint is certified.

5. Withdrawal of a BHP Blueprint Prior to Implementation (§ 600.130)

In § 600.130, we proposed a process for a state deciding to terminate a BHP before enrolling participants. For specific discussions, refer to the September 25, 2013 proposed rule (78 FR 59143).

Comment: We received several comments expressing concern regarding the broad state authority to terminate its BHP at any time.

Response: We appreciate the commenters' concerns regarding this state authority; however, because BHP is an alternative health coverage program available at the state's option, we do not believe we can prohibit a state from electing to terminate its program.

Comment: Several commenters suggested that states be required to provide advance notification to standard health plan offerors and QHPs when they voluntarily withdraw Blueprints, to enable these entities the opportunity to adjust their offerings. Other commenters recommended Blueprint submission timelines to be specifically aligned with Exchange timeframes to enable the most accurate pricing of products.

Response: We agree that states should make decisions about BHP operations in a timely manner, to allow orderly transitions for beneficiaries and ensure proper coordination with the Exchange, including the ability of QHPs to price their products properly. However, the standard that the commenter is suggesting is very significant in that it would have to be lengthy notice in advance of the annual QHP pricing process. Given that BHP is a voluntary program, we do not believe we can force continued participation on the part of

the state beyond that required for orderly shutdown.

6. Notice and Timing of HHS Action on BHP Blueprint (§ 600.135)

In § 600.135, we proposed that HHS respond to submissions in a timely manner and identify in writing impediments to certification if they exist.

Comment: We received comments recommending that Blueprints should be deemed certified and states should be able to proceed if they have not been acted upon within 60 days of state submission. Other commenters requested an expedited review process in the first year. A further request was that we institute a conditional approval and make retrospective payment available to states. We also received comments that we should have an administrative review process to resolve disputes over certification or potential decertification.

Response: We have carefully considered these comments and we are finalizing this section with the addition of a state option to request a reconsideration of an adverse certification decision. We believe this change, coupled with the addition of interim certification status discussed earlier and the requirement for HHS to respond timely to state submissions, will be sufficient to ensure responsiveness and opportunity for states to work effectively with HHS to secure necessary approvals to proceed with their programs. We have not included the request for a 60 day ''clock'' because we wish to allow for maximum flexibility in working with states to achieve certification of Blueprints for this new program.

7. State Termination of a BHP (§ 600.140)

In § 600.140, we proposed a process for states to terminate a BHP program with active enrollees. The state must submit written notice to the Secretary 120 days in advance along with a transition plan to assist enrollees switching to other coverage, submit written notice to participating standard health plan offerors and enrollees 90 days in advance, and transmit all information provided as part of an application to other state agencies administering insurance affordability programs. Additionally, the state must fulfill contractual obligations to standard health plans, fulfill data reporting to HHS, complete the annual financial reconciliation process, and refund the remaining balance in the BHP trust fund.

Comment: We received several comments requesting that the notification requirement for standard health plans be the same as it is for the Secretary (120 days). We also received a comment recommending that we require notification be sent to providers contracting with standard health plans.

Response: We are finalizing this section as proposed, because we believe there is value in a Secretarial review of the state's transition plan before others are notified. We also anticipate that the state's transition plan will include specifications about plan and provider notification.

8. HHS Withdrawal of Certification and Termination of a BHP (§ 600.142)

In § 600.142, we proposed the process by which HHS would withdraw certification of a BHP Blueprint based on findings of non-compliance or significant beneficiary harm, financial malfeasance or fraud. This process is only invoked after notice to the state and a reasonable period (at least 120 days) for the state to address findings.

Comment: We received one comment requesting an appeal process for disagreement over findings of non-compliance or significant beneficiary harm, financial malfeasance or fraud.

Response: Similar to § 600.135, we have decided to finalize this section as proposed with the addition of the right of the state to a reconsideration of the decision to withdraw certification if there is disagreement over findings that form the basis for that decision.

9. State Program Administration and Operation (§ 600.145)

In § 600.145, we proposed that a state must operate a BHP according to the certified Blueprint and all applicable law and regulations. This section also contains our proposed core operational features of a BHP beginning in paragraph (b) through (d). For additional discussions on the core operational features of a BHP, refer to the September 25, 2013 proposed rule (78 FR 59144).

Comment: We received many comments on this section in support of the establishment of BHP without the limitations characteristic of more limited programs such as waivers or demonstrations. Similarly, we received a comment commending the Department for including nondiscrimination provisions assuring equal access to services through BHP.

Response: We appreciate the support for the content of this section.

Comment: Several commenters questioned the operational reality of being able to implement a program for every eligible individual on day-one of operations.

Response: We understand the concern raised by the commenters regarding day-one operations, particularly in 2015, the first operational year, for which states have a limited amount of time to coordinate with their Exchange and Medicaid programs. To address this comment, we are adding paragraph (e) providing states implementing in 2015 the option to identify a transition period during initial implementation. These states will be required to submit a transition plan as part of their Blueprint describing their proposed alternative enrollment strategies.

10. Enrollment Assistance and Information Requirements (§ 600.150)

In § 600.150, we proposed that states make information available to potential applicants and enrollees about the BHP coverage option, including benefits and coverage, in a manner that is consistent with the requirements of the Exchange. Additionally, states must require standard health plans to provide information on premiums and covered services, including any limitations, cost-sharing, as well as other information conforming to the requirements of the Exchange. Finally, states must require participating standard health plans to provide current and complete information on the names and locations of participating providers.

Comment: One commenter suggested a requirement that we have application materials designed with individuals who have limited English proficiency in mind and that we should encourage marketing to younger individuals. Other commenters want states to be required to conduct outreach highlighting BHP availability to non-citizens or for individuals with limited English proficiency. Several of these commenters request applying Medicaid managed care requirements (42 CFR 438.10(c)) around enrollees with limited English proficiency to BHP.

Response: We agree with the commenters' request for application materials that serve individuals with limited English proficiency. We further clarify that states must satisfy rules concerning accessibility requirements for persons with disabilities. We also agree that Medicaid standards are appropriate to address these populations and have applied them in § 600.310.

Comment: Other commenters supported the requirement to make provider lists available to enrollees. One commenter specifically requested the inclusion of facility providers such as clinics and health centers, another

commenter wants the requirement to be strengthened by including a quarterly update standard because of churn between QHPs and Standard Health Plans.

Response: We also agree that information requirements are only valuable if kept current so we have added ''at least quarterly'' to the requirement in paragraph (a)(5) that states must require participating plans to publicize and keep current their participating providers. Because this requirement is not limited to any classes or types of providers, we believe it is inclusive as written for all providers.

11. Tribal Consultation (§ 600.155)

In § 600.155, we proposed that states are required to consult with Indian tribes located in the state on the development and execution of the BHP Blueprint using the state or federal tribal consultation policy approved by the state or federal Exchange as applicable.

Comment: We received a comment recommending the removal of the word ''federal'' from the requirement to follow the approved state or federal tribal consultation policy. Also the commenter urges CMS to use the Washington State Exchange tribal consultation policy as the model.

Response: We agree that it is not necessary to identify in this rule whether the state exchange was established by the state or federal government, or whether the tribal consultation policy was based on a state or federal policy. It is only necessary to make clear that the BHP should comply with the state Exchange's tribal consultation policy. Therefore we will remove ''State or Federal'' as descriptors of the tribal consultation policy. We appreciate the reference to Washington State's Exchange tribal consultation policy but because each state has a different tribal makeup and relationship, it is important to maintain state flexibility in determining an appropriate consultation policy. Thus, we are not specifying adoption of any specific state's policy.

12. Protections for American Indians and Alaska Natives (§ 600.160)

In § 600.160, we proposed specific protections for American Indians and Alaska Natives. Specifically, we required the extension of the special enrollment status applicable in the Exchange, we require states to permit Indian tribes and tribal organizations to pay premiums on behalf of BHP enrolled individuals, cost-sharing is prohibited, and we require standard health plans to pay primary to health programs operated by the Indian Health Service or tribal organizations for services covered under the standard health plan. Because we realized that the proposed policy with respect to premium payment should not be limited to tribes, tribal organizations and urban Indian organizations, we are broadening that requirement and moving it into § 600.520 as discussed below.

Comment: We received a comment requesting that we further protect Indian health providers operating within standard health plans by prohibiting the offerors from reducing the payments to providers by the amount of any cost-sharing that would be due from Indians but for the prohibition on cost-sharing. This prohibition is equivalent to that extended to Indian health providers providing services to Indians enrolled in a QHP in the individual market through an Exchange at 45 CFR 156.430(g).

Response: We agree with the commenter that, if the cost of protecting Indians from cost sharing was placed on providers, it would have the result of reducing access to care and would frustrate the purpose of the cost sharing protection. Therefore, we have added this protection as paragraph (c).

13. Nondiscrimination Standards (§ 600.165)

We proposed, in § 600.165 that the state and standard health plans must comply with all applicable civil rights statutes which are delineated in the proposed rule (78 FR 59145) as well as the non-discrimination provision applicable to the Exchange.

Comment: One commenter specifically appreciated that the standards in this section clarify that BHP falls under protections of both Affordable Care Act and the Civil Rights Act bolstering the ability of the HHS Office for Civil Rights and individuals to hold states and contractors accountable.

Response: We are finalizing the language as proposed without change.

14. Annual Report Content and Timing (§ 600.170)

In § 600.170, we proposed specific requirements for the content and timing of the BHP annual report. The report must include content establishing compliance with statutory requirements including eligibility verification, limitations on the use of federal funds, and quality and performance measures from participating standard health plans. Additionally, states are required to submit any evidence of fraud, waste, or abuse known to the state and any follow up that had been specified in findings from a federal review or audit.

Comment: Several commenters made specific reference to the requirement to report quality and performance measures and requested the ability to align with reporting for other insurance affordability programs. A commenter further recommended the use of NCQA, HEDIS and CAHPs standards. Two commenters made specific suggestions for measures or offered assistance in the development of measures that would be appropriate for this purpose. Several commenters offered that 2 full years of data should be available before quality measures are collected. A commenter requested that we limit the use of measures based on patient surveys.

Response: We agree that this standard warrants attention and that the Department should take into account the desirability of aligning measures across insurance affordability programs. As indicated in the preamble of the proposed rule, we intend to issue future subregulatory guidance on the quality and performance standards taking into account these comments.

Comment: Several commenters questioned the timing of the annual report, pointing out that the data available to the state 60 days before the end of the operational year would be limited and perhaps of poor quality.

Response: We agree that the timing of the annual report as proposed will prove problematic for states in that it will not enable the submission of complete data. In response to this concern, we are changing the timing to 60 days following the end of the operational year. With this change, we are reserving the right to request information in advance specifically needed to substantiate the release of funds. Otherwise, the section is being finalized as proposed.

C. Federal Program Administration

1. Federal Program Reviews and Audits (§ 600.200)

In § 600.200(a), we proposed that HHS review each state BHP as needed, but no less frequently than annually, to determine state compliance with federal requirements and provisions of its BHP Blueprint. For additional discussions on specific reports and other documentation, refer to the September 25, 2013 proposed rule (78 FR 59126). We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.200(b), we proposed the types of action items that may result from such review. For specific discussions on the action items, see the September 25, 2013 proposed rule (78 FR 59126). We

received specific comments on this section which are discussed below.

In § 600.200(c), we proposed the HHS Office of Inspector General (OIG) may periodically audit state operations and standard health plan practices. For specific discussions on the periodically conducted OIG audit, see the September 25, 2013 proposed rule (78 FR 59126). We did not receive specific comments on this section and are finalizing the provision as proposed.

We received the following comments as they relate to federal program reviews and audits:

Comment: One commenter recommended that the section title be renamed to ''Federal program compliance reviews and audits.'' In addition, the commenter noted that § 600.200(b)(3) may be missing an ''and.''

Response: We appreciate the commenter's recommended changes, which reflect the underlying intent of the provision. The final rule has been revised to include these changes.

Comment: One commenter expressed concern regarding the provision that permits HHS to withhold approval of Blueprint revisions in the event that the state has not resolved action items in which the state appears to be out of compliance. Specifically, the commenter expressed that withholding approval of Blueprint revisions that otherwise comply with federal requirements is inappropriate and potentially arbitrary given that the action to deny or disapprove a Blueprint revision should be directly related to the subject matter of that revision; therefore, the commenter recommended that we should delete paragraph (b)(3) under this section.

Response: We believe that maintaining this provision in the final rule is appropriate as it provides a compliance remedy that permits the state the opportunity and necessary time to resolve compliance issues while maintaining its BHP certification. Removing this provision would result in having only one compliance remedy—the withdrawal of a state's BHP certification—in the event that identified action items were not immediately resolved. We believe that this alternative is not in the best interest of the state, or in the best interest of the BHP enrollees, as it would result in program termination as well as coverage disruptions for BHP enrollees.

Comment: We received a request to define the standard of review, especially as it relates to the use of BHP trust funds.

Response: The standard of review for federal program reviews and audits is defined in § 600.200(a). Specifically, this standard of review includes all applicable laws, regulation, and interpretive guidance as it relates to federal BHP requirements as well as the provisions of the state's certified BHP Blueprint. The standard of review with respect to the use of BHP trust funds includes all applicable laws, regulation, and interpretive guidance as it relates to BHP trust funds, with a focus on the requirements specified in § 600.705. We have modified the language in § 600.200(b)(4) to clarify this standard.

D. Eligibility and Enrollment

The proposed content of Subpart D includes all eligibility and application, screening and enrollment standards and procedures.

1. Basis, Scope and Applicability (§ 600.300)

In proposed § 600.300 we provided the citation for the statutory basis for subpart D of this rule as section 1331(e) of the Affordable Care Act, which sets forth eligibility standards for the BHP and prohibits eligible individuals from being treated as qualified individuals for purposes of enrolling in QHPs through the Exchange. We did not receive specific comments on proposed § 600.300 and are finalizing the provision as proposed.

2. Eligible Individuals (§ 600.305)

In § 600.305(a), we proposed that an individual is eligible for BHP if the individual:

- Resides in the state offering the BHP, and is not eligible for coverage under the state's Medicaid program that includes at least the essential health benefits (EHB) described in 45 CFR Part 156;
- Has household income that exceeds 133 percent of the federal poverty level (FPL) and does not exceed 200 percent of the FPL for the applicable family size, or for a lawfully present non-citizen ineligible for Medicaid due to citizenship status, with household income not exceeding 200 percent of the FPL; and
- Is not eligible to enroll in minimum essential coverage (MEC), including Medicaid coverage that covers the EHBs described above (individuals enrolled in Medicaid or CHIP that does not constitute MEC, or individuals eligible only for unaffordable employer sponsored insurance as determined under section 5000A(e)(1) of the Internal Revenue Code would meet this criterion);
- Is under age 65;
- Is a citizen, or lawfully present non-citizen; and
- Is not incarcerated (other than during a period pending disposition of charges).

In § 600.305(b), we proposed that a state may not impose limitations on eligibility through the imposition of waiting lists, caps on enrollment, restrictions based on geographic area or any other conditions.

We are finalizing the provisions of this section as proposed but have made some changes in response to the comments described below. In addition, we have made several revisions for clarity.

In § 600.305(a)(1) we have modified the standard to read ''are residents of the state.'' In § 600.305(a)(2), we changed the term ''non-citizen'' to ''immigration'' status clarifying that it is immigration status that is a determinant for eligibility. Additionally we clarified that this same immigration status may apply to CHIP as well as Medicaid. In the proposed § 600.305(a)(1), the standard also referenced not being eligible for Medicaid consisting of at least the EHBs. Because this requirement is entirely subsumed under § 600.305(a)(3) requiring ineligibility for MEC, we have deleted it from this section; this does not change the meaning of the regulations but rather makes the regulation more clear. Additionally, in § 600.305(a)(3) we have removed the word ''affordable'' to more closely reflect the underlying statutory language that connects affordability to employer sponsored insurance. In addition, we have also deleted the reference to CHIP in § 600.305(a)(3)(i), and have limited the reference to ''such other programs'' only to Medicaid, because the Department of Treasury's final rule on MEC (78 FR 53646) now clarifies that all CHIP coverage is MEC (in contrast to Medicaid, which for some individuals may be limited and therefore not MEC).

Comment: We received many comments supporting the proposed eligibility standards for BHP, including the provision permitting individuals in limited-benefit Medicaid programs to remain in such programs while also being determined eligible for BHP. Commenters expressed the importance of this provision as it relates to family planning, pregnancy related services, and HIV treatments.

Response: We are finalizing the proposed provisions.

Comment: We received one comment requesting that HHS provide an exception to the eligibility standards in states that do not expand Medicaid coverage citing the gap in coverage in those states that do not cover low

income adults under 133 percent of the FPL.

Response: We share the commenter's concern regarding the gap in coverage in states that have not elected to expand Medicaid to cover low income adults under 133 percent FPL; however, we have no authority to provide an exception as requested by the commenter given that the statute specifies the household income standard in BHP (that is, individuals with household income that exceeds 133 percent of the FPL and does not exceed 200 percent of the FPL).

Comment: Several commenters requested clarification that legally married same-sex couples will be recognized as married for purposes of BHP eligibility, in line with the Department's policy in the Exchanges.

Response: Marriage recognition is not a policy subject to federal regulation under either the Exchange or Medicaid, but it is necessary for the determination of household composition, which is a key element of calculating household income using the modified adjusted gross income (MAGI) methodology. Under section 1331(h) of the Affordable Care Act, BHP terms such as income, including the element of household composition, are required to have the same meaning as such terms have under section 36B of the Internal Revenue Code. Pursuant to September 2013 guidance on this issue from the IRS in Revenue Ruling 2013–17, a marriage of same-sex individuals validly entered into is recognized for purposes of the Internal Revenue Code even if the state in which the individuals are domiciled does not recognize the validity of same sex marriages. Because BHP is required to use the same definitions as are applicable under the Internal Revenue Code and because it would promote consistency across federal programs, we agree that this same policy is applicable to BHP. We intend to address this issue in subregulatory interpretive guidance similar to the guidance issued under the Exchange and Medicaid on BHP implications of *United States* v. *Windsor,* 570 U.S. ____ (2013). Using interpretive guidance will allow a more specific and nuanced consideration of the issues raised.

Comment: Several commenters requested flexibility in BHP to provide coverage for spouses affected by the affordability test for employer based insurance. Some spouses are not eligible for a premium tax credit because they would be considered eligible for affordable employer based insurance. Some commenters suggested that CMS provide a state option to cover such spouses but not to require such coverage, so as not to force states to cover individuals for whom there would be no federal reimbursement. The commenters urged CMS to revise the regulation to permit states the option for such spouses to enroll in BHP and for states to have as much flexibility in funding as possible.

Response: To explain the changes made to the regulation in response to these comments, it is necessary to point out that there is a statutory error in section 1331 of the Affordable Care Act, which as part of the eligibility standards, sets the BHP standard of affordability of employer sponsored insurance by referencing section 5000A(e)(2) of the Internal Revenue Code. Section 5000A(e)(2) is not an affordability test. Compounding the error, we cited the affordability test in the proposed rule as section 5000A(e)(1) which is not the statutory reference, but is an affordability test. Resolving this double error, we are clarifying that the affordability test that should have been cited in BHP is to the premium tax credit standard at section 36B(c)(2)(C) of the Code. As the commenters correctly point out, including the affordability test at 5000A(e)(1) creates a difference in eligibility between BHP and the PTC which does not seem to be supported by other sections of the statute and amounts to an unfunded mandate.

These comments refer to statutory provisions concerning eligibility for the premium tax credit. Under current IRS rules, spouses are not eligible for the premium tax credit if the worker's offer of individual coverage requires a contribution less than a certain percentage of household income, because they would be considered eligible for affordable coverage. Since we are applying the same affordability test for BHP eligibility that applies for the premium tax credit, the same policies concerning spousal eligibility would apply. The statutory definition of an eligible individual for purposes of BHP expressly excludes individuals who are eligible for affordable coverage.

Comment: We received a comment recommending that HHS revise language regarding standards for non-citizens' BHP eligibility to be more clear about the applicable income standard.

Response: We have clarified the BHP eligibility standards for lawfully-present non-citizens ineligible for Medicaid by specifying the full income range (that is, lawfully present non-citizens who have household incomes from 0 to 200 percent of the FPL).

Comment: A few commenters supported, but wanted further clarity, regarding the provision in the proposed rule that a state must determine an individual eligible for BHP when they are enrolled in Medicaid or CHIP coverage that does not provide MEC. In particular, one commenter would like verification that pregnancy-related services provided through Medicaid, whether comprehensive or not, continue to be excluded under Department of Treasury rules regarding MEC and would not preclude eligibility for BHP.

Response: The definition of MEC is outside the scope of this rule. Section 1331(e) of the Affordable Care Act sets out two standards that are relevant to determining if individuals with household incomes from 133 up through 200 percent of the FPL, who are eligible for Medicaid, can enroll in BHP. First, such an individual may not be eligible for Medicaid benefits that consist of EHBs (as described in section 1302(b) of the Affordable Care Act). In addition, to be eligible for BHP, individuals may not be eligible for MEC. MEC is defined in the Internal Revenue Code and implementing regulations. In general, Medicaid coverage is considered to be MEC and Medicaid coverage consisting of the EHBs would be MEC. A recent rule issued by the Department of Treasury (78 FR 53646), however, now provides that some limited-benefits categories of coverage under title XIX are not MEC. Additionally, HHS has miscellaneous MEC authority to determine Medicaid programs to be MEC on an individual basis.

Comment: Another commenter wanted clarity that an individual may be eligible to enroll in a standard health plan through BHP if the individual has access to employer sponsored coverage that fails to meet the minimum value standards.

Response: As noted above, the standard for eligibility for BHP is based on statutory language in section 1331(e)(1) of the Affordable Care Act, which specifies that only individuals ineligible for MEC or individuals eligible for an employer-sponsored plan that is not affordable coverage are eligible for BHP. Minimum value is not a standard authorized by the statute.

Comment: We received two comments requesting greater flexibility in states that implement a BHP for individuals who wish to remain in QHPs. The commenters expressed interest in providing such individuals with the choice to enroll in BHP, or remain enrolled in the Exchange with their premium tax credit and cost-sharing reductions.

Response: We appreciate the commenters' interest in providing flexibility to individuals eligible for BHP who wish to continue to receive

coverage through QHPs. Such individuals may continue to receive coverage through QHPs; however, the statute specifies that individuals eligible for BHP are not eligible to receive the premium tax credit or cost-sharing reductions. If an individual elects to remain enrolled in QHP coverage, and is determined to be eligible for the state's BHP, no federal subsidies will be available to purchase the QHP coverage.

Comment: One commenter expressed concern about Medicaid serving as a secondary payer to BHP, because the commenter believed Medicaid will likely be the better payer. The commenter recommended that HHS ensure that individuals have easy access to comparison information between Medicaid and BHP to help facilitate choice.

Response: If a person has eligibility for both Medicaid that is not MEC and for BHP, the Medicaid statute at section 1902(a)(25) of the Social Security Act and implementing Medicaid regulations require that Medicaid pay secondary to BHP. The provider is required to bill BHP primary to Medicaid; the individual is not given choice about who is the primary payer.

Comment: A commenter requested clarification on whether a state implementing a BHP between open enrollment periods in the Exchange can allow any QHP enrollees with the premium tax credit to be transitioned to the BHP at the next open enrollment with no impact on the enrollees' advance payments of the premium tax credits (APTCs).

Response: We are finalizing § 600.305(b) as proposed except that we have added language to conform with a change made in subpart B of this rule permitting states implementing BHP in 2015 to seek approval for a transition plan enabling the state to propose alternative initial enrollment strategies for eligible individuals. This would address the commenters concern if the state implements BHP in 2015. After 2015, we are requiring alignment of BHP with open enrollment in the Exchange at § 600.115(d). Following the 2015 initial implementation year, a state implementing a BHP must coordinate implementation with open enrollment of the state's Exchange.

3. Application (§ 600.310)

In § 600.310, we proposed that any state operating a BHP must use the single streamlined application or the state's approved alternative. Additionally, we proposed that application assistance be made available to individuals applying for BHP equal to that which is available in Medicaid. We also proposed that if a state uses authorized representatives, it would follow the standards of either Medicaid or the Exchange. We noted in the preamble that call centers required by the Exchange at 45 CFR 155.205(a) are encouraged under those regulations to provide information on all insurance affordability programs including BHP.

Comment: Several commenters requested that we require that application assistance be conducted in a manner accessible to those with limited English proficiency or individuals with disabilities. A commenter suggested requiring call center staff to refer consumers in real time to community resources if they are unable to answer questions about BHP. Another commenter wanted call centers to be required to provide information on BHP rather than encouraged to do so.

Response: After consideration of the comments received, we are finalizing this section as proposed. We have required application assistance for BHP equal to that provided in the Medicaid program, which requires accommodation for individuals with limited English proficiency and for persons with disabilities. Additionally, the call center requirements set forth at 45 CFR 155.205(a) are outside of the scope of this rule-making; therefore, we cannot make the suggestions proposed by the commenters. While we are unable to include specific call center requirements in this final rule, we expect that, in accordance with § 600.330, the state will enter into an agreement with the state Exchange to ensure coordination of BHP and Exchange application and enrollment mechanisms. Since call centers are part of those mechanisms, we expect that the agreement will require that coordination will include call center activities. We expect that call centers will support all insurance affordability programs, including BHP.

4. Certified Application Counselors (§ 600.315)

In § 600.315, we proposed that if, a state chooses to use certified application counselors (CACs), the state must apply either the certification standards and processes of Medicaid or the Exchange.

Comment: One commenter requested clarification on whether a state must use certified application counselors.

Response: We are not mandating the use of certified application counselors.

Comment: We received several comments requesting clarification on who can serve as certified application counselor. Specifically, commenters recommended that HHS permit health plans to serve as certified application counselors. The commenters noted that it would be desirable to have plans assist as ''issuer customer service representatives.''

Response: Certified application counselors are individuals who meet certain qualifications, not entities. To the extent that employees of health plans or any other entities meet the applicable qualifications, they would not be precluded from serving as CACs. These qualifications would be based on the certification standards of either Medicaid at 42 CFR 435.908 or the Exchange at 45 CFR 155.225 (at state option). We note that employees of health plans acting as CACs would need to be able to maintain confidential records, and would need to ensure that they will not operate with a conflict of interest (for example, they could not receive bonuses based on how many new enrollees sign up for the employing health plan).

Comment: We also received a comment that the certification process should include specific training components on how to provide accessible services to individuals with disabilities and culturally and linguistically appropriate services. Commenters suggested that training should include components on how to access and work with interpreters as well as how to access and use augmentative and assistive communication devices. The commenter recommended that application counselors have access to population level data to assist in determining the needs of the population being served. A commenter recommended the inclusion of language directing assistance in the form of pre-enrollment outreach and education.

Response: We share the commenter's interest in ensuring that certified application counselors have sufficient training to assist individuals seeking health insurance coverage; however, we believe that the content of such training is best determined at the state-level given the state-specific needs and unique market features within the state. We anticipate that states will use a variety of application assistance techniques relying heavily on the strength of current operations in each state. Such state training still must be in accordance with 45 CFR 155.225 (accessibility requirements for persons with disabilities), or 42 CFR 435.908 (accessibility requirements for persons with disabilities and for individuals with limited English proficiency.)

5. Determination of Eligibility for and Enrollment in a BHP (§ 600.320)

In § 600.320, we proposed that determining eligibility for BHP is a governmental function that must be done by a state or local governmental entity, including at state choice, an Exchange that is a government entity. Further, we proposed that the timeliness standards for making modified adjusted gross income (MAGI) based eligibility determinations under Medicaid apply equally to BHP. Regarding establishment of the effective date of eligibility, we proposed that states must establish a uniform method of determining the effective date for purposes of enrollment in standard health plans using either the Exchange standards or Medicaid rules. Likewise, we proposed that the state must offer either the enrollment and special enrollment periods of the Exchange or the state may choose to follow the continuous open enrollment standard of Medicaid.

We received several comments on this section, which we have carefully considered and we offer a variety of modifications, as described below.

Comment: One commenter offered endorsement of the policy of having eligibility determinations made by governmental agencies. With regard to enrollment, we also received general support for offering the choice between the enrollment policies of the Exchange or Medicaid; however, some commenters suggested we narrow the Medicaid option to be exclusive of § 435.915(a), which establishes retroactive coverage.

Response: In § 600.320(c) we have removed applicability of § 435.915(a) to eliminate retroactive coverage from the Medicaid enrollment policies that would be required if the state elects the Medicaid model; states can still provide retroactive eligibility in BHP following the Medicaid rules if they so choose but it is not required.

Comment: A few commenters requested clarification on whether tax filing is required for enrollment.

Response: Tax filing is not an eligibility standard for BHP; the eligibility standards for BHP eligible individuals are set forth in § 600.305. This section's focus is on the processes, not the standards, for determining eligibility and enrollment. These processes should be used to determine eligibility against the standards given in § 600.305(a). In § 600.305(b) we have made it clear that states may not add to the list of eligibility standards. Therefore, we have not altered the regulation text.

Comment: A commenter suggested that we permit presumptive eligibility in BHP and that we permit hospitals to delegate authority to another entity, such as an eligibility service vendor.

Response: There is no statutory provision that authorizes presumptive eligibility under BHP. As discussed above, states may elect to provide for retroactive effective dates for eligibility. This option may ensure that coverage is not delayed because of the eligibility and enrollment process.

Comment: We received a comment advising us to state the goal of real-time eligibility determinations.

Response: We agree with the commenters' position that insurance affordability programs, including BHP, should be moving towards real-time eligibility determinations. Achieving this goal is dependent on the development and maintenance of effective systems and procedures, which may take a substantial investment and time.

Comment: One commenter suggested that we not use the term ''continuous eligibility'', which the commenter noted could be confused with other eligibility policies. The commenter encouraged us to describe enrollment as continuing on a rolling basis throughout the year.

Response: In response to the comment we have added the phrase ''continuous open enrollment throughout the year'' to § 600.320(d) to clarify the Medicaid choice of enrollment.

Comment: Several commenters raised concern that the Exchange standard does not include a special enrollment period for pregnancy and asked that we specifically address that in BHP.

Response: We have modified the text to clarify that states choosing the Exchange enrollment policy must establish enrollment periods no more restrictive than those permitted by the Exchange, enabling states to add special enrollment periods based on pregnancy as suggested.

6. Coordination With Other Insurance Affordability Programs (§ 600.330)

In § 600.330, we proposed carrying over several of the coordination provisions from the Exchange and Medicaid regulations to BHP, including having agreements delineating lines of authority for making coordinated eligibility determinations. We have proposed that individuals applying to any insurance affordability program not be required to duplicate information already provided for purposes of applying for BHP, and that the state accomplish this through electronically transferring accounts between the BHP and other agencies as well as accepting determinations and assessments made by other insurance affordability programs and enrolling eligible individuals into coverage without delay. When accounts are transferred to the BHP from other agencies, we proposed a requirement that the BHP agency must notify the referring agency of any final determination. Also, we proposed that every application for BHP will result in a final determination of eligibility or ineligibility and that notices to applicants be coordinated with other insurance affordability programs.

Comment: We received many comments supporting coordination between IAPs, some of the comments particularly pointed out the importance of having agreements between IAPs. No comments requesting change were received on this section.

Response: We are finalizing this section as proposed.

7. Appeals (§ 600.335)

Section 1331 of the Affordable Care Act does not confer a federal level appeal for the BHP program. Therefore, we proposed in § 600.335 that states follow the Medicaid appeals rules and processes. Under these processes, there would be no direct appeal to the Department of Health and Human Services. Further, we proposed that eligibility determinations must include notice of the right to appeal and instructions for how to engage the appeals process. We proposed that this process must be conducted in a manner accessible to individuals with limited English proficiency and persons with disabilities.

Comment: While we received a few comments commending the decision to use the Medicaid appeals process, we received several comments expressing concern about this section. Commenters favored the ability to choose the Marketplace (Exchange) appeals process to decrease variability within a given state. One commenter acknowledged that notices would have to specify that there is no federal level appeal for BHP.

Response: We understand the commenters' desire to have the Exchange appeals rules and processes available to BHP, decreasing variability in states with state-based Exchanges. (We note the Federally Facilitated Exchange will only have a federal process, and we do not anticipate that this federal process will be available for BHP.) Therefore, as in many other areas of the regulation, we are changing this provision to give states the choice of using the appeals rules of Medicaid or the Exchange.

8. Periodic Renewal of BHP Eligibility (§ 600.340)

In § 600.340(a), we proposed a 12-month period of eligibility unless redetermination is warranted based on new information. Additionally, we proposed that states require individuals to report changes in circumstances at least equivalent to that which is required by the Exchange. In § 600.340(b), we proposed that enrollees who remain eligible be given notice of a reasonable opportunity to change plans. Further, we proposed that enrollees will remain in the plans selected for the previous year if they choose not to take action on such notices and such plans remain available. In paragraphs (c) and (d), we proposed that states apply the redetermination procedures of either the Exchange or Medicaid and that states are required to verify information in accordance with § 600.345. Finally, in § 600.340(e) we require states to provide an enrollee with an annual notice of redetermination of eligibility which includes all current information used as the basis of the individual's eligibility. The enrollee is required to report changes within 30 days and the state must verify the information.

Comment: Many comments were received on this section, with the vast majority urging us to allow 12 month continuous eligibility. Commenters frequently cited that half the individuals in the eligible income bracket for BHP are expected to experience changes in income within a 12 month period that would cause them to shift from BHP to Medicaid or the Exchange. Many commenters were concerned with the administrative burden this would place on a state.

Response: We have carefully considered the comments received and we are sympathetic to the request for 12 month continuous eligibility because we share the concern of the commenters both with regard to the shifts between different insurance affordability programs that could be experienced by the BHP enrollees and the administrative burden on states. Therefore, we are extending to states the option of only redetermining eligibility every 12 months, regardless of any changes in income or other circumstances, as long as the enrollee is under age 65, is not otherwise enrolled in MEC, and remains a resident of the state. We have singled out those exceptions because they are situations in which BHP coverage would either be duplicative or outside its overall scope. However, enrollees must report changes impacting eligibility within 30 days regardless. Additionally, to clarify the relationship between this new provision and the 12 month periodic review of eligibility (provision (a)) we have replaced the language that an individual is ''determined eligible for a period of'' with ''subject to periodic review of eligibility every'' 12 months in provision (a). States will not receive additional funding to account for any higher BHP enrollment under this state option.

Comment: One comment requested clarification that enrollees must report all changes within 30 days.

Response: The 30 day standard specified in 45 CFR 155.330(b) is applied by reference.

9. Eligibility Verification (§ 600.345) and Privacy and Security of Information (§ 600.350)

In § 600.345, we proposed that states verify the eligibility of an applicant or enrollee in BHP using either the standards and procedures of Medicaid or the Exchange. In § 600.350 we proposed that states are required to comply with standards and procedures protecting the privacy and security of eligibility information set forth by the Exchange. We did not receive specific comments on these sections and are finalizing the provisions as proposed.

E. Standard Health Plan

1. Basis, Scope and Applicability (§ 600.400)

Proposed § 600.400 under subpart E specified the general statutory authority for, and the scope of, standards proposed in this subpart, which sets forth the minimum coverage standards under BHP and delivery of such coverage, including the competitive contracting process required for the provision of standard health plans. For specific discussions, see the September 25, 2013 proposed BHP rule (78 FR 59128 and 59129). We did not receive specific comments on this section and are finalizing the provision as proposed.

2. Standard Health Plan Coverage (§ 600.405)

In § 600.405(a), we proposed that standard health plan coverage must include, at a minimum, the EHBs as determined and specified under 45 CFR 156.110, and 45 CFR 156.122 regarding prescription drugs. We also proposed that states be able to select more than one base benchmark option from the reference plans specified at 45 CFR 156.100 when establishing EHBs for standard health plans. Additionally, we proposed that states comply with 45 CFR 156.122(a)(2) by requiring participating standard health plans to submit a list of covered prescription drugs under the plan to the state.

In proposed § 600.405(b), the state is required to adopt the determination of the Exchange at 45 CFR 155.170(a)(3) in determining which benefits subject to state insurance mandates enacted after December 31, 2011 are in addition to the EHBs.

In proposed § 600.405(c) and (d), we required EHBs to include changes made through periodic review and prohibited discrimination in benefit design.

Proposed § 600.405(e) is the prohibition on federal funding for abortion prescribed in section 1303 of the Affordable Care Act that applies in the same manner to BHP and standard health plans as it does to QHPs.

Comment: We received several comments in support of requiring coverage for preventive services without cost-sharing.

Response: We are finalizing the proposed provisions.

Comment: We received several commenters requesting that states have the ability to use the alternative benefit plan in Medicaid as the reference or base-benchmark plan for BHP in order to incorporate EPSDT and other child specific benefits in the event that CHIP does not continue beyond 2019. Another group of commenters request that we require the state to use the same base-benchmark or reference plan that the state uses for either the Exchange or the Medicaid benchmark.

Response: Sections 1331(a)(2)(B) and 1331(b)(2) of the Affordable Care Act provide that the benefits offered through BHP must contain at least EHBs, which is determined by a comparison to a base benchmark plan set forth at 45 CFR 156.100 using the processes set forth in 45 CFR 156.110 and 45 CFR 156.122. The statute does not require benefits equivalent to a Medicaid alternative benefit plan. That said, states have the ability to negotiate for additional benefits through the competitive procurement process required by section 1331(c)(1) of the Affordable Care Act and can also provide additional benefits for BHP enrollees in addition to the standard health plan benefits, using BHP trust funds.

Comment: Other commenters recommend additional benefits outside of the EHBs in the standard health plan. They also expressed concern that requiring the state to offer at least the EHBs ''at a minimum'' is insufficient to mean the state, at its option, may provide additional benefits to the standard health plan.

Response: We have carefully considered the comments for this

section and we are finalizing without change. We believe that this regulation is explicit in establishing that states must provide EHBs as a minimum level of benefits, can negotiate with standard health plans in the competitive procurement process for more benefits, and can supplement those benefits with additional benefits for BHP enrollees, using BHP trust fund dollars.

Comment: We received one comment requesting that HHS provide examples of additional benefits a state could provide. Another commenter requested clarification that a state must provide coverage of plasma protein therapies.

Response: We hesitate to provide examples in this area where states are extended complete latitude because examples are often viewed as recommendations. For benefits coverage policy, we are requiring the statutory floor of the EHBs, and each state is free to add to the benefits as the state decides is appropriate. We are leaving this provision unchanged.

Comment: Several commenters expressed concern that the preamble language concerning the abortion services standard appeared to be misleading in that it may be read to mean that states out of compliance with this requirement would not receive any federal funding for BHP, rather than just federal funding for abortion.

Response: The regulation text requires compliance with the rules on abortion coverage applicable to Exchanges at 45 CFR 156.280. The preamble explained that, consistent with that regulation, any abortion coverage for which public funding is prohibited could only be provided using segregated non-federal funding. If a state or standard health plan does not segregate funding for such abortion coverage, the state would be out of compliance with BHP requirements, and could lose program certification. Or the state could face disallowance of improperly spent funds.

Comment: Another commenter requested the inclusion of additional guidance on substitution and supplementation of benefits.

Response: Supplementation and substitution are policies that were developed for use by plans in the individual and group markets, and were adopted with some minor variations by Medicaid, for alternative benefit plans. In general, these policies are part of the determination of the scope of EHBs. Section 1302 of the Affordable Care Act sets forth 10 required EHBs, and then indicates that the full scope of EHBs should be based on the scope of benefits provided by a typical employer plan. To implement this requirement, under applicable regulations at 45 CFR 156.100 et seq., states must select a base benchmark plan from among several options. While the state selects one base benchmark for individual and group plans, the state may select different and multiple base benchmarks for Medicaid. Supplementation allows a plan offeror to add to the base benchmark a required EHB that is missing, and substitution allows a plan offeror to substitute an actuarially equivalent essential health benefit into a reference plan. (In Medicaid, because the state acts as the plan offeror, it determines the supplementation and substitution procedures.) These flexibilities were created to make the definition of EHBs possible from existing commercial products. For BHP, we propose the same process to define EHBs, except that the state could select different and multiple base benchmarks for BHP. Any subregulatory guidance put forward by the Exchange will be made equally available under BHP.

Comment: One commenter requested that HHS ensure payment for out-of-network providers for emergency services and the extension of protections in section 1932(b)(2) of the Act, the prudent laypersons standard for emergency care, to BHP.

Response: With respect to the provider rates, we do not believe that statute provides the authority to establish rate-setting standards in BHP. States are free to contract with standard health plan offerors to provide coverage which may take many forms including networks, fee-for-service or other models. States may impose additional requirements including mandatory benefits, rate structures, or delivery system limitations through law or contract.

Regarding the prudent layperson standard for emergency services, EHBs are required by statute to be offered in BHP. Emergency services is an EHB, to which the prudent layperson standard is applied at 45 CFR 147.138(b)(4). Therefore, any base benchmark plan will necessarily include emergency services based on the prudent layperson standard.

Comment: We received one comment expressing concern that the United States Phamacopeia (USP) classification system as specified in 45 CFR 156.122 is not designed to be used with plans requiring EHBs, and are inadequate in providing for women's health care needs.

Response: This issue is not within the scope of this regulation.

3. Competitive Contracting Process (§ 600.410)

Under § 600.410(a), we propose that a state must assure in its BHP Blueprint that it meets the requirements of this section.

We propose in § 600.410(b) elements required in the competitive contracting process for the provision of standard health plans. For the specific elements, see the September 25, 2013 proposed rule (78 FR 59147).

In § 600.410(c), we proposed an exception to the competitive contracting process for program year 2015. For specific requirements associated with this exception, see the September 25, 2013 proposed rule (78 FR 59130).

We proposed in § 600.410(d) the specific negotiation criteria that the state must assure is included in its competitive contracting process. For the specific criteria, see the September 25, 2013 proposed rule (78 FR 59147).

In § 600.410(e), we proposed additional considerations specified in statute that a state must include in its competitive contracting process for the provision of standard health plans. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59147). We received the following comments on the competitive contracting process:

Comment: We received several comments supporting the proposed competitive contracting process.

Response: We are finalizing the competitive contracting process provisions with some modifications as discussed further below.

Comment: We received several comments requesting clarification on whether a state could use its Medicaid, or QHP, contracting process for BHP if that process was competitive in nature. Two commenters specifically asked whether Medicaid managed care organizations currently under contract could provide standard health plans to allow the alignment of BHP with existing benefits offered to Medicaid beneficiaries, or would the state need to begin a new procurement process for BHP. Another commenter requested that CMS waive the competitive contracting process if the state's Medicaid or Exchange-based contracting process aligns with the BHP requirements.

Response: With respect to how the state executes its procurements (that is, the manner in which the state solicits for bids and effectuates a contract award), a state may use an already established competitive contracting process, such as the Medicaid or QHP process, to enter into contracts with standard health plan offerors as long as the process provides for negotiation and

consideration of each of the statutorily required factors for BHP procurement. This may require some adjustment to those established processes, since, for example, a Medicaid managed care procurement would not necessarily include negotiation or consideration of those required elements. Although the procurement process might have many standard elements, the state would have to adjust its solicitation of bids to reflect the differing requirements of each separate program, and contractors would likely need to adjust their offerings to meet the requirements of each separate program. In addition, the procurement process would have to ensure that there was no cross-subsidization between programs. Except for program year 2015, in which a state may request an exception to the competitive contracting process, the procurement process used to contract for the provision of standard health plans, whether it is a joint or standalone procurement, must include and comply with all of the statutorily required elements of competitive bidding for BHP standard health plans codified in § 600.410.

We understand the commenters' interest in ensuring rapid and efficient implementation of BHP and, as a result, we have provided a state implementing BHP in program year 2015 with the option to request an exception to the competitive process. As specified in § 600.410(c), the state must include a justification as to why it cannot meet this requirement and describe the process it will use to enter into contracts for the provision of standard health plans in 2015. This process can include, but is not limited to, amending existing Medicaid or Exchange-based contracts for the purpose of promoting coordination and efficiency in procurements. After the exception period has expired (that is, beginning for coverage effective in program year 2016), simply amending an existing contract to include BHP, after the competition process is complete, is not permissible. The statute requires the use of a competitive contracting process, and we do not believe we have the authority to exempt states from the process beyond the startup year for the program.

Comment: Several commenters requested clarification regarding the procurement bidding process. Specifically, commenters asked if a state is required to open the bidding to all interested parties, or whether the state has the ability to impose criteria that limits the number of eligible bidders. Another commenter suggested that the bidding process ensure the participation of local health plans.

Response: The statute specifies that a state must establish a competitive contracting process for the provision of standard health plans. In order to meet this statutory requirement, we proposed that a state may establish such a process under state procedures that are consistent with the standards set out in section 45 CFR 92.36(b) through (i). These standards provide states considerable flexibility in the solicitation and evaluation of bids as well as in the awarding of contracts; therefore, to the extent that the state's solicitation complies with such standards as well as ensures that the qualified bidders can provide standard health plan coverage in all contexts, the state has the flexibility to determine the criteria for eligible standard health plan bidders, including the participation of local health plans.

Comment: We received many comments encouraging HHS to ensure the participation of Administrative Service Organizations (ASOs) in the competitive contracting process. They felt that permitting ASO participation would enable more states to implement BHP as it would allow interested states to build off of their existing Medicaid programs thereby reducing the administrative burden associated with implementing a new program.

Response: The statute requires states to contract for the provision of standard health plans under BHP. Neither the statute, nor our regulations, specifically prescribe or restrict the participation of certain kinds of entities as standard health plan offerors. Rather, standard health plan offerors must meet the requirements delineated out in § 600.415(a). ASOs may participate in the competitive contracting process to the extent that they can meet the criteria of a standard health plan offeror in § 600.415(a). ASOs (who traditionally only offer administrative support) may expand their capabilities and practices to meet those requirements, or partner with other entities who do so.

Comment: While we received several comments supporting the competitive contracting process exception for program year 2015, many commenters recommended that HHS extend this exception through 2016, or alternatively, provide this exception to states during their first year of implementation even if that occurs after 2015.

Response: We are finalizing the proposed provisions providing an exception only for 2015. Given the short time period in which states have to establish a BHP in time for the January 1, 2015 effective date, we believe that the one year exception will not only help states quickly and efficiently implement BHP by leveraging existing contracts that may not have been procured consistent with the finalized regulation, but also promote coordination and continuity of care during the initial implementation of BHP in 2015. For states that elect to implement BHP after 2015, we believe that these states will have sufficient time between the issuance of these final rules and a post-2015 implementation to establish a competitive contracting process for the procurement of standard health plans. The statute requires such a process and we do not believe we have the authority to exempt states from the process beyond the startup year for the program.

Comment: We received many comments recommending that we allow states to utilize a primary care case management (PCCM) delivery of care model under BHP. Many commenters expressed that the PCCM model not only meets the statutory requirement to use a process with as many attributes of managed care as possible, but that it would also encourage BHP implementation as it would allow interested states to build off of their existing Medicaid programs.

Response: The statute requires states to contract for the provision of standard health plans under BHP. Neither the statute, nor our regulations, specifically prescribe or restrict the participation of certain kinds of entities as standard health offerors. Rather, standard health offerors must meet the requirements delineated in 600.415(a). Standard health plan offerors have the discretion to determine and utilize a delivery of care model, such as the PCCM model, of their choice. As such, standard health plan offerors electing to operate a PCCM delivery of care model may participate in the competitive contracting process to the extent that they can meet the criteria of a standard health plan offeror in § 600.415(a). Entities that traditionally only provide some of the services delineated in section 600.410(c) and (d) may expand their capabilities and practices to meet those requirements, or partner with other entities who do so. While we appreciate commenters' suggested language changes throughout § 600.410 to include the use of PCCM, we are not including those suggested language changes into the final regulation.

Comment: One commenter requested that CMS consider broadening the definition of what constitutes competitive contracting to permit fewer than two standard health plans to serve

a local health care market. The commenter believes this would encourage the development of innovative models of care delivery that coordinates care throughout a locality, without a division between standard health plan offerors. Specifically, the commenter recommended that providing additional flexibility in competitive contracting would encourage states interested in establishing local community-based coordinated care models to pursue such models.

Response: We have considered the commenter's request, but we believe that, as proposed, the regulation already affords a state with considerable flexibility and opportunity for state innovation as it establishes its competitive contracting process. The standards set forth simply require the state to be consistent with those found in 45 CFR 92.36(b) which provide a basic framework to the required procurement process. We believe that standard health plan offerors also have considerable flexibility in developing innovative models of care delivery, and encourage states to promote innovations in delivery system and payment reforms during the contracting process. Given that innovations in care coordination, utilization of preventive care services and patient-centered health decision making are specified in statute, we hope that states will make such innovations a high-ranking criterion in the solicitation process. A state interested in pursuing innovations that extend beyond the parameters of BHP and into other insurance affordability programs has the option, beginning in 2017, to request a waiver for state innovation as specified in section 1332 of the Affordable Care Act. Finally, as described below, we are clarifying the provision of the proposed regulation which requires availability of at least two standard health plan offerors; we do not believe that this provision will limit innovation. We view the choice of standard health plan offerors as an essential enrollee protection that is consistent with the requirement in section 1331(c)(3) to provide multiple plans to the maximum extent feasible.

Comment: We received many comments recommending that the final regulation strengthen the network adequacy requirements in the competitive contracting process. Specifically, many commenters suggested that the standard health plan offerors be required to demonstrate that their provider networks not only have a sufficient number of providers, especially specialty providers, but also have a sufficient geographic distribution such that enrollees in rural areas, for example, have sufficient access to providers. In addition, to strengthen the overall network adequacy requirements, many commenters also recommended that states ensure the standard health plan offerors include essential community providers; federally qualified health centers (FQHCs), pediatric primary care providers and other specialists in their networks.

Response: We appreciate and share the commenters' interest in ensuring that BHP enrollees have sufficient access to providers; therefore, we have revised the language in § 600.410(e)(2) regarding access to providers. States will have some flexibility to determine the specific nature of the standards; however, we believe that at a minimum, the state should ensure that the standard health plan offerors maintain a network of providers that is sufficient in number, mix, and geographic distribution to meet the needs of the anticipated number of enrollees in the service area to the same extent that would be required under the standards applicable either to managed care providers in Medicaid under 42 CFR Part 438, Subpart D or to coverage offered through the Exchange under 45 CFR 156.230 and 156.235. With respect to requiring states to ensure that standard health plan offerors contract with certain provider types, the strengthened language requiring that states ensure that standard health plans comply with either Medicaid or Exchange access standards should address this issue. While these access standards do not require that plans contract with any particular essential community providers, they address the inclusion of essential community providers in provider networks to ensure access to care. As a result of these stronger network adequacy standards, we anticipate that standard health plan offerors will need to include other providers, such as I/T/Us, FQHCs, OB/GYNs, pediatric primary care providers and other specialists in their networks to ensure that there is a sufficient number, mix and geographic distribution of providers for BHP enrollees to access. Finally, we would also like to note that the consideration of access concerns for states that have Indian populations should include consideration of access to providers that serve such populations.

Comment: Several commenters recommended that the final regulation require that as a condition of participating in BHP, a standard health plan offeror participate in either the state's Medicaid program or in the state's Exchange. Commenters offering this recommendation believe that participating in BHP, Medicaid and/or the Exchange would help mitigate any disruptions in care in the event that a BHP enrollee transitions from BHP into Medicaid or the Exchange as the individual could potentially stay with the same health plan during the transition out of BHP.

Response: We share the commenters' interest in having strategies in place between states and standard health plan offerors to promote continuity of care for BHP enrollees transitioning into, or out of, the program. States have the discretion to include standards and criteria in their competitive procurement process to further the goals of continuity of care that the commenters are expressing. We do not believe, however, that limiting competition to plan offerors who participate in other IAPs is the only method to assure continuity of care, and in fact, could prevent BHP enrollees from having access to a range of qualified standard health plan offerors and their networks of providers. The commenters' concerns are addressed in part by the requirement specified in § 600.425 that states must coordinate the continuity of care for enrollees across the insurance affordability programs, and describe in their Blueprints how they will do so. We anticipate that these descriptions will address how the state will ensure minimal disruptions in care for those who transition between insurance affordability programs.

Comment: Many commenters expressed concern that the provisions regarding the negotiation of benefits, premiums and cost sharing in the proposed rule precluded a state from developing a standard benefit package, premium amount, and/or cost-sharing amount and including such a standard in its solicitation. One commenter asked if it was permissible for a state to establish a standard benefit package as well as standard premium and cost-sharing amounts and accept any willing providers that agree to meet such standards issued in the solicitation. Many commenters felt that the final regulation should clarify that such an approach (that is, establishing standard benefits, premiums and cost sharing) would satisfy the ''negotiation of'' requirement specified in statute.

Response: While the statute specifies that there must be a negotiation of benefits, premiums and cost sharing during the competitive contracting process, nothing precludes a state from establishing standards that will serve as the starting point for negotiations with standard health plans offerors. Such negotiations around benefits, premiums,

cost sharing and other required elements specified in statute may include, but are not limited to price, the provision of benefits in addition to those specified in the state's solicitation, lower premium and cost-sharing amounts than those specified in the state's solicitation, or any other aspects of the state's program that were included in its solicitation. While the state may propose a ''standard'' set of benefits, premiums and cost sharing, the state, at a minimum, must permit some level of negotiation, such as on price, or on additional benefits for enrollees, with the standard health plan offeror.

Comment: Many commenters requested that HHS include additional negotiation criteria in § 600.410(d) and (e) that a state must include in its competitive contracting process. Recommendations included: (1) Requiring states to consider similarities between BHP enrollees, Medicaid beneficiaries, and Exchange consumers; (2) requiring the inclusion of specific quality and performance measures; (3) specifying that standard health plan offerors provide documentation that they can bear risk and meet the state's financial solvency requirements; (4) including the negotiation of provider reimbursement rates; and (5) require standard health plan offerors to provide proof that they meet all of the negotiation criteria and other considerations specified in § 600.410(d) and (e) as well as all of the contract requirements specified in § 600.415(b).

Response: We appreciate the commenters' recommendations; however, we believe that the statute specifies the minimum requirements that a state must assure are included in its competitive contracting and leaves considerable flexibility for states to include additional negotiation criteria. Therefore, the requirements specified in § 600.410(d) and (e) are the minimum federal requirements that the state must assure are included in its competitive contracting process. A state can, at its option, include additional criteria, such as those recommended by the commenters, to establish sound negotiating standards and criteria to ensure the ability of offerors to provide standard health plans in such a manner that promotes affordable, high quality health care coverage to BHP enrollees.

4. Contracting Qualifications and Requirements (§ 600.415)

We proposed in § 600.415(a) the entities that a state may contract with for the administration and provision of standard health plans. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59130).

In § 600.415(b), we proposed the general contract requirements that must be included in the state's standard health plan contracts. For specific discussions on these requirements as well as the proposed ''safe harbor'' approach, see the September 25, 2013 proposed rule (78 FR 59130 and 59131).

We proposed in § 600.415(c) that a state must include in its BHP Blueprint the standard set of contract requirements it will include in its standard health plan contracts.

We received the following comments on contract qualifications requirements:

Comment: We received several comments in support of the proposed ''safe harbor'' approach enabling states to select either Medicaid or Exchange contracting provisions for their standard health plan contracts.

Response: We thank the commenters for their support and we are finalizing the provisions as proposed.

Comment: We received several comments in support of our proposed rule permitting states to contract with non-licensed health maintenance organizations participating in Medicaid and/or CHIP.

Response: We thank the commenters for their support and we are finalizing the provisions as proposed.

Comment: Several commenters recommended that HHS apply a standard set of qualification standards, specifically the QHP certification and licensure standards, to standard health plan offerors.

Response: We appreciate the commenters' recommendations; however, we are not requiring such an approach, in part because it may undermine the state's efforts to encourage Medicaid managed care organizations and other health insurance issuers to participate in BHP. This, in turn, could undermine state efforts to promote coordination between all the insurance affordability programs. As commenters rightly pointed out, there are different standards applied to Medicaid managed care organizations relative to the standards applied to QHPs (for example, licensure and accreditation standards). In order to ensure that a state has the ability to contract with health maintenance organizations that operate in Medicaid and the Exchange, we believe that it is appropriate to impose a minimum standard at the federal level and permit state flexibility in determining whether the application of additional qualification standards are appropriate and in the best interest of the state's goals and objectives.

Comment: We received several comments requesting that HHS consider including safety net health plans, as defined in section 9010(c)(2)(C) of the Affordable Care Act, in the list of eligible standard health plan offerors.

Response: We appreciate the commenter's concern, and have modified the language in § 600.415(a) to clarify that states are not limited to contracting with the entities specified in this section for the provision of standard health plans. A state has the flexibility to establish the criteria included in its BHP solicitation, including specific qualifications of the standard health plan offeror. Assuming a safety net health plan, or another entity, meets both the federal requirements, as well as those specified in a state's BHP solicitation, the state may enter into contracts with such entities for the provision of standard health plans.

Comment: Several commenters requested that HHS require that a state include specific requirements in its standard health plan contracts. Specific recommendations include: (1) Requiring that payment rates to standard health plan offerors are actuarially sound; (2) inclusion of specific providers; (3) specific provider reimbursements, such as the prospective payment system rate used for payment to FQHCs; (4) specific provider performance and quality measures; and (5) prohibition on the inclusion of ''all-products'' clauses in physician contracts.

Response: We appreciate the commenters' recommendations; however, we believe that federal standard health plan contract requirements should reflect the competitive contracting requirements specified in statute rather than specific requirements that are not specified in the statute. We believe this approach promotes maximum flexibility for states that may wish to pursue different contracting approaches in BHP, or to blend elements from Medicaid and the Exchange. We are finalizing the proposed provision at § 600.415(b), which sets forth the minimum contract requirements that must be included in a state's standard health plan contract. Because these are the minimum requirements and a state has the flexibility to include additional requirements based on its negotiation criteria, a state must assure and include in its BHP Blueprint the standard set of contract provisions that it intends to incorporate into its contracts. A state can, at its option, include additional contract requirements, such as those recommended by the commenters, to promote affordable, high quality health care coverage to BHP enrollees.

Comment: We received several comments recommending that HHS

apply the 85 percent medical loss ratio requirement to all standard health plan offerors, and not just those that qualify as health insurance issuers.

Response: We appreciate the commenters' recommendation; however, we are finalizing the proposed provisions. The statute specifies the application of the medical loss ratio (MLR) requirement only to standard health plan offerors that are also health insurance issuers. As discussed above, this standard is the minimum standard that a state must adhere to. A state has the discretion to apply this MLR requirement to all standard health plan offerors if it determines that such a requirement furthers the objectives and goals of its program. However, we do not believe we have the authority to require the application of this standard to entities beyond those described by statute.

Comment: One commenter requested clarification about ongoing eligibility to offer a standard health plan in the event that a standard health plan offeror does not comply with the MLR requirement. The commenter also asked what standard, or calculation methodology, would be used in determining whether the standard health plan offeror met the MLR requirement.

Response: A standard health plan offeror that is also a health insurance issuer would not qualify for a contract award if that offeror was not able to comply with the MLR requirement. The statute as specified in section 1331(b)(3) of the Affordable Care requires that standard health plan offerors that are also health insurance issuers comply with the 85 percent MLR requirement. As described above, to the extent that the standard health plan offeror is, for example, a Medicaid managed care organization or a network of providers, the offeror would not need to meet the 85 percent MLR requirement as a condition for contract award unless a state chose to impose that requirement. With respect to the MLR calculation, the same calculation used in the individual and small group market will be used in BHP.

5. Enhanced Availability of Standard Health Plans (§ 600.420)

We proposed in § 600.420(a) that a state must assure that at least two standard health plans are offered under BHP.

In § 600.420(b), we proposed standards for a state entering into a joint procurement, or regional compact, with another state for the provision of standard health plans. For specific discussions on the regional compact, see the September 25, 2013 proposed rule (78 FR 59131).

We received the following comments on enhancing the availability of standard health plans:

Comment: While we received several comments in support of ensuring choice of standard health plans, the majority of the comments we received on this provision requested that HHS clarify whether states must ensure the availability of at least two standard health plans, or the availability of at least two standard health plan offerors.

Response: After carefully considering this issue, we are adding clarifying language to require that states assure the availability of at least two standard health plan offerors. This standard is consistent with the Medicaid requirement set forth in 42 CFR 438.52(a), which requires states to give Medicaid managed care beneficiaries a choice of at least two ''entities.'' We believe that requiring a state to contract with at least two standard health plan offerors will afford BHP applicants and enrollees the opportunity to compare and select their health coverage in a manner comparable to selecting health coverage from different health insurance issuers in the Exchange. In addition, we believe that requiring at least two standard health plan offerors to participate in BHP will lead to more robust competition, which could lead to better offered standard health plans and lower costs. BHP enrollees will also have the assurance that standard health plan coverage will always be available in the event that the participation of one of the two standard health plan offerors in the program is affected (that is, if one of the two offerors stopped participating in BHP).

We believe that, in certain circumstances, the availability of two standard health plan offerors may not be feasible. For example, after completing its competitive contracting process, a state may only have one eligible standard health plan offeror qualified to award a standard health plan contract, or there may be an area within a state that only one standard health plan offeror provides coverage. As such, we have added an exception to the choice of standard health plan offerors in § 600.420(a)(2). In its exception request, the state must include a justification as to why it cannot assure choice of standard health plan offeror as well as demonstrate that it has reviewed all its contract requirements and qualifications to determine whether they are required under the federal framework for BHP, determined whether additional negotiating flexibility would be consistent with the minimum statutory requirements and available BHP funding, and reviewed the information provided to bidders was sufficient to encourage participation in the BHP competitive contracting process.

Comment: One commenter requested that states entering a regional compact ensure that certified registered nurse anesthetists (CRNAs) are used to their full scope of practice.

Response: We appreciate the commenter's interest in ensuring the issue of full scope of practice is addressed in regional compacts; however, we believe states entering into the regional compact have discretion in addressing this issue through the competitive contracting process. States entering into a regional compact must ensure that the standard health plans offered through the compact meet all of the required negotiation criteria set forth in § 600.415(d) and (e), including ensuring the sufficient number, mix and geographic distribution of providers that is sufficient to ensure the proper provision of standard health plan coverage.

6. Coordination With Other Insurance Affordability Programs (§ 600.425)

In § 600.425, we proposed that a state must ensure the coordination of health care services to promote continuity of care between Medicaid, CHIP, Exchange and other state-administered health insurance programs. The state must include in its BHP Blueprint a description of how it will assure such coordination. We received the following comments on insurance affordability program coordination:

Comment: We received several comments expressing support for the requirement that a state in its Blueprint describe how it will coordinate the provision of services to ensure continuity of care between insurance affordability programs.

Response: We thank the commenters for their support and are finalizing the provisions as proposed.

Comment: Several commenters recommended that states submit detailed coordination plans to ensure continuity of care as well as require states to specifically include ''churn'' mitigation strategies for pregnant women and children.

Response: We appreciate the commenters' concerns regarding the scope and level of detail of the coordination descriptions; however, we believe that the language as proposed sufficiently addresses and incorporates the commenters concern. These descriptions will be reviewed and considered during the certification approval process thereby permitting

HHS to ask additional questions as needed to ensure the state has addressed this requirement and reflected it in its Blueprint.

Comment: One commenter recommended that HHS include stronger continuity of care requirements under this section.

Response: We share the commenter's interest in ensuring continuity of care between the insurance affordability programs. We are not, however, revising the regulation because we believe that states have several strategies available to them to promote continuity of care and reduce disruptions in care. As such, we believe that the state should have the discretion to select the strategies that best fit within the confines of its program. Examples of how states can ensure coordination across the insurance affordability programs were included in the September 25, 2013 proposed rule (78 FR 59131).

F. Enrollee Financial Responsibilities

1. Basis, Scope and Applicability (§ 600.500)

Proposed § 600.500 under subpart F specified the general statutory authority for and scope of standards proposed in this subpart, which sets forth the calculation and imposition of monthly premiums and cost sharing for BHP enrollees. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59131 and 59132). We did not receive specific comments on this section and are finalizing the provision as proposed.

2. Premiums (§ 600.505)

In § 600.505(a), we proposed that a state must assure that the monthly premiums imposed on BHP enrollees do not exceed what they would have been required to pay had he or she enrolled in the Exchange. The state must include this assurance along with several other premium requirements in its BHP Blueprint. For specific discussions on monthly BHP premiums, see the September 25, 2013 proposed rule (78 FR 59132).

We received the following comment on BHP monthly premiums:

Comment: Several commenters recommended that HHS ensure that the American Indian and Alaska Native (AI/AN) population is not at a disadvantage with respect to premiums. In the Exchange, this population receives 100 percent of the cost-sharing reduction subsidy regardless of the metal level of the QHP that the individual enrolls in. Consequently, many commenters believe that premiums, and not cost sharing, will be the primary factor when selecting QHP coverage, which may result in many individuals in this population selecting bronze-level QHP coverage as these QHPs will have the lowest premiums. As such, commenters recommended that HHS require that states set premium levels for this population in BHP such that they do not exceed the lowest cost bronze plan premium in the state. If HHS is not able to afford this protection to the American Indian and Alaska Native population, many of the commenters requested that this population have the ability to opt out of BHP.

Response: We appreciate and understand the commenters' point regarding the premium levels for the American Indian and Alaska Native population. However, the statute does not support requiring the bronze plan premiums as a minimum standard nor does such a premium protection exist in the Exchange. We have, however, applied the Exchange's cost-sharing protections afforded to this population to BHP. We would also note that states have the flexibility to use BHP trust funds (or state funds) to lower premiums for individuals eligible for BHP, and we encourage the commenters to work with their respective states on this issue.

With respect to the commenter's second recommendation that HHS permit this population to opt out of BHP, if individuals opt out of BHP, they would not be eligible to receive federal subsidies to purchase coverage in the Exchange. The statute specifies that individuals eligible for BHP are ineligible to receive the premium tax credit and cost-sharing reductions. As noted, states may lower premiums for BHP enrollees or decide not to charge premiums.

3. Cost Sharing (§ 600.510)

In § 600.510(a), we proposed that a state must assure compliance with the cost-sharing standards specified in § 600.520(c). The state must include this assurance, along with a description of several elements as they relate to cost sharing in BHP, in the state's BHP Blueprint. For specific discussions on BHP cost sharing, see the September 25, 2013 proposed rule (78 FR 59132).

We proposed in § 600.510(b) that a state may not impose cost sharing on preventive health services or items as defined in 45 CFR 147.130. We received the following comments on cost sharing in BHP:

Comment: We received comments in support of the identification of BHP enrollees subject to cost sharing.

Response: We thank the commenters for their support, and are finalizing the provisions as proposed.

Comment: We received several comments recommending that HHS establish BHP cost-sharing amounts for specific services. In particular, one commenter suggested that cost sharing for dental services should not exceed levels imposed in CHIP for children and pregnant women. Another commenter opposed higher cost-sharing amounts for non-emergency use of the emergency department.

Response: We appreciate the commenters' interest in BHP cost-sharing amounts; however, we do not believe it is advisable to mandate the cost-sharing amounts for specific services in BHP. But we note that these regulations apply to BHP the Exchange's cost-sharing protections, including the prohibition of cost sharing for preventive health services, as specified in §§ 600.510(b) and 600.520. Furthermore, providing states with discretion subject to these protections when establishing the cost-sharing levels for particular services; may encourage competition and could ultimately lower costs for BHP enrollees.

Comment: One commenter expressed concern that permitting standard health plans to include varying cost-sharing amounts for prescription drugs (that is, through the use of drug tiers) would negatively affect access to such drugs.

Response: We appreciate the commenter's concern regarding the variation in cost-sharing amounts for prescription drugs and the potential effect this may have on their availability; however, we believe that such variation in benefit design and cost sharing is consistent with the practices of QHPs offering coverage in the Exchange. Specifically, we believe that the Exchange's benefit and cost-sharing standards, which we apply to BHP as specified in § 600.405(a) and § 600.520(c), afford BHP enrollees the same protections that they would have otherwise received in the Exchange. These protections serve as the minimum benefit and cost-sharing standards for states when establishing their program. In addition, states have the option to set additional limits on cost sharing not included in the final regulation.

4. Public Schedule of Enrollee Premium and Cost Sharing (§ 600.515)

We proposed in § 600.515(a) that the state must ensure that applicants and BHP enrollees have access to information related to premiums and cost sharing under BHP. For specific discussions, see the September 25, 2013

proposed rule (78 FR 59132). We did not receive specific comments on this section and are finalizing the provision as proposed.

5. General Cost-Sharing Protections (§ 600.520)

In § 600.520(a), we proposed that a state may vary premiums and cost sharing based on income only in a manner that does not favor enrollees with higher income over enrollees with lower income. We did not receive specific comments on this section and are finalizing the provision as proposed.

We proposed in § 600.520(b) that the state must ensure standard health plans meet the cost-sharing standards applicable to Indians in accordance with 45 CFR 156.420(b)(1) and (d). We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.520(c), we proposed to apply the Exchange cost-sharing standards in BHP. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59132 and 59133).

We also proposed in 600.160(b) that states must permit payment of premiums for Indians by Indian tribes, tribal organizations and urban Indian organizations. In our further consideration of that provision, we determined that this protection should be more broadly extended to all premiums and cost-sharing for all beneficiaries of state and federal programs. This will ensure coordination of benefits between these programs and BHP. As such, this protection is more logically located in the regulatory section governing general cost-sharing protections. Thus, in this final rule, we are including in 600.520(d) that states must permit payment of premiums and cost sharing by such programs for individuals by Indian tribes, tribal organizations, urban Indian organizations, Ryan White HIV/AIDS programs under title XXVI of the Public Health Service Act and other federal and state programs.

We received the following comments related to cost-sharing protections:

Comment: While we received many comments supporting our proposed provision to apply the Exchange's cost-sharing standards (which establish the maximum annual limitation on cost sharing, among other provisions) to BHP, we also received several comments expressing concern that the Exchange standards would result in high BHP cost-sharing amounts making BHP unaffordable to its enrollees.

Response: We thank the commenters that submitted comments in support of the proposed cost-sharing standards, and are finalizing the proposed provisions. With respect to the other commenters' concern that BHP cost-sharing amounts will be high, we believe that the application of the Exchange's cost-sharing standards, as specified in § 600.520(c), to BHP will help prevent such an occurrence. These standards afford BHP enrollees the same cost-sharing protections that they would have otherwise received had they enrolled in QHP coverage in the Exchange. Furthermore, while these protections set the minimum standards for permissible cost-sharing amounts, states have the discretion to include additional standards when contracting with standard health plan offerors and the negotiation process with standard health plan offerors may further reduce cost-sharing amounts for BHP enrollees.

Comment: We received one comment expressing opposition to the application of the Exchange's cost-sharing standards as the commenter felt that this should be left to the discretion of the state. Approval of the state's approach to its BHP design is already subject to Secretarial approval, and as such, the commenter believes that HHS does not need to impose minimum requirements.

Response: We appreciate the commenter's concern; however, statute requires that, at a minimum, the same protections individuals would have otherwise received had they enrolled in a QHP in the Exchange apply to BHP.

Comment: Several commenters recommended that BHP enrollees should not be required to pre-pay the full amount of cost sharing, including the value of the cost-sharing reduction subsidy, and seek reimbursement for the subsidy at a later date. Commenters suggested that this process be ''invisible'' to the enrollee.

Response: The standard health plan offered to BHP enrollees will account for the value of the cost-sharing subsidy, which will be represented by the actuarial value of the standard health plan. Specifically, standard health plans offered to individuals with household income below 150 percent of the FPL must have an actuarial value of 94 percent, which, consistent with the Exchange's standard, is subject to a de minimis standard of 1 percent. For BHP enrollees with income above 150 percent of the FPL, the actuarial value must be 87 percent which, consistent with the Exchange's standard, is subject to a de minimis standard of 1 percent. In this manner, the application of the cost-sharing reduction subsidy will be ''invisible'' to the BHP enrollee as it will be accounted for in the design of the standard health plan that is offered to them. Any cost-sharing amounts that the enrollees would be required to pay would already include the consideration of the subsidy and any further negotiation between the state and the standard health plan offeror.

6. Disenrollment Procedures and Consequences for Nonpayment of Premiums (§ 600.525)

In § 600.525(a), we proposed the disenrollment procedures for nonpayment of premiums. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59133).

In § 600.525(b), we proposed the consequences of nonpayment of premiums and reenrollment into BHP. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59133).

We received the following comments on the disenrollment procedures and consequences for nonpayment of premiums:

Comment: Several commenters expressed concern that providers will incur uncompensated care costs during the second and third months of the 3-month grace period as standard health plan offerors are not required to pay claims for services rendered during the last two months of the grace period.

Response: We understand that pended claims increase uncertainty for providers and can potentially increase the amount of uncompensated care, and we share the concerns of the commenters regarding claims incurred during the grace period that are not ultimately paid. In accordance with 45 CFR 156.270(d)(3), standard health plan offerors must notify providers of the possibility for denied claims for services incurred during months two and three of the grace period for enrollees who owe past due premiums. Similar to our expectation with issuers operating in the Exchange, we expect that standard health plan offerors will provide this notice within the first month of the grace period and throughout months two and three.

Comment: We received several comments expressing concern that individuals would be disenrolled from BHP who failed to pay a de minimis amount of their premium, and suggested that the final regulation protect individuals from being disenrolled in such an instance.

Response: We do not believe that the statute provides authority for CMS to require this type of protection in BHP. As with many other programmatic designs, states have the discretion to establish disenrollment policies that further the goals and objectives of their programs which may include not

terminating individuals for failure to pay de minimis amounts.

Comment: Several commenters also offered an alternative to the 30-day premium grace period. Specifically, they recommended that HHS consider permitting a reinstatement period in which an individual is able to reinstate BHP coverage without a break in such coverage by paying the premium arrears by the 20th business day.

Response: We appreciate the commenters' alternative to the 30-day premium grace period; however, in keeping with our policy to adopt policies existing in other insurance affordability programs to ensure program consistencies, we are finalizing the proposed provision. As noted elsewhere, states have the discretion to establish additional standards that best fit the designs of their programs.

Comment: We received one comment recommending that HHS only permit a 90-day premium grace period rather than give states the option to select the grace period that most closely aligns with their enrollment policies.

Response: We believe that providing states with the option to select the grace period that most closely aligns with their enrollment policies ensures program consistency and can help consumers understand program rules.

G. Payment to States

1. Basis, Scope and Applicability (§ 600.600)

Proposed § 600.600 under subpart G specified the general statutory authority for and scope of standards proposed in this subpart, which sets forth provisions relating to the methodology used to calculate the federal BHP payment to a state in a given fiscal year and the process and procedures by which the Secretary establishes such amount for each state operating a BHP. For specific discussions, see the September 25, 2013 proposed BHP rule (78 FR 59133). We did not receive specific comments on this section and are finalizing the provision as proposed.

2. BHP Payment Methodology (§ 600.605)

We proposed in § 600.605(a) the two components that comprise the BHP payment methodology—the premium tax component and the cost-sharing reduction component. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59133).

In § 600.605(b), we proposed the factors specified in statute that the Secretary must consider when determining the federal BHP payment methodology. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59133 and 59134).

We proposed in § 600.605(c) that the Secretary will adjust the payment methodology on a prospective basis.

We received the following comments regarding the BHP payment methodology:

Comment: We received a comment supporting the relevant factors included in the BHP payment methodology as specified in § 600.605(b).

Response: We thank the commenter for their support, and are finalizing the proposed provisions.

Comment: One commenter expressed concern that the information regarding the BHP payment methodology in the proposed rule did not address how a state's BHP could be financially self-sustainable, such as the authority to asses an administrative charge on standard health plan offerors.

Response: We appreciate the commenter's concern; however, we believe that the state has considerable flexibility to ensure the sustainability of its program through program design and market competition. In addition to the federal BHP deposits, the state has the option to also supplement its program with non-federal funding sources.

Comment: We received many comments requesting that HHS reconsider applying 100 percent of the cost-sharing reduction that would have been available in the Exchange to the BHP payment methodology, as opposed to 95 percent. Many commenters argued that the statute provides for this interpretation given the placement of the comma in section 1331(d)(3)(i) of the Affordable Care Act.

Response: We appreciate the commenters' concern regarding this issue, and we have carefully considered and reviewed the commenters' arguments. We have interpreted the 95 percent specified in statute to refer to both the premium tax credit and the cost-sharing reduction component of the BHP payment methodology. We believe that applying the 95 percent to both components of the methodology represents the best reading of the statute and the intent of the drafters, and we are therefore finalizing the proposed provision.

Comment: We received a comment recommending that the premium tax credit component of the methodology use an overall average for the state so that all geographic variations are accounted for in the calculation rather than over-weighting geographic areas with fewer individuals receiving the premium tax credit.

Response: We appreciate the commenter's suggestion; however, geographic variations are accounted for in the proposed payment methodology as we are proposing to use the second lowest cost silver plan premium, which may vary in amount by county, as the basis for the calculation of the premium tax credit component. Please refer to the final 2015 BHP Federal Funding Methodology for additional information on how we propose to calculate the premium tax credit component for program year 2015.

Comment: One commenter expressed concern that the BHP payment methodology will result in narrower provider networks as states will only receive 95 percent of both the premium tax credit and cost-sharing reduction that an individual would have otherwise received had he or she enrolled in a QHP in the Exchange.

Response: We appreciate the commenter's concern, although we do not agree that this is necessarily the result. States, for example, that combine their contracting for BHP with Medicaid and/or CHIP will have significant market power to drive efficiencies. In any event, network adequacy is essential, and we have required, as specified in § 600.410(e)(2), that network adequacy must be considered during the state's competitive contracting process. States must ensure that standard health plan offerors have a network of providers sufficient in number, mix, and geographic distribution to meet the needs of the anticipated number of enrollees in the service area of the standard health plan, at least consistent with the access standards under Medicaid or the Exchange.

Comment: We received comments asserting that, to the extent that BHP eligibility exceeds the scope of eligibility for a PTC because the affordability test applied under BHP is less stringent than the affordability test for PTCs, there could be an unfunded mandate. These commenters explained that because federal BHP payment is limited to 95 percent of the amount of the PTCs and cost sharing reductions that would be paid if the individual was enrolled in coverage through the Exchange, there would be no federal BHP payment with respect to individuals eligible for BHP but not eligible for a PTC. One commenter suggested that, in light of the absence of funding, states should be given the option to restrict eligibility.

Response: We understand the possibility raised by the commenters; however, as discussed in the eligibility section above, we believe this possibility was created through a statutory error which we are correcting

in this rule. We believe congressional intent was to align BHP eligibility seamlessly with premium tax credit eligibility, which eliminates the possibility of an unfunded mandate. The payment methodology has been aligned with this interpretation.

Comment: We received several comments requesting that HHS ensure that BHP payment methodology adequately address the issue of risk adjustment.

Response: Please refer to the final 2015 BHP Federal Funding Methodology for additional discussions related to the population health factor in the BHP payment methodology for program year 2015, as well as the optional risk adjustment reconciliation process as both sections in the Funding Methodology address the issue of risk adjustment.

Comment: One commenter requested that we include the relevant factors, their weight and applicability in the proposed payment notice.

Response: We have included additional detail on the relevant factors, including their values and data sources, in the final 2015 BHP Federal Funding Methodology.

Comment: Several commenters recommended that the BHP payment methodology include state-specific market factors to account for issues such as low premiums offered in the Exchange.

Response: Please refer to the final 2015 BHP Federal Funding Methodology for additional details on the option we are providing to states to use either 2014 premium data (trended forward) or actual 2015 premium data as the basis for calculating their 2015 federal BHP payment rates.

Comment: One commenter noted that the methodology specifies the use of factors much like those for adjusted community rating, but requested clarification whether that standard health plan offeror must also use adjusted community rating, or any other particular form of rating.

Response: We believe that this is an issue to be determined, and resolved, through the competitive contracting process between the state and the standard health plan offeror. There are minimum negotiation criteria and other considerations specified in statute that the state must include in its process; however, the state has the discretion to add additional qualifications and standards to its solicitation that would further the objectives of its program.

Comment: While we received several comments in support of the proposed provision to exclude BHP from the individual market's risk pool, other commenters requested that HHS consider providing states with the option to include BHP in its individual market's risk pool. Commenters also requested the HHS permit states to have the ability to apply aspects of the individual market's reinsurance and risk adjustment programs to BHP.

Response: We have carefully considered this issue and have determined that BHP should be excluded from the individual market because the market reform rules under the Public Health Service Act that were added by Title I, Subtitles A and B of the Affordable Care Act, such as the requirements for guaranteed issue, and premium rating do not apply to standard health plans participating in BHP. Moreover, in accordance with 45 CFR 153.234 and 45 CFR 153.20, standard health plans operating under a BHP are not eligible to participate in the reinsurance program and the federally-operated risk adjustment program. With respect to the risk corridor program, the statute, under section 1342 of the Affordable Care Act, precludes standard health plans from participation. To the extent that a state operating a BHP determines that, because of the risk-profile of its BHP population, standard health plans should be included in mechanisms that share risk, the state would need to use other methods for achieving this goal. But we are providing an opportunity in 2015 for states to elect to include in the BHP federal payment methodology a retroactive adjustment to reflect the effect of the different health status of the BHP population on PTC and CSRs if the BHP population had been enrolled in coverage through the Exchange, and we will consider in future years whether data supports a prospective adjustment.

Comment: Several commenters requested clarification regarding a state's ability to implement a risk corridor-like mechanism in BHP.

Response: We appreciate the commenters' interest in the implementation of risk corridors in BHP; to the extent that a state operating a BHP determines that, because of the risk-profile of its BHP population, standard health plans should be included in mechanisms that share risk, the state would need to establish state-specific methods for achieving this goal. Because section 1342 of the Affordable Care Act specifically limits the risk corridor program to QHPs, standard health plans operating under BHP are not eligible to participate.

3. Secretarial Determination of BHP Payment Amount (§ 600.610)

We proposed in § 600.610(a) that each year in October the Secretary will publish the BHP payment methodology for the upcoming program year in a proposed payment notice in the **Federal Register**. We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.610(b), we proposed that the Secretary will publish the final BHP payment methodology and BHP payment amounts annually in February in a **Federal Register** notice. We did not receive specific comments on this section and are finalizing the provision as proposed.

We proposed in § 600.610(c) that states will receive a prospective aggregate BHP payment amount on a quarterly basis. For specific discussion, see the September 25, 2013 proposed rule (78 FR 59135).

We received the following questions related to the quarterly prospective BHP payment deposits:

Comment: We received several comments expressing support for the proposed provision to make quarterly prospective deposits into a state's BHP trust fund and for not making any retrospective adjustments that could cause a state to have to return federal BHP funding.

Response: We thank commenters for their support. We generally do not anticipate making any retrospective adjustments in the certified per enrollee payment methodology that would cause a state to return federal BHP funding. But we would provide for retrospective adjustments to ensure that this methodology is applied based on actual enrollment. To the extent that actual enrollment is lower than the state's projected enrollment, CMS will reduce the state's next quarterly BHP deposit by the difference amount. Another instance in which a retrospective adjustment may occur is if a mathematical ''error'' was made during the calculation process. For specific discussions on what constitutes a mathematical ''error,'' please refer to the September 25, 2013 proposed notice (78 FR 59134). Finally, to the extent that the prevailing BHP funding methodology for a given program year permits adjustments to a state's BHP payment amount due to insufficient data that is necessary for the Secretary to prospectively determine the relevant factors specified in the payment notice, retrospective adjustments to the state's BHP payment amount may occur. For example, in light of the absence of any data in 2015 to prospectively take into account

variance of the BHP population health status from the Exchange population, in the accompanying final payment methodology for 2015, we permit a state to elect to develop a protocol to support a retrospective adjustment for this factor.

Comment: We received several comments requesting clarification on the timing of the deposits, as well as when any necessary adjustments in payment are to be made based on differences between actual and projected enrollment numbers. Some commenters also expressed concern that data used to determine some of the factors included in the payment methodology would negatively affect payment to states.

Response: We anticipate providing future guidance on the specific timeframes for deposits made to state BHP trust funds; however, we anticipate that deposits will be made at the beginning of each fiscal year quarter assuming the state has submitted its projected enrollment data at least 60 days prior to the beginning of each fiscal year quarter. For example, the deposit for fiscal year quarter one would occur on October 1st using enrollment data submitted by the state by July 31st. As stated in § 600.620(c)(2)(i), a retrospective adjustment will be made 60 days after the end of each fiscal year quarter to account for any differences between projected and actual enrollment.

With respect to the commenters' concerns regarding the potential effect on the timing of payment and the release of data needed to calculate the factors included in the BHP payment methodology, we are generally not making any retrospective adjustment to the BHP payment methodology in a given year unless the payment notice specifies the availability of a retrospective adjustment due to the lack of sufficient data necessary for the Secretary to prospectively determine one or more relevant factors in the BHP funding methodology. We anticipate using new data, or adjustments to previously released data, to refine future prospective BHP funding methodologies, which will be published annually through a proposed notice process.

Comment: We received several comments recommending that after the first or second year of BHP implementation, HHS adjust the aggregate federal BHP payment amounts upward should actual experience support such an adjustment. Commenters felt that such an adjustment would be similar to a risk corridor approach.

Response: We appreciate the commenter's concern, and have addressed the issue raised by the commenters in further detail in the Final BHP Federal Funding Methodology for Program Year 2015. As described in greater depth in the final methodology, we are providing states with the option to propose, and implement, a retrospective adjustment protocol to the extent that such a protocol is approved as part of the certified payment methodology by the CMS Chief Actuary

Comment: We received several comments requesting clarification on the proposed retrospective adjustments. One commenter recommended that HHS revise language in the regulation text to clarify that HHS will not make retrospective adjustments to a state's quarterly deposit based on enrollee income changes.

Response: As explained elsewhere, HHS will not make any retrospective adjustments to a state's quarterly deposit except for in three instances. The first instance in which HHS will adjust the payment is in the event that a mathematical error occurred during the calculation of the payment amount. For example, if HHS multiplied the payment rate to the incorrect number of enrollees associated with that payment rate, HHS would then make a retrospective adjustment to correct the mathematical error. The second instance occurs when there is a difference in projected and actual enrollment for a given fiscal year quarter. For example, if the state projected that there would be 10,000 enrollees in payment rate cell A, but enrollment in payment rate cell A was actually 12,000, HHS would add the additional federal funds to the state's upcoming quarterly deposit to account for the difference between the projected and actual enrollment. Finally, the third instance occurs only when the prevailing payment notice in a given program year permits retrospective adjustment to a state's BHP federal payment amount to the extent that data necessary for the Secretary to prospectively determine the relevant factors included in the BHP funding methodology was not available. We believe that the regulation text at § 600.605(c) and revised § 600.610(c)(2) sufficiently describes this policy.

4. Deposit of Federal BHP Payment (§ 600.615)

In § 600.615, we proposed that HHS will make a quarterly deposit into a state's trust fund based on the aggregate quarterly payment amount described in § 600.610(c). We did not receive specific comments on this section and are finalizing the provision as proposed.

H. BHP Trust Fund

1. Basis, Scope and Applicability (§ 600.700)

Proposed § 600.700 under subpart G specified the general statutory authority for and scope of standards proposed in this subpart, which sets forth a framework for BHP trust funds and accounting, establishing sound fiscal policies and accountability standard and procedures for the restitution of unallowable BHP trust fund expenditures. For specific discussions, see the September 25, 2013 proposed rule (78 FR 59135). We did not receive specific comments on this section and are finalizing the provision as proposed.

2. BHP Trust Fund (§ 600.705)

In § 600.705(a), we proposed requirements for the BHP trust fund, including where to establish the trust fund and the identification of trustees and their authorities.

We proposed in § 600.705(b) that states may deposit non-federal funds into its BHP trust fund; however, once deposited, those funds must meet the standards described in paragraphs (c) and (d) of this section.

In § 600.705(c), we proposed that trust funds may only be used to reduce premiums and cost sharing and/or provide additional benefits to individuals eligible for BHP.

We proposed in § 600.705(d) the limitations in expending BHP trust funds. For the specific limitations, see the September 25, 2013 proposed rule (78 FR 59150).

In § 600.705(e), we proposed that a state may maintain a surplus of funds in its trust through the carryover of unexpended funds from year-to-year. We received a comment supporting this provision, and are subsequently finalizing the provision as proposed. We received the following comments related to the BHP trust fund:

Comment: We received several comments in general support of using BHP trust funds, as specified in § 600.705(c), to further reduce premiums and cost sharing and to provide additional benefits to individuals eligible for BHP.

Response: We thank the commenters for their support, and are finalizing the provision as proposed.

Comment: One commenter requested clarification on the establishment of the state's BHP trust fund. Specifically, the commenter requested that the BHP trust fund be established at either an independent entity or in a segregated

account within a state's fund structure rather than in a subset account to the state's general fund. The commenter indicated that there are sufficient legal boundaries through various state laws with respect to the integrity of federal funding streams.

Response: We appreciate the commenter's suggestion, and have clarified the language in the final rule to reflect the suggested language change.

Comment: We received a comment requesting that HHS further clarify the role of BHP trustees.

Response: There are two fundamental activities required of the BHP trustees. One is to provide trust fund oversight to ensure that trust fund expenditures are made in an allowable manner, and the second is to specify individuals with the authority to make withdrawals from the fund to make allowable expenditures. The state, as specified in § 600.110(a)(12), must describe any additional responsibilities, outside of these two activities, that the trustees may have. Specifically, § 600.110(a)(12) requires the state to describe the process by which the trustees will be appointed, the qualifications used to determine trustee appointment, and any arrangements used to insure or indemnify such trustees against claims for breaches of their fiduciary responsibilities.

Comment: One commenter requested clarification that BHP trust funds are available to reduce premiums for American Indians and Alaska Natives.

Response: Yes. The state has the option to further reduce premiums for eligible BHP enrollees that are American Indian and Alaska Natives with its trust funds. This is a permissible expenditure.

Comment: Several commenters expressed support for the limitations on BHP trust fund expenditures; however, some emphasized that it was important to ensure that the limitations are applied consistently across functions and organizations.

Response: We appreciate the commenters' support, and are finalizing the proposed provisions.

Comment: We received many comments expressing concern regarding the limitations on the use of BHP trust funds. Specifically, commenters requested that HHS permit trust funds to pay for program implementation and start-up costs as well as for administrative costs. Commenters argued that without the authority to use trust funds to pay for implementation and administrative costs, states would not be able to implement BHP. We received one comment requesting that HHS provide states with options for paying administrative costs, including some of the user-fee assessments built into the Exchange carrier rates. Another commenter suggested that HHS develop a funding formula similar to Medicaid, or set a ''flat fee'' to pay for administrative costs.

In addition, several other commenters also expressed concern that these limitations do not permit states to finance consumer assistance programs with BHP trust funds, or promote payment innovations, quality improvement activities or pay-for-performance incentives under BHP.

Response: We understand the concerns that the commenters have raised with respect to the use of trust funds to cover administrative costs; however, the statute prohibits the expenditure of BHP trust funds for any activities except for lowering premiums and cost sharing and providing additional benefits to individuals eligible for BHP. Through its competitive contracting process, a state can establish parameters for quality improvement projects and delivery system and payment reform innovations that it believes will further the objectives of its BHP. The state can then evaluate the innovation proposals submitted by standard health plan offerors in their BHP bids thereby including the negotiated projects into the contract awards.

While the statute has limited the use of federal trust funds to lowering premiums and cost sharing as well as for the provision of additional benefits, states have the option to establish sources of non-federal funding to help offset administrative costs associated with BHP. Non-federal resources can include assessments imposed on BHP participating plans. A state with a state-based Exchange has the ability to apply a portion of the fee assessed to QHPs in its Exchange to BHP; however, this ability does not extend to states in which the Federally-Facilitated Exchange is operating. In accordance with OMB Circular No. A–25 Revised (Circular No. A–25R), which establishes federal policy regarding user fees, the Federally-Facilitated Exchange user fee is collected from issuers to recover the cost to the federal government of providing special benefits to QHP issuers participating in a Federally-Facilitated Exchange; those funds are not available to fund BHP as it is not a special benefit provided to issuers by the federal government. Non-federal resources can either remain outside of the BHP trust fund, such as in a state's General Fund, or be deposited into the BHP trust fund. Should the state deposit these non-federal funds into the state's BHP trust fund, all standards applied to federal sources of funding will also apply to the non-federal funds. While we are finalizing our proposed provision, we will continue to review this issue and publish additional guidance upon concluding our review.

Comment: One commenter requested that we clarify whether enrollee premiums collected outside of the trust fund are subject to the limitations in § 600.705(d).

Response: If enrollee premiums are not deposited into the state's trust fund, then they are not considered to be BHP trust funds and are therefore not subject to the limitations specified in § 600.705(d).

3. Fiscal Policies and Accountability (§ 600.710)

We proposed in § 600.710(a) that the state maintain an accounting system and supporting fiscal records to assure the proper use of BHP trust funds. We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.710(b), we proposed that the state obtain an annual certification certifying the proper expenditure and maintenance of BHP trust funds. For the specific certification elements, see the September 25, 2013 proposed rule (78 FR 59150).

We proposed in § 600.710(c) that the state conduct an independent audit of BHP trust funds over a 3-year period to determine whether the expenditures during this period were allowable. For specific standards of this audit, see the September 25, 2013 proposed rule (78 FR 59150). We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.710(d), we proposed that the state publish an annual report on the use of funds. We did not receive specific comments on this section and are finalizing the provision as proposed.

We proposed in § 600.710(e) that the state establish and maintain BHP trust fund restitution procedures. We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.710(f) we proposed that the state maintain records for 3 years from the date of submitting its final expenditure report. We did not receive specific comments on this section and are finalizing the provision as proposed.

We proposed in § 600.710(g) that the state retain all records beyond the 3-year retention period in the event litigation begins prior to the expiration of the retention period. We did not receive specific comments on this section and are finalizing the provision as proposed.

We received the following comment regarding the annual certification process in § 600.710(b):

Comment: We received several comments requesting that HHS require that the annual certification include a certification that the payment rates made to the standard health plan offerors are actuarially sound.

Response: As noted in the contract requirements section, the statutory actuarial soundness requirement found in Medicaid does not apply in BHP; therefore, we are not requiring that a state certify that its standard health plan offeror rates are actuarially sound. We anticipate that the competitive contracting process will help to ensure that the rates paid to the standard health plan offerors are reflective of the costs associated in the provision of standard health plans.

4. Corrective Action, Restitution, and Disallowance of Questioned BHP Transactions (§ 600.715)

In § 600.715(a), we proposed that a state review and develop written responses to questions identified concerning the authority for BHP trust fund expenditures. To the extent necessary, the state shall implement changes to fiscal procedures to ensure proper use of BHP trust funds. We did not receive specific comments on this section and are finalizing the provision as proposed.

We proposed in § 600.715(b) that state must ensure restitution to its BHP trust fund such funds that have not been properly spent. We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.715(c), we proposed that the restitution period may not exceed a 2-year period, and that restitution may occur in a lump sum amount, or in equal installment amounts. We did not receive specific comments on this section and are finalizing the provision as proposed.

We proposed in § 600.715(d) that HHS may disallow the improper BHP trust fund expenditures in the event that no restitution has been made back to the state's trust fund. For specific discussions on the disallowance procedures, see the September 25, 2013 proposed rule (78 FR 59151). We did not receive specific comments on this section and are finalizing the provision as proposed.

In § 600.715(e), we proposed the administrative reconsideration procedures in the event of a disallowance. For specific discussions on such procedures, see the September 25, 2013 proposed rule (78 FR 59151).

We proposed in § 600.715(f) that disallowed federal BHP funding must be returned to HHS within 60 days after the disallowance notice, or the final administrative reconsideration upholding the disallowance. Such repayment cannot be made from BHP trust funds. We did not receive specific comments on this section and are finalizing the provision as proposed.

We received the following comments on the administrative procedures in the event of a disallowance of questioned BHP transactions:

Comment: We received a comment requesting clarification on the administrative process for reconsideration. The commenter suggested that HHS consider using either the Medicaid procedures found in 42 CFR 430.42(f) for disallowances, or the procedures at 42 CFR 430.38 which provides for judicial review without further administrative process.

Response: We appreciate the commenter's suggestions; however, given the numerous processes available to the state prior to the corrective action stage, we believe that requiring the additional administrative reconsideration procedures found in 42 CFR 430.42(f) or in 42 CFR 430.38 is unnecessary. Therefore, we are finalizing the proposed provisions.

Comment: We received several comments in general support of the proposed provisions as they relate to benefits, premiums, cost sharing and expanding coverage to low-income individuals.

Response: We thank the commenters for their support, and are finalizing the proposed provisions.

Comment: Several commenters expressed support for the various market reforms authorized under the Affordable Care Act, such as the ability to remain on a parent's health insurance policy and the expansion of health insurance coverage to all those that are uninsured.

Response: While we appreciate the support for these important reforms, this comment is beyond the scope of this rulemaking.

Comment: We received one comment requesting more information on BHP in order for states to decide whether to implement the program.

Response: We hope that the clarifications provided in this rulemaking as well as the BHP Final Federal Funding Methodology for program year 2015 have provided sufficient information for states during their decision making process. We also anticipate continuing to work closely with states as they contemplate their options and responding in writing to questions posed about implementation.

Comment: We received several comments on how, and when, individuals can enroll in BHP.

Response: States that elect to implement a BHP will determine the effective date for their programs, which will be no earlier than January 1, 2015. As indicated in § 600.145, initial implementation in 2015 may involve an alternate enrollment strategy as a transition to BHP operation. In order to enroll, individuals must complete the single streamlined application and be determined eligible for a state BHP. As discussed elsewhere in these regulations, states have the option to use a limited open enrollment period approach or to allow applications to be submitted throughout the year.

Comment: One commenter requested that HHS delay the implementation of BHP until January 1, 2017 in order to provide the Exchange sufficient time to ensure efficient and effective operability before additional coverage programs are launched.

Response: We appreciate the commenter's interest in ensuring the operability of the Exchange. We are committed to ensuring the availability of this insurance affordability coverage option to states effective January 1, 2015. To comply with BHP requirements, however, states will need to coordinate the BHP with Exchange, Medicaid and CHIP. As the commenter noted, in determining an implementation date, states need to consider the time and resources needed to achieve such coordination by January 1, 2015.

Comment: Several commenters expressed interest in how BHP will affect costs associated with emergency department care. Specifically, commenters hoped that BHP would reduce such costs.

Response: We share the commenters' interest in lowering the costs associated with emergency department care. Although this comment is beyond the scope of this rulemaking, we will be interested to observe the impact of BHP over time.

Comment: One commenter recommended that HHS design BHP in such a fashion as to ensure appropriate coverage for children who may lose CHIP coverage in the event that CHIP is not authorized in 2019.

Response: We appreciate the commenter's recommendation. We believe that the BHP statute provides states with a vehicle to provide such coverage without any change in design or administrative requirements.

Comment: We received several comments expressing concern that the implementation of BHP will increase the temporary shifting of low-income individuals from one insurance affordability program to another (''churn'').

Response: While BHP does introduce an additional insurance affordability program, the amount of churn is not clear at this time. It is our understanding that many states and other observers believe that BHP will reduce churn between BHP and Medicaid. Regardless of how a state might establish its BHP, as specified in § 600.425, states are required describe how they will ensure coordination for the provision of health care services to promote enrollee continuity of care among the insurance affordability programs. In addition, and as described further above, another feature in BHP that can promote continuity of coverage and care is the provision specified in § 600.340 permitting states to adopt a policy of limited redeterminations during a 12 month period, reducing churn based on fluctuations in income.

Comment: Several commenters expressed concern regarding the effect of BHP on Exchange enrollment as well as the risk profile of those enrolled in Exchange coverage.

Response: Because the BHP population is the lower income range of the population that would otherwise be enrolled in coverage through the Exchange, states that elect to implement BHP will experience somewhat lower enrollment in coverage through the Exchange. We do not believe the reduction will impair the Exchange's ability to operate effectively. With respect to the commenters' concerns on the Exchange's risk profile, it is unclear at this time the effect BHP will have (that is, whether healthier, or sicker, individuals will enroll in BHP relative to those enrolled in the Exchange). We anticipate that this will be the subject of research once all of the programs are operational.

Comment: We received one comment requesting that standard health plan offerors be subject to the annual insurer fee.

Response: The annual insurer fee is administered by the Department of the Treasury and its applicability is beyond the scope of this rulemaking.

IV. Provisions of the Final Regulations

For the most part, this final rule incorporates the provisions of the proposed rule. Those provisions of this final rule that differ from the proposed rule are as follows:

A. General Provisions and Definitions

We have amended § 600.5 to add two new definitions: interim certification and network of providers to reflect clarifications made in subsequent sections of this final rule.

We have clarified, in this section, the definition of Essential Health Benefits to include the citation to the implementing regulations.

We have clarified in the reference plan definition that ''reference'' is synonymous to ''base'' benchmark by adding the word ''base.''

B. Establishment and Certification of State Basic Health Programs

We are amending § 600.110(a)(6) to clarify the BHP Blueprint content to align with the premium standards specified in § 600.505.

We are adding § 600.110(a)(15) to conform with a later change to § 600.145. The change adds a requirement for the inclusion of a transition plan as a required element of the Blueprint if a state participating in 2015 plans to propose an alternative enrollment strategy. Additionally, the transition plan must include a plan for the coordination of any proposed implementation strategies with the Exchange operating in the state.

We amended § 600.110(c) to include the requirement that HHS post revisions to Blueprints on line.

We amended §§ 600.115(c)(1) and 600.125(a) clarifying that significant change includes changes that alter the BHP benefit package, enrollment, disenrollment and verification policies.

To conform the addition of an interim certification level, we amended § 600.115(a) and (d) as well as § 600.120(a) and (b). To § 600.115(a) we added the sentence, ''A State may choose to submit its BHP Blueprint in two parts: the first limited submission to secure interim certification and the second full submission to secure full certification.'' To § 600.115(d) we added the word ''full'' to indicate that states must receive full certification to implement a program. To § 600.120(a) we clarified that the effective date of interim certification is also the date of signature of the Secretary, and to § 600.120(b) we clarified that full certification is needed before payments may be made.

We further amended § 600.115(d) to require states implementing after 2015 to coordinate with open enrollment of the state's Exchange.

We amended § 600.120(d) by deleting the word ''contingencies''.

We added § 600.135(c) to require HHS to accept a state request for reconsideration and to provide an impartial review against the certification standards if requested. We also extended the state's ability to request reconsideration for termination decisions made by the Secretary in § 600.142.

We added § 600.145(e) providing states implementing BHP in 2015 the opportunity to create a transition plan for approval delineating any proposed alternative enrollment strategies.

We amended § 600.150(a)(5) to include a minimum timeliness standard of at least quarterly regarding standard health plans provision of updated provider lists.

We amended § 600.155 to remove the qualifying language ''State or Federal'' describing the tribal consultation policy.

We amended § 600.160 to include a new paragraph (c) prohibiting BHP offerors from reducing the payments to providers by the amount of cost-sharing that would be due from Indians if it was not prohibited. Additionally, we are amending § 600.520 to add paragraph (d) incorporating and broadening the protection set forth in the proposed rule at § 600.160(b), to require that states permit payment of premiums and cost-sharing for individuals in Indian tribes, tribal organizations, urban Indian organizations, Ryan White HIV/AIDS programs, and other federal and states programs. We have renamed the proposed paragraphs to reflect these changes.

We have amended the timeliness standard in § 600.170(b) to be 60 days after the end of each operational year for the submission of the state's required annual report.

C. Federal Program Administration

We amended the section title to ''Federal program compliance review and audits'' to better represent the nature of this section.

In § 600.200(b)(3) we made an editorial revision to add the word ''add'' to the paragraph.

We amended § 600.200(b)(4) by clarifying that the standards of review during federal program reviews and audits for the improper use of BHP trust funds are the provisions specified in § 600.705.

We amended § 600.200(c) to clarify that all paragraphs, and not only paragraph (a), under § 430.33 apply. We have also clarified the language in this paragraph to clarify the timing of the final report and state opportunity for correction.

D. Eligibility and Enrollment

We amended § 600.305(a)(1) to limit it to requiring residency.

We amended § 600.305(a)(2) to clarify that lawfully present non-citizens, ineligible for Medicaid, must have household income between zero and 200 percent of the FPL. We further clarified this standard by changing ''non-citizen'' status to ''immigration'' status to increase technical accuracy and we clarified that a person may also be ineligible for CHIP due to immigration status.

We amended § 600.305(a)(3) by removing the word ''affordable'' to more closely reflect the underlying statutory language connecting affordability to employer sponsored insurance. We also added a parenthetical to conform to our definition of MEC, clarifying that an individual may not have access to MEC other than a standard health plan.

We deleted the reference to CHIP in § 600.305(a)(3)(i) and have limited the proposed reference to ''such other programs'' only to Medicaid to conform with Department of Treasury rules on MEC.

We changed the parenthetical in § 600.305(a)(3)(ii) to tie the definition of affordable employer sponsored insurance to section 36B(c)(2)(C) of the Internal Revenue Code.

We amended § 600.305(b) to provide a conforming exception for a change made in § 600.145 permitting states to submit a transition plan in certain circumstances.

We amended § 600.310(b) to include the requirements of § 435.907(g) of this chapter regarding accessibility of written applications in addition to the other standards of accessibility for individuals with limited English proficiency and individuals with disabilities.

We amended § 600.320(a) to clarify that states permitting local government entities to make eligibility determinations do so through delegation.

We amended § 600.320(c) to be exclusive of § 435.915(a).

We amended § 600.320(d) to clarify the Medicaid choice of enrollment as being ''continuous open enrollment throughout a year'' and the Exchange choice of enrollment policy as being no ''more'' restrictive than that used by the Exchange.

We have amended § 600.335(b) to give the states the choice of following the appeals process or either Medicaid or the Exchange.

We amended § 600.340(a) to remove the reporting requirement exception clause ''Except as provided in paragraph (d)'' because paragraph (d) did not include reporting requirements.

We added language to § 600.340(b) to clarify that the opportunity to change plans must be offered ''at least annually,'' and that enrollees in plans that are no longer available will be given a reasonable opportunity to select a new plan.

Finally, we have added § 600.340(f) to offer states the option of not redetermining eligibility for a 12-month period as long as enrollees are under age 65, are not otherwise enrolled in MEC and remain residents of the state. Additionally, we have further amended § 600.340(a) to draw the distinction between it and the new paragraph (f). We have replaced the proposed language that an individual is ''determined eligible for a period of'' with ''subject to periodic review of eligibility every'' 12 months.

E. Standard Health Plan

We are amending § 600.415(a) to clarify that a state can contract with an entity for one standard health plan rather than contracting with at least two or more standard health plans. This clarification is needed to conform to the changes made in § 600.420 regarding choice of standard health plan offeror. Ensuring choice of standard health plan offeror is a beneficiary protection not a contracting issue, and not related to the eligibility of the offeror; therefore, we have removed the reference to choice in this paragraph.

We are amending § 600.415(e)(2) to clarify that a state must consider the local availability and access to providers to ensure a sufficient number, mix and geographic distribution to meet the needs of enrollees in a service area, including but not limited to services provided by essential community providers as defined in 45 CFR 156.235 so that access to services is least be sufficient to meet the access standards applicable under 42 CFR Part 438, Subpart D, or 45 CFR 156.230 and 156.235.

We are amending § 600.420(a)(1) to clarify that a state must ensure choice of at least two standard health plan offerors. We are also amending this section to clarify that the state must assure to choice of standard health plan offeror and that this assurance be reflected in the state's BHP Blueprint along with a description of how it will further enrollee choice of standard health plans.

We are also adding a new paragraph to § 600.420(a) to provide an exception to the choice of standard health plan offeror requirement set forth in paragraph (a)(1). This new paragraph provides the procedural steps for a state to submit a request for such an exception.

We are adding a new paragraph to § 600.420(b) to clarify that a state entering into a regional compact with another state for the provision of a geographically specific standard health plan must assure that enrollees, regardless of residency within the state, continue to have choice of at least two standard health plans. This new requirement is specified in § 600.420(b)(2).

We are amending § 600.420(b)(3)(ii)(A) to clarify that a state entering into a regional compact for the provision of a geographically specific standard health plan, must continue to assure that enrollees, regardless of location, continue to have choice of at least two standard health plan offerors.

In § 600.425, we have revised the regulatory text to clarify that the state must ensure coordination between all other insurance affordability programs. We are also clarifying that the state's BHP Blueprint must describe how it will ensure such coordination.

F. Enrollee Financial Responsibilities

We are amending § 600.505(a) to clarify the premium requirements that the state must assure to and that such an assurance must be included in the state's BHP Blueprint along with the other requirements specified in § 600.505(a)(2).

In § 600.510(a), we are clarifying the cost-sharing requirements that the state must assure to and that such an assurance must be included in the state's BHP Blueprint along with the other requirements specified in § 600.510(a)(2).

We have added § 600.520(d) to broaden the protection in the proposed rule under § 600.160(b) as described above and we have modified § 600.510(a)(ii) to reflect the inclusion of the new paragraph (d).

We are amending § 600.525(a) to clarify that the state must assure that it is in compliance with the disenrollment procedures described in 45 CFR 155.430. We are also clarifying that this assurance is reflected in the state's BHP Blueprint.

G. Payments to States

We are amending § 600.605(c) to clarify the Secretary will adjust the payment methodology on a prospective basis to adjust for any changes in the calculation of the premium tax credit and cost-sharing reduction components that to the extent that necessary data is available for the Secretary to prospectively determine all relevant factors, as specified in paragraph (b) of this section.

We are adding new paragraph § 600.610(c)(2)(iii) to reflect that to the extent that the final payment notice permits retrospective adjustments to the state's BHP payment amount (due to the lack of necessary data for the Secretary to prospectively determine the relevant factors comprising the premium tax credit and cost-sharing reductions components of the BHP funding methodology), the Secretary will recalculate the state's BHP payment amount and make any necessary adjustments in accordance with paragraph (c)(2)(iv) of this section, which was previously (c)(2)(iii).

H. BHP Trust Fund

In § 600.705(a), we have amended this provision by deleting the option for the state to establish its BHP trust fund in a subset account within its General Fund and replaced it with the option to establish it in a segregated account within the state's fund structure to provide states with the opportunity to utilize state financial management services while maintaining accountability. The option to establish the trust fund at an independent entity remains. We believe this change will provide states with more flexibility given the unique features each state may have in its accounting and fiscal structures.

We are amending § 600.710 to clarify that the state must assure to the fiscal policies and accountability standards set forth in that section. We are also clarifying that this assurance must be reflected in the state's BHP Blueprint.

V. Collection of Information Requirements

The information collection requirements/burden that were set out in the September 25, 2013, proposed rule estimated one respondent per year. Based on comments received, we continue to estimate one respondent in this final rule. Since we estimate fewer than the Paperwork Reduction Act's 10 respondent per year threshold, the information collection requirements/burden that are associated with this final rule are not subject to the requirements of the Paperwork Reduction Act (5 CFR 1320.3(c)).

VI. Regulatory Impact Statement

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). The Basic Health Program provides states the flexibility to establish an alternative coverage program for low-income individuals who would otherwise be eligible to purchase coverage through Exchange. The effects of this rulemaking will be ''economically significant'' as measured by the $100 million threshold, and hence a major rule under the Congressional Review Act. We did not receive any public comments on the impact analysis section of the proposed rule. We received a variety of comments from six states on other sections of the rule. These comments did not provide further information that would contribute to the assessment of economic impact. We have received a solid commitment of participation from one state and we expect that a mid-range participation estimate over the first 5 years would be 3 states. In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

The aggregate economic impact of this rule of this final rule is estimated to be -$900 million from CY 2015 to 2019 (measured in real 2015 dollars). The federal government is expected to reduce its overall expenditures, as the payments to the states for BHP are anticipated to be less than the payments that would have been made to qualified health plans (QHPs) for PTCs and CSR, if persons had been enrolled in those plans instead of in BHP. In general, we expect that federal payments to states for BHP would be 5 percent less than the federal payments for PTCs and CSR to QHPs if persons had been enrolled in those plans through the exchange.

CMS' Office of the Actuary (OACT) developed estimates for the impact of this section of the Affordable Care Act, which were initially published in April 2010, (*https://www.cms.gov/ActuarialStudies/downloads/PPACA_2010-04-22.pdf*). These estimates are consistent with the assumptions and projections in the President's FY 2014 Budget. In particular, these estimates rely on many of the same data and assumptions used to project the federal costs related to the health insurance Exchanges. (The original estimates that appeared in the April 2010 estimates were based off of the President's Fiscal Year 2010 Budget Mid-Session Review.)

To determine the impact of BHP on federal expenditures, OACT developed estimates of the number of persons who would enroll in BHP if the program were implemented in all states. In general, this estimate was based on projections of the number of people who would be eligible for BHP based on their household income and other eligibility criteria, and the number of people who would enroll in BHP. The percentage of people who would enroll in BHP among those eligible is affected by estimates of the likelihood of persons having other forms of health insurance (in particular, for persons who have employer sponsored insurance) and the estimated participation rate of those without other forms of coverage. The participation rate may be affected by a number of factors, which include the health status and expected health care costs of eligible persons (in general, persons with higher expected health care costs are assumed to be more likely to enroll), the cost to the enrollee for participating (in general, lower premiums and fewer cost sharing requirements are assumed to lead to greater participation), and the effectiveness of enrollment systems and outreach efforts. These assumptions are consistent with those used to estimate

the number of people that would enroll in QHPs through the Exchanges.

OACT also developed estimates of health care costs and the amounts of PTCs and CSR that the federal government would pay for persons who would enroll in BHP. These estimates relied on historical health care cost expenditure data for eligible persons, adjusted for the effect that having health insurance would have on health care costs. (For persons who were previously uninsured, their costs were adjusted to reflect that having health insurance is expected to lead to greater utilization of health care services than compared to not having insurance. In addition, for persons who were previously uninsured or had different forms of health insurance, their costs were adjusted to reflect differences in cost sharing requirements on health care expenditures, and differences in provider payment rates between types of insurance.

To determine the impact of BHP, OACT has developed estimates compared to those of the impacts of the Exchanges (CMS–9989–F). As the implementation of BHP would result in a decrease in the number of persons enrolled through the Exchange, and thus the amount of PTCs and CSR that would be paid by the federal government, we believe it is appropriate to develop the impact analysis using the net effects of BHP relative to the previously estimated impacts of the Exchanges.

For the purpose of this analysis, OACT has assumed that 3 states would implement BHP between 2015 and 2019. This assumption is based off of information on states' preliminary interest in BHP; however, in actuality more or fewer states may decide to implement BHP, and may decide to implement BHP after 2015. Accordingly, more or fewer states implementing BHP would increase or decrease the impact of the program, and the particular number of enrollees and the costs of the BHP may vary state to state. These estimates are not specific to any 3 particular states.

OACT has also assumed that persons would be enrolled in BHP plans at the same participation rate as they would have been expected to enroll in QHPs through the Exchanges. The participation rate may depend on a number of factors (including the amount of premium and cost sharing a person would be required to pay in BHP, the choice of BHP plans, and the benefits offered in BHP), and in actuality could vary from the participation rate of persons eligible for QHPs. OACT has assumed that BHP plans would have similar premium and cost-sharing requirements as QHPs on the Exchange (net of the effects of PTCs and CSR) and would offer similar benefits to QHPs. Thus, the effects of implementing BHP on enrollees would be no different than the effects of the Exchanges; however, to the extent that BHP plans offer additional benefits or further reduce the amount of costs enrollees would pay for their health care, enrollees may experience some additional benefit. Lastly, OACT has assumed that states would not contribute any other state funds to BHP and that federal BHP payments and enrollees' premiums and cost sharing would be sufficient to pay for the required benefits under BHP. To the extent that a state contributes additional funds (possibly to provide additional benefits or reduce enrollees' premiums or cost sharing), the state would experience an increase in expenditures.

The estimated effects of BHP on federal government are shown in Table 1.

TABLE 1—ESTIMATED FEDERAL IMPACTS FOR THE BASIC HEALTH PROGRAM

[Millions of 2015 dollars]

	2015	2016	2017	2018	2019	Total
BHP Expenditures	$2,610	$3,000	$3,410	$4,000	$4,170	$17,190
PTC and CSR Expenditures	–$2,750	–$3,160	–$3,590	–$4,210	–$4,390	–$18,100
Net Federal Impact	–$140	–$160	–$180	–$210	–$220	–$900

The estimated number of BHP enrollees is shown in Table 2.

TABLE 2—ESTIMATED NUMBER OF BASIC HEALTH PROGRAM ENROLLEES

	2015	2016	2017	2018	2019
BHP Enrollment	460,000	550,000	710,000	970,000	1,020,000

B. Accounting Statement and Table

As required by OMB's Circular A–4 (available at *http://www.whitehouse.gov/omb//circulars_a004_a-4/*), in Table 3 we have prepared an accounting statement illustrating the classification of the federal and state expenditures associated with this final rule.

TABLE 3—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES FOR BASIC HEALTH PROGRAM DURING CALENDAR YEARS 2015 THROUGH 2019

[Millions of 2015 dollars]

Category	Transfers		
Annualized monetized transfers	Discount rate		Period covered
	7%	3%	
Primary Estimate	$3,561	$3,594	CYs 2015–2019

TABLE 3—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES FOR BASIC HEALTH PROGRAM DURING CALENDAR YEARS 2015 THROUGH 2019—Continued

[Millions of 2015 dollars]

Category	Transfers		
Annualized monetized transfers	Discount rate		Period covered
	7%	3%	
From/To	Qualified Health Plans to Federal Government		
Primary Estimate	$3,382	$3,414	CYs 2015–2019
From/To	Federal Government to State Governments		

1. Need for the Rule

Section 1331 of the Affordable Care Act (codified at 42 U.S.C. 18051) requires the Secretary to establish a Basic Health Program. This final rule implements that section.

2. Benefits

We anticipate that the Basic Health Program will provide benefits to both consumers and states.

a. Benefits to Consumers

The Basic Health Program (BHP) targets low-income individuals who would be eligible for premium and cost-sharing reductions, if they purchased health insurance through an Exchange. These individuals may have variable income that causes them to move between insurance programs. For example, if their income drops, they may be eligible for Medicaid, and when their income rises, they would be eligible to purchase insurance (with premium and cost-sharing reductions) on an Exchange. This phenomenon is known as ''churning.'' Because Medicaid health plans and health plans offered on Exchanges vary in terms of benefits, provider networks, cost-sharing, and administration, churn can be disruptive. Researchers have estimated that the Basic Health Program will significantly reduce the number of individuals that churn between Medicaid and Exchanges [1]. We have modified the rule to include the option of 12 month continuous eligibility. This option will further reduce churn in states that adopt it, by enabling those enrolled to remain eligible for a full 12 months regardless of income fluctuation. However, we are not adjusting the payment methodology and have clarified in the response to comment that states will bear the associated financial burden to the extent there is one.

b. Benefits to States

Several states currently operate health insurance programs for low-income adults with income above Medicaid eligibility levels. These states believe that the programs confer benefit to their residents beyond what those individuals could obtain by purchasing health insurance on an Exchange. The Basic Health Program established by this rule will give states the option to maintain these programs rather than having those individuals purchase insurance through the Exchange.

3. Costs

The provisions of this rule were designed to minimize regulatory costs. It minimizes new administrative structures, because the Basic Health Program does not include administrative funding and because of the need for states to coordinate with other insurance affordability programs. To the extent possible, we borrowed structures from existing programs. In finalizing the rule, we further extended the use of existing administrative infrastructure by permitting the use of the Exchange appeals process for BHP. Additionally, we created an interim certification level to mitigate the risk associated with state expenditure of start- up funding prior to receiving any conceptual approval for the program.

4. Transfers

The provisions of this rule are designed to transfer funds that will be available to individuals for premium and cost-sharing reductions for coverage purchased on an Exchange to states to offer coverage through a Basic Health Program. In states that choose to implement a Basic Health Program, eligible individuals will not be able to purchase health insurance through the Exchange. As a result, fewer individuals will use the Exchange to purchase health insurance. Depending on the profile of the people in BHP, this may result in adjustments to the risk profile of the Exchange.

5. Regulatory Alternatives

Many of the structures of the Basic Health Program are set out in statute, and therefore we were limited in the alternatives we could consider. When we had options, we attempted to limit the number of new regulatory structures we created. To make the program easier for states to implement, we adopt or adapt regulations from existing programs—Medicaid, the Children's Health Insurance Program, and the Exchanges—whenever possible, rather than create new structures. Two areas in which we had choices are reporting compliance with federal rules and contracting with standard health plans.

a. Reporting Compliance With Federal Rules to HHS

We followed the paradigm of adopting or adapting existing structures when creating a process for reporting state compliance with federal rules. Two existing structures we considered were the Exchange model of Blueprints and the Medicaid model of state plans. We chose to use the Blueprint model, which we believe will be less burdensome to states than the state plan model. Additionally, we indicated in the final rule that we would be accepting a limited set of data elements from the Blueprint to establish and interim level of certification giving states design approval before further investment.

b. Contracting Requirements

Similarly when choosing how to regulate state contracts with standard health plans, we looked to models in the Exchange and Medicaid rather than creating new regulatory schemes. We have adopted, where possible, existing

[1] Hwang, A., S. Rosenbaum, and B. D. Sommers. ''Creation Of State Basic Health Programs Would Lead To 4 Percent Fewer People Churning Between Medicaid And Exchanges.'' Health Affairs 31.6 (2012): 1314–1320.

Buettgens, M., A. Nichols, and S. Dorn. ''Churning Under the ACA and State Policy Options for Mitigation: Timely Analysis of Immediate Health Policy Issues.'' Urban Institute (2012). Available at *http://www.urban.org/UploadedPDF/412587-Churning-Under-the-ACA-and-State-Policy-Options-for-Mitigation.pdf.*

procurement requirements in order to minimize the burden on states. In addition, we have allowed states the option to seek an exemption from competitive contracting requirements for program year 2015 if they are unable to meet the requirements in the first year of the program.

C. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation, by state, local, or tribal governments, in the aggregate, or by the private sector. In 2014, that threshold is approximately $141 million. States have the option, but are not required, to establish a BHP. Thus, this final rules does not mandate expenditures by state governments, local governments, or tribal governments

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) (RFA) requires agencies to prepare an initial regulatory flexibility analysis to describe the impact of the final rule on small entities, unless the head of the agency can certify that the rule will not have a significant economic impact on a substantial number of small entities. The Act generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a not-for-profit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. Individuals and states are not included in the definition of a small entity.

We have clarified in the final rule that we do not have statutory authority to mandate the inclusion or exclusion of particular providers. This final rule is focused on eligibility and enrollment in public programs, and it sets out broad contracting standards but it does not contain provisions that would have a significant direct impact on hospitals, and other health care providers that are designated as small entities under the RFA. However, the provisions in this final rule may have a substantial, positive indirect effect on hospitals and other health care providers due to the substantial increase in the prevalence of health coverage among populations who are currently unable to pay for needed health care, leading to lower rates of uncompensated care at hospitals. The Department determines that this final rule will not have a significant economic impact on a substantial number of small entities.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a proposed rule may have a significant economic impact on the operations of a substantial number of small rural hospitals. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. As indicated in the preceding discussion, there may be indirect positive effects from reductions in uncompensated care, but we have concluded that there is not a direct economic impact of these facilities.

E. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct effects on States, preempts State law, or otherwise has Federalism implications. The BHP is entirely optional for states, and if implemented in a state, provides access to a pool of funding that would not otherwise be available to the state.

We conclude that there is not an impact on Federalism by this voluntary state program.

List of Subjects

42 CFR Part 600

Administrative practice and procedure, Health care, Health insurance, Penalties, and Reporting and recordkeeping requirements, State and local governments.

45 CFR Part 144

Health care, Health insurance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, under the authority at section 1331(a)(1) of the Affordable Care Act, the Centers for Medicare & Medicaid Services and the Office of the Secretary amends 42 CFR chapter IV and 45 CFR subtitle A, respectively, as set forth below:

Title 42—Public Health

■ 1. Subchapter I, consisting of part 600, is added to chapter IV to read as follows:

Subchapter I— Basic Health Program

PART 600—ADMINISTRATION, ELIGIBILITY, ESSENTIAL HEALTH BENEFITS, PERFORMANCE STANDARDS, SERVICE DELIVERY REQUIREMENTS, PREMIUM AND COST SHARING, ALLOTMENTS, AND RECONCILATION

Subpart A—General Provisions and Definitions

Sec.
600.1 Scope.
600.5 Definitions and use of terms.

Subpart B—Establishment and Certification of State Basic Health Programs

600.100 Program description.
600.105 Basis, scope, and applicability of subpart B.
600.110 BHP Blueprint.
600.115 Development and submission of the BHP Blueprint.
600.120 Certification of a BHP Blueprint.
600.125 Revisions to a certified BHP Blueprint.
600.130 Withdrawal of a BHP Blueprint prior to implementation.
600.135 Notice and timing of HHS action on a BHP Blueprint.
600.140 State termination of a BHP.
600.142 HHS withdrawal of certification and termination of a BHP.
600.145 State program administration and operation.
600.150 Enrollment assistance and information requirements.
600.155 Tribal consultation.
600.160 Protections for American Indian and Alaska Natives.
600.165 Nondiscrimination standards.
600.170 Annual report content and timing.

Subpart C—Federal Program Administration

600.200 Federal program compliance reviews and audits.

Subpart D—Eligibility and Enrollment

600.300 Basis, scope, and applicability.
600.305 Eligible individuals.
600.310 Application.
600.315 Certified application counselors.
600.320 Determination of eligibility for and enrollment in a standard health plan.
600.330 Coordination with other insurance affordability programs.
600.335 Appeals.
600.340 Periodic determination and renewal of BHP eligibility.
600.345 Eligibility verification.
600.350 Privacy and security of information.

Subpart E—Standard Health Plan

600.400 Basis, scope, and applicability.
600.405 Standard health plan coverage.
600.410 Competitive contracting process.
600.415 Contracting qualifications and requirements.
600.420 Enhanced availability of standard health plans.
600.425 Coordination with other insurance affordability programs.

Subpart F—Enrollee Financial Responsibilities

600.500 Basis, scope, and applicability.
600.505 Premiums.
600.510 Cost-sharing.
600.515 Public schedule of enrollee premium and cost sharing.
600.520 General cost-sharing protections.
600.525 Disenrollment procedures and consequences for nonpayment of premiums.

Subpart G—Payment to States

600.600 Basis, scope, and applicability.
600.605 BHP payment methodology.
600.610 Secretarial determination of BHP payment amount.
600.615 Deposit of Federal BHP payment.

Subpart H—BHP Trust Fund

600.700 Basis, scope, and applicability.
600.705 BHP trust fund.
600.710 Fiscal policies and accountability.
600.715 Corrective action, restitution, and disallowance of questioned BHP transactions.

Authority: Section 1331 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148, 124 Stat. 119), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152, 124 Stat 1029).

Subpart A—General Provisions and Definitions

§ 600.1 Scope.

Section 1331 of the Affordable Care Act, provides for the establishment of the Basic Health Program (BHP) under which a State may enter into contracts for standard health plans providing at least essential health benefits to eligible individuals in lieu of offering such individuals the opportunity to enroll in coverage through an Affordable Insurance Exchange. States that elect to operate a BHP will receive federal funding based on the amount of the premium tax credit and cost-sharing reductions that would have been available if enrollees had obtained coverage through the Exchange.

§ 600.5 Definitions and use of terms.

For purposes of this part, the following definitions apply:

Advance payments of the premium tax credit means payment of the tax credit authorized by 26 U.S.C. 36B and its implementing regulations, which are provided on an advance basis to an eligible individual enrolled in a QHP through an Exchange in accordance with sections 1402 and 1412 of the Affordable Care Act.

Affordable Care Act is the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152).

Basic Health Program (BHP) Blueprint is the operational plan that a State must submit to the Secretary of Health and Human Services (HHS) for certification to operate a BHP.

Certification means authority to operate the program which is required for program operations but it does not create an obligation on the part of the State to implement a BHP.

Code means the Internal Revenue Code of 1986.

Cost sharing means any expenditure required by or on behalf of an enrollee with respect to covered health benefits; such term includes deductibles, coinsurance, copayments, or similar charges, but excludes premiums, balance billing amounts for non-network providers and spending for non-covered services.

Enrollee means an eligible individual who is enrolled in a standard health plan contracted to operate as part of a BHP.

Essential health benefits means the benefits described under section 1302(b) of the Affordable Care Act, as determined in accordance with implementing regulations at 45 CFR 156.100 through 156.110 and 156.122 regarding prescription drugs.

Family and family size is as defined at 26 CFR 1.36B–1(d).

Federal fiscal year means the time period beginning October 1st and ending September 30th.

Federal poverty level or FPL means the most recently published Federal poverty level, updated periodically in the **Federal Register** by the secretary of Health and Human Services under the authority of 42 U.S.C. 9902(2).

Household income is as defined in 26 CFR 1.36B–1(e)(1) and is determined in the same way as it is for purposes of eligibility for coverage through the Exchange.

Indian means any individual as defined in section 4 (d) of the Indian Self-Determination and Education Assistance Act (Pub. L 93–638).

Interim certification is an approval status for the initial design of a state's Basic Health Program. It does not confer any permission to begin enrollment or seek federal funding.

Lawfully present has the meaning given in 45 CFR 152.2.

Minimum essential coverage has the meaning set forth at 26 CFR 1.5000A–2, including coverage recognized by the Secretary as minimum essential coverage pursuant to 26 CFR 1.5000A–2(f). Under that authority, the Secretary recognizes coverage through a BHP standard health plan as minimum essential coverage.

Modified adjusted gross income is as defined in 26 CFR 1–36B–1(e)(2).

Network of health care providers means an entity capable of meeting the provision and administration of standard health plan coverage, including but not limited to, the provision of benefits, administration of premiums and applicable cost sharing and execution of innovative features, such as care coordination and care management, and other requirements as specified under the Basic Health Program. Such entities may include but are not limited to: Accountable Care Organizations, Independent Physician Associations, or a large health system.

Premium means any enrollment fee, premium, or other similar charge paid to the standard health plan offeror.

Preventive health services and items includes those services and items specified in 45 CFR 147.130(a).

Program year means a calendar year for which a standard health plan provides coverage for eligible BHP enrollees.

Qualified health plan or QHP means a health plan that has in effect a certification that it meets the standards described in subpart C of 45 CFR part 156 issued or recognized by each Exchange through which such plan is offered in accordance with the process described in subpart K of 45 CFR part 156, except that such term must not include a qualified health plan which is a catastrophic plan described in 45 CFR 155.20.

Reference plan is a synonym for the EHB base benchmark plan and is defined at 45 CFR 156.100.

Regional compact means an agreement between two or more States to jointly procure and enter into contracts with standard health plan offeror(s) for the administration and provision of a standard health plan under the BHP to eligible individuals in such States.

Residency is determined in accordance with 45 CFR 155.305(a)(3).

Single streamlined application has the same meaning as application defined at 42 CFR 431.907(b)(1) of this chapter and 45 CFR 155.405(a) and (b).

Standard health plan means a health benefits package, or product, that is provided by the standard health plan offeror.

Standard health plan offeror means an entity that is eligible to enter into contracts with the State for the administration and provision of a standard health plan under the BHP.

State means each of the 50 states and the District of Columbia as defined by section 1304 of the Act.

Subpart B—Establishment and Certification of State Basic Health Programs

§ 600.100 Program description.

A State Basic Health Program (BHP) is operated consistent with a BHP Blueprint that has been certified by the Secretary to meet the requirements of this part. The BHP Blueprint is developed by the State for certification by the Secretary in accordance with the processes described in this subpart.

§ 600.105 Basis, scope, and applicability of subpart B.

(a) *Statutory basis.* This subpart implements the following sections of the Act:

(1) Section 1331(a)(1) which defines a Basic Health Program.

(2) Section 1331(a)(2) which requires the Secretary to certify a Basic Health Program before it may become operational.

(3) Section 1331(f) which requires Secretarial oversight through annual reviews.

(b) *Scope and applicability.* (1) This subpart sets forth provisions governing the administration of the BHP, the general requirements for development of a BHP Blueprint required for certification, for program operations and for voluntary program termination.

(2) This subpart applies to all States that submit a BHP Blueprint and request certification to operate a BHP.

§ 600.110 BHP Blueprint.

The BHP Blueprint is a comprehensive written document submitted by the State to the Secretary for certification of a BHP in the form and manner specified by HHS which will include an opportunity for states to submit a limited set of elements necessary for interim certification at the state option. The program must be administered in accordance with all aspects of section 1331 of the Affordable Care Act and other applicable law, this chapter, and the certified BHP Blueprint.

(a) *Content of a Blueprint.* The Blueprint will establish compliance with applicable requirements by including a description, or if applicable, an assurance of the following:

(1) The minimum benefits offered under a standard health plan that assures inclusion of essential health benefits as described in section 1302(b) of the Affordable Care Act, in accordance with § 600.405.

(2) The competitive process, consistent with § 600.410, that the State will undertake to contract for the provision of standard health plans.

(3) The standard contract requirements, consistent with § 600.415, that the State will incorporate in its standard health plan contracts.

(4) The methods by which the State will enhance the availability of standard health plan coverage as described in § 600.420.

(5) The methods by which the State will ensure and promote coordination with other insurance affordability programs as described in § 600.425.

(6) The premium standards set forth in § 600.505.

(7) The cost sharing imposed under the BHP, consistent with the standards described in § 600.510.

(8) The disenrollment procedures and consequences for nonpayment of premiums consistent with § 600.525, respectively.

(9) The standards, consistent with § 600.305 used to determine eligibility for the program.

(10) The State's policies regarding enrollment, disenrollment and verification consistent with §§ 600.320 and 600.345, along with a plan to ensure coordination with and eliminate gaps in coverage for individuals transitioning to other insurance affordability programs.

(11) The fiscal policies and accountability procedures, consistent with § 600.710.

(12) The process by which BHP trust fund trustees shall be appointed, the qualifications and responsibilities of such trustees, and any arrangements to insure or indemnify such trustees against claims for breaches of their fiduciary responsibilities.

(13) A description of how the State will ensure program integrity, including how it will address potential fraud, waste, and abuse and ensure consumer protections.

(14) An operational assessment establishing operating agency readiness.

(15) A transition plan if a state participating in 2015 plans to propose an alternative enrollment strategy for initial implementation consistent with § 600.145. Such a transition plan must include a plan for coordination of this initial implementation strategy with the Exchange operating in the state, and if beneficiaries will be transitioning from Medicaid, with the Medicaid agency.

(b) *Funding plan.* (1) The BHP Blueprint must be accompanied by a funding plan that describes the enrollment and cost projections for the first 12 months of operation and the funding sources, if any, beyond the BHP trust fund.

(2) The funding plan must demonstrate that Federal funds will only be used to reduce premiums and cost-sharing or to provide additional benefits.

(c) *Transparency.* HHS shall make a State's BHP Blueprint available on line after it is submitted for certification, and will update the posted Blueprint to the extent that it is later revised by the state.

§ 600.115 Development and submission of the BHP Blueprint.

(a) *State authority to submit the State Blueprint.* A State BHP Blueprint must be signed by the State's Governor or by the official with delegated authority from the Governor to sign it. A State may choose to submit its BHP Blueprint in two parts: The first limited submission to secure interim certification and the second full submission to secure full certification.

(b) *State Basic Health Program officials.* The State must identify in the BHP Blueprint the agency and officials within that agency, by position or title, who are responsible for program administration, operations, and financial oversight.

(c) *Opportunity for public comment.* The State must provide an opportunity for public comment on the BHP Blueprint content described in § 600.110 before submission to the Secretary for certification.

(1) The State must seek public comment on any significant subsequent revisions prior to submission of those revisions to the Secretary for certification. Significant revisions are those that alter core program operations required by § 600.145(f), as well as changes that alter the BHP standard health plan benefit package, or enrollment, disenrollment and verification policies.

(2) The process of seeking public comment must include Federally recognized tribes as defined in the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a, located in the State.

(d) *Submission and timing.* The BHP Blueprint must be submitted in a manner and format specified by HHS. States may not implement the BHP prior to receiving full certification. The date of implementation for this purpose is the first day enrollees would receive coverage under the BHP. Following the 2015 initial implementation year, a state implementing a BHP must coordinate implementation with open enrollment of the state's exchange.

§ 600.120 Certification of a BHP Blueprint.

(a) *Effective date of certification.* The effective date of either interim or full certification is the date of signature by the Secretary.

(b) *Payments for periods prior to certification.* No payment may be made

under this part for periods of BHP operation prior to the date of full certification.

(c) *Period in which a certified Blueprint remains in effect.* The certified Blueprint remains in effect until:

(1) The Blueprint is replaced by Secretarial certification of updated Blueprint containing revisions submitted by the State.

(2) The State terminates the program consistent with § 600.140.

(3) The Secretary makes a finding that the BHP Blueprint no longer meets the standards for certification based on findings in the annual review, or reports significant evidence of beneficiary harm, financial malfeasance, fraud, waste or abuse by the BHP agency or the State consistent with § 600.142.

(d) *Blueprint approval standards for certification.* The Secretary will certify a BHP Blueprint provided it meets all of the following standards:

(1) The Blueprint contains sufficient information for the Secretary to determine that the BHP will comply with the requirements of section 1331 of the Affordable Care Act and this Part.

(2) The BHP Blueprint demonstrates adequate planning for the integration of BHP with other insurance affordability programs in a manner that will permit a seamless, coordinated experience for a potentially eligible individual.

(3) The Blueprint is a complete and comprehensive description of the BHP and its operations, demonstrating thorough planning and a concrete program design, without reserved decisions on operational features.

§ 600.125 Revisions to a certified BHP Blueprint.

(a) *Submission of revisions.* In the event that a State seeks to make significant change(s) that alter program operations the BHP benefit package, enrollment, disenrollment and verification policies described in the certified BHP Blueprint, the State must submit a revised Blueprint to the Secretary for review and certification.

(b) *Continued operation.* The State is responsible for continuing to operate under the terms of the existing certified Blueprint until and unless a revised Blueprint is certified.

§ 600.130 Withdrawal of a BHP Blueprint prior to implementation.

To the extent that a State has not enrolled eligible individuals into the BHP:

(a) The State may submit a written request to stop any further consideration of a previously submitted BHP Blueprint, whether certified or not.

(b) The written request must be signed by the governor, or the State official delegated to sign the BHP Blueprint by the governor.

(c) HHS will respond with a written confirmation that the State has withdrawn the Blueprint.

§ 600.135 Notice and timing of HHS action on a BHP Blueprint.

(a) *Timely response.* HHS will act on all certification and revision requests in a timely manner.

(b) *Issues preventing certification.* HHS will notify the State in writing of any impediments to certification that arise in reviewing a proposed BHP Blueprint.

(c) *Reconsideration of decision.* HHS will accept a State request for reconsideration of a certification decision and provide an impartial review against the standards for certification if requested.

§ 600.140 State termination of a BHP.

(a) If a State decides to terminate its BHP, the State must complete all of the following prior to the effective date of the termination or the indicated dates:

(1) Submit written notice to the Secretary no later than 120 days prior to the proposed termination date accompanied by a proposed transition plan that describes procedures to assist consumers with transitioning to other insurance affordability programs.

(2) Resolve concerns expressed by the Secretary and obtain approval by the Secretary of the transition plan.

(3) Submit written notice to all participating standard health plan offerors, and enrollees that it intends to terminate the program at least 90 days prior to the termination date. The notices to enrollees must include information regarding the State's assessment of their eligibility for all other insurance affordability programs in the State. Notices must meet the accessibility and readability standards at 45 CFR 155.230(b).

(4) Transmit all information provided as part of an application, and any information obtained or verified by the State or other agencies administering insurance affordability programs via secure electronic interface, promptly and without undue delay to the agency administering the Exchange and the Medicaid agency as appropriate.

(5) Fulfill its contractual obligations to participating standard health plan offerors including the payment of all negotiated rates for participants, as well as plan oversight ensuring that participating standard health plan offerors fulfill their obligation to cover benefits for each enrollee.

(6) Fulfill data reporting requirements to HHS.

(7) Complete the annual financial reconciliation process with HHS to ensure full compliance with Federal financial obligations.

(8) Refund any remaining balance in the BHP trust fund.

(b) [Reserved]

§ 600.142 HHS withdrawal of certification and termination of a BHP.

(a) The Secretary may withdraw certification for a BHP Blueprint based on a finding that the BHP Blueprint no longer meets the standards for certification based on findings in the annual review, findings from a program review conducted in accordance with § 600.200 or from significant evidence of beneficiary harm, financial malfeasance, fraud, waste or abuse.

(b) Withdrawal of certification for a BHP Blueprint shall occur only after the Secretary provides the State with notice of the proposed finding that the standards for certification are not met or evidence of harm or misconduct in program operations, a reasonable period for the State to address the finding (either by substantiating compliance with the standards for certification or submitting revisions to the Blueprint, or securing HHS approval of a corrective action plan), and an opportunity for a hearing before issuing a final finding.

(c) The Secretary shall make every reasonable effort to resolve proposed findings without requiring withdrawal of BHP certification and in the event of a decision to withdraw certification, will accept a request from the State for reconsideration.

(d) The effective date of an HHS determination withdrawing BHP certification shall not be earlier than 120 days following a final finding of noncompliance with the standards for certification.

(e) Within 30 days following a final finding of noncompliance with the standards for certification, the State shall submit a transition plan that describes procedures to assist consumers with transitioning to other insurance affordability programs, and shall comply with the procedures described in § 600.140(a)(2) through (8).

§ 600.145 State program administration and operation.

(a) *Program operation.* The State must implement its BHP in accordance with the approved and fully certified State BHP Blueprint, any approved modifications to the State BHP Blueprint and the requirements of this chapter and applicable law.

(b) *Eligibility.* All persons have a right to apply for a determination of

eligibility and, if eligible, to be enrolled into coverage that conforms to the regulations in this part.

(c) *Statewide program operation.* A state choosing to operate a BHP must operate it statewide.

(d) *No caps on program enrollment.* A State implementing a BHP must not be permitted to limit enrollment by setting an income level below the income standard prescribed in section 1331 of the Affordable Care Act, having a fixed enrollment cap or imposing waiting lists.

(e) *Transition plan.* States implementing in 2015 may identify a transition period following initial implementation during which the state may propose alternative enrollment strategies for approval. The transition plan is required to be submitted as part of the state's BHP Blueprint consistent with § 600.110.

(f) *Core operations.* A State operating a BHP must perform all of the following core operating functions:

(1) Eligibility determinations as specified in § 600.320.

(2) Eligibility appeals as specified in § 600.335.

(3) Contracting with standard health plan offerors as specified in § 600.410.

(4) Oversight and financial integrity including, but not limited to, operation of the Trust Fund specified at §§ 600.705 and 600.710, compliance with annual reporting at § 600.170, and providing data required by § 600.610 for Federal funding and reconciliation processes.

(5) Consumer assistance as required in § 600.150.

(6) Extending protections to American Indian/Alaska Natives specified at § 600.160, as well as comply with the Civil Rights and nondiscrimination provisions specified at § 600.165.

(7) Data collection and reporting as necessary for efficient and effective operation of the program and as specified by HHS to support program oversight.

(8) If necessary, program termination procedures at § 600.145.

§ 600.150 Enrollment assistance and information requirements.

(a) *Information disclosure.* (1) The State must make accurate, easily understood information available to potential applicants and enrollees about the BHP coverage option along with information about other insurance affordability programs.

(2) The State must provide accessible information on coverage, including additional benefits that may be provided outside of the standard health plan coverage, any tiers of coverage it has built into the BHP, including who is eligible for each tier.

(3) The State must require participating standard health plans to provide clear information on premiums; covered services including any limits on amount, duration and scope of those services; applicable cost-sharing using a standard format supplied by the State, and other data specified in, and in accordance with, 45 CFR 156.220.

(4) The State must provide information in a manner consistent with 45 CFR 155.205(c).

(5) The State must require participating standard health plans to make publicly available, and keep up to date (at least quarterly), the names and locations of currently participating providers.

(b) [Reserved]

§ 600.155 Tribal consultation.

The State must consult with Indian tribes located in the State on the development and execution of the BHP Blueprint using the tribal consultation policy approved by the State Exchange.

§ 600.160 Protections for American Indian and Alaska Natives.

(a) *Enrollment.* Indians must be extended the same special enrollment status in BHP standard health plans as applicable to enrollment in a QHP through the Exchange under 45 CFR 155.420(d)(8). Indians will be allowed to enroll in, or change enrollment in, standard health plans one time per month.

(b) *Cost sharing.* No cost sharing may be imposed on Indians under the standard health plan.

(c) *Payments to providers.* Equal to the protection extended to Indian health providers providing services to Indians enrolled in a QHP in the individual market through an Exchange at 45 CFR 156.430(g), BHP offerors may not reduce the payment for services to Indian health providers by the amount of any cost-sharing that would be due from the Indian but for the prohibition in paragraph (b) of this section.

(d) *Requirement.* Standard health plans must pay primary to health programs operated by the Indian Health Service, Indian tribes, tribal organizations, and urban Indian organizations for services that are covered by a standard health plan.

§ 600.165 Nondiscrimination standards.

(a) The State and standard health plans, must comply with all applicable civil rights statutes and requirements, including Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 1557 of the Affordable Care Act, and 45 CFR part 80, part 84, and part 91 and 28 CFR part 35.

(b) The State must comply with the nondiscrimination provision at 45 CFR 155.120(c)(2).

§ 600.170 Annual report content and timing.

(a) *Content.* The State must submit an annual report that includes any evidence of fraud, waste, or abuse on the part of participating providers, plans, or the State BHP agency known to the State, and a detailed data-driven review of compliance with the following:

(1) Eligibility verification requirements for program participation as specified in § 600.345.

(2) Limitations on the use of Federal funds received by the BHP as specified in § 600.705.

(3) Requirements to collect quality and performance measures from all participating standard health plans focusing on quality of care and improved health outcomes as specified in sections 1311(c)(3) and (4) of the Affordable Care Act and as further described in § 600.415.

(4) Requirements specified by the Secretary at least 120 days prior to the date of the annual report as requiring further study to assess continued State compliance with Federal law, regulations and the terms of the State's certified Blueprint, based on a Federal review of the BHP pursuant to § 600.200, and/or a list of any outstanding recommendations from any audit or evaluation conducted by the HHS Office of Inspector General that have not been fully implemented, including a statement describing the status of implementation and why implementation is not complete.

(b) *Timing.* The annual reports, in the format specified by the Secretary, are due 60 days after the end of each operational year. Information that may be required to secure the release of funding for the subsequent year may be requested in advance.

Subpart C—Federal Program Administration

§ 600.200 Federal program compliance reviews and audits.

(a) *Federal compliance review of the State BHP.* To determine whether the State is complying with the Federal requirements and the provisions of its BHP Blueprint, HHS may review, as needed, but no less frequently than annually, the compliance of the State

BHP with applicable laws, regulations and interpretive guidance. This review may be based on the State's annual report submitted under § 600.170, or may be based on direct Federal review of State administration of the BHP Blueprint through analysis of the State's policies and procedures, reviews of agency operation, examination of samples of individual case records, and additional reports and/or data as determined by the Secretary.

(b) *Action on compliance review findings.* The compliance review will identify the following action items:

(1) Requirements that need further study or data to assess continued State compliance with Federal law, regulations and the terms of the State's certified Blueprint. Such findings must be addressed in the next State annual report due no more than 120 days after the date of the issuance of the Federal compliance review.

(2) Requirements with which the State BHP does not appear to be in compliance that could be the basis for withdrawal of BHP certification. Such findings must be resolved by the State (either by substantiating compliance with the standards for certification or submitting revisions to the Blueprint). If not resolved, such action items can be the basis for a proposed finding for withdrawal of BHP certification.

(3) Requirements with which the State BHP does not appear to be in compliance and are not a basis for withdrawal of BHP certification but require revision to the Blueprint must be resolved by the State. If not resolved, such action items can be the basis for denial of other Blueprint revisions.

(4) *Improper use of BHP trust fund resources.* The State and the BHP trustees shall be given an opportunity to review and resolve concerns regarding improper use of BHP trust funds, including failure to use these funds as specified in § 600.705. As indicated in § 600.715(a) through (c), the state may do this either by substantiating the proper use of trust fund resources as specified in § 600.705(c) or by taking corrective action, which include changes to procedures to ensure proper use of trust fund resources, and restitution of improperly used resources to the trust fund.

(c) The HHS Office of Inspector General (OIG) may periodically audit State operations and standard health plan practices as described in § 430.33 of this chapter. Final reports on those audits shall be transmitted to both the State and the Secretary for actions on findings. The State and the BHP trustees shall be given an opportunity to resolve concerns about improper use of BHP trust funds as indicated in § 600.715(a) through (c): either by substantiating the proper use of trust fund, or by taking corrective action that includes changes to procedures to ensure proper use of trust fund resources, and restitution of improperly used resources to the trust fund.

Subpart D—Eligibility and Enrollment

§ 600.300 Basis, scope, and applicability.

(a) *Statutory basis.* This subpart interprets and implements section 1331(e) of the Affordable Care Act, which sets forth eligibility standards for the BHP and prohibits eligible individuals from being treated as qualified individuals under section 1312 of the Affordable Care Act and enrolling in qualified health plans offered through the Exchange.

(b) *Scope and applicability.* This subpart sets forth the requirements for all BHPs established under section 1331 of the Affordable Care Act regarding eligibility standards and application screening and enrollment procedures.

§ 600.305 Eligible individuals.

(a) *Eligibility standards* The State must determine individuals eligible to enroll in a standard health plan if they:

(1) Are residents of the State.

(2) Have household income which exceeds 133 percent but does not exceed 200 percent of the FPL for the applicable family size, or, in the case of an individual who is a lawfully present non-citizen, ineligible for Medicaid or CHIP due to such immigration status, whose household income is between zero and 200 percent of the FPL for the applicable family size.

(3) Are not eligible to enroll in minimum essential coverage (other than a standard health plan). If an individual meets all other eligibility standards, and—

(i) Is eligible for, or enrolled in, coverage that does not meet the definition of minimum essential coverage, including Medicaid that is not minimum essential coverage, the individual is eligible to enroll in a standard health plan without regard to eligibility or enrollment in Medicaid; or

(ii) Is eligible for Employer Sponsored Insurance (ESI) that is unaffordable (as determined under section 36B(c)(2)(C) of the Internal Revenue Code), the individual is eligible to enroll in a standard health plan.

(4) Are 64 years of age or younger.

(5) Are either a citizen or lawfully present non-citizen.

(6) Are not incarcerated, other than during a period pending disposition of charges.

(b) *Eligibility restrictions.* With the exception of during an approved implementation period specified in a transition plan in accordance with § 600.145, the State may not impose conditions of eligibility other than those identified in this section, including, but not limited to, restrictions on eligibility based on geographic location or imposition of an enrollment cap or a waiting period for individuals previously eligible for or enrolled in other coverage.

§ 600.310 Application.

(a) *Single streamlined application.* The State must use the single streamlined application used by the State in accordance with § 435.907(b) of this chapter and 45 CFR 155.405(a) and (b).

(b) *Opportunity to apply and assistance with application.* The terms of §§ 435.906, 435.907(g) and 435.908 of this chapter, requiring the State to provide individuals the opportunity to apply and receive assistance with an application in the Medicaid program, apply in the same manner to States in the administration of the BHP.

(c) *Authorized representatives.* The State may choose to permit the use of an authorized representative designated by an applicant or beneficiary to assist with the individual's application, eligibility renewal and other ongoing communication with the BHP. If the State chooses this option, the State must follow the standards set forth at either 45 CFR 155.227 or 42 CFR 435.923.

§ 600.315 Certified application counselors.

The State may have a program to certify application counselors to assist individuals to apply for enrollment in the BHP and other insurance affordability programs. If the State chooses this option, the State must follow the procedures and standards for such a program set forth in the regulations at either 45 CFR 155.225 or 42 CFR 435.908.

§ 600.320 Determination of eligibility for and enrollment in a standard health plan.

(a) Determining eligibility to enroll in a standard health plan may be performed by a State or through delegation to a local governmental entity, including a governmental entity that determines eligibility for Medicaid or CHIP, and may be delegated by the State to an Exchange that is a government agency.

(b) *Timely determinations.* The terms of 42 CFR 435.912 (relating to timely determinations of eligibility under the Medicaid program) apply to eligibility determinations for enrollment in a

standard health plan exclusive of § 435.912(c)(3)(i). The standards established by the State must be included in the BHP Blueprint.

(c) *Effective date of eligibility.* The State must establish a uniform method of determining the effective date of eligibility for enrollment in a standard health plan following either the Exchange standards at 45 CFR 155.420(b)(1) or the Medicaid process at 42 CFR 435.915 exclusive of § 435.915(a).

(d) *Enrollment periods.* The State must either offer enrollment and special enrollment periods no more restrictive than those required for an Exchange at 45 CFR 155.410 and 155.420 or follow the Medicaid process permitting continuous open enrollment throughout the year.

§ 600.330 Coordination with other insurance affordability programs.

(a) *Coordination.* The State must establish eligibility and enrollment mechanisms and procedures to maximize coordination with the Exchange, Medicaid and CHIP. The terms of 45 CFR 155.345(a) regarding the agreements between insurance affordability programs apply to a BHP. The State BHP agency must fulfill the requirements of 42 CFR 435.1200(d) and (e) and, if applicable, paragraph (c) for BHP eligible individuals.

(b) *Coordinated determinations of eligibility.* The agency administering BHP must establish and maintain processes to make income eligibility determinations using modified adjusted gross income, and to ensure that applications received by the agency, to the extent warranted and permitted under delegations from other agencies administering insurance affordability programs, also result in eligibility assessments or determinations for those other programs. The BHP must also accept applications transferred from other agencies administering insurance affordability programs, and ensure that individuals assessed or determined eligible for BHP by such other agencies are afforded the opportunity to enroll in a standard health plan without undue delay. Individuals submitting applications to any of the aforementioned agencies must not be required to duplicate the submission of information.

(c) *Account transfers.* The agency administering the BHP must participate in the secure exchange of information with agencies administering other insurance affordability programs, using the standards set forth under 45 CFR 155.345(h) regarding electronic account transfers.

(d) *Notification to referring agency.* The terms in § 435.1200(d)(5) regarding the notification to other programs of the final determination of eligibility apply equally to States administering a BHP.

(e) *Notice of decision concerning eligibility.* Every application for BHP shall result in a determination of eligibility or ineligibility, unless the application has been withdrawn, the applicant has died, or the applicant cannot be located. Written notices of eligibility determinations shall be provided and shall be coordinated with other insurance affordability programs and Medicaid. Electronic notices shall be provided to the extent consistent with § 435.918(b).

§ 600.335 Appeals.

(a) *Notice of eligibility appeal rights.* Eligibility determinations must include a notice of the right to appeal the determination, and instructions regarding how to file an appeal.

(b) *Appeals process.* Individuals must be given the opportunity to appeal BHP eligibility determinations through the appeals rules of the state's Medicaid program or the Exchange. However, this process may not include an appeal to the federal Department of Health and Human Services.

(c) *Accessibility.* Notices must be provided and the appeals process must be conducted in a manner accessible to individuals with limited English proficiency and persons with disabilities.

§ 600.340 Periodic redetermination and renewal of BHP eligibility.

(a) *Periodic review of eligibility.* An individual is subject to periodic review of eligibility every 12 months unless the eligibility is redetermined sooner based on new information received and verified from enrollee reports or data sources. The State must require enrollees to report changes in circumstances, at least to the extent that they would be required to report such changes if enrolled in coverage through the Exchange, consistent with 45 CFR 155.330(b).

(b) *Renewal of coverage.* If an enrollee remains eligible for coverage in the BHP, the enrollee will be afforded notice of a reasonable opportunity at least annually to change plans to the extent the BHP offers a choice of plans, and shall remain in the plan selected for the previous year unless such enrollee terminates coverage from the plan by selecting a new plan or withdrawing from a plan, or the plan is no longer available as a standard health plan in BHP. Enrollees in plans that are no longer available will be given a reasonable opportunity to select a new plan, and if they do not select a new plan will be enrolled in another plan pursuant to a methodology set forth in the State's Blueprint.

(c) *Procedures.* The State shall choose to apply equally all the redetermination procedures described in either 45 CFR 155.335 or 42 CFR 435.916(a) in administering a BHP.

(d) *Verification.* The State must verify information needed to redetermine and renew eligibility in accordance with § 600.345 and comply with the requirements set forth in § 600.330 relating to screening individuals for other insurance affordability programs and transmitting such individuals' electronic accounts and other relevant information to the other program, as appropriate.

(e) *Notice to enrollee.* The State must provide an enrollee with an annual notice of redetermination of eligibility. The annual notice should include all current information used for the most recent eligibility determination. The enrollee is required to report any changes with respect to information listed within the notice within 30 days of the date of the notice. The State must verify information in accordance with § 600.345.

(f) *Continuous eligibility.* The state is not required to redetermine eligibility of BHP enrollees more frequently than every 12 months, regardless of changes of circumstances, as long as the enrollees are under age 65, are not otherwise enrolled in minimum essential coverage and remain residents of the State.

§ 600.345 Eligibility verification.

(a) The State must verify the eligibility of an applicant or beneficiary for BHP consistent either with the standards and procedures set forth in—

(1) Medicaid regulations at §§ 435.945 through 435.956 of this chapter; or

(2) Exchange regulations at 45 CFR 155.315 and 155.320.

(b) [Reserved]

§ 600.350 Privacy and security of information.

The State must comply with the standards and procedures set forth in 45 CFR 155.260(b) and (c) as are applicable to the operation of the BHP.

Subpart E—Standard Health Plan

§ 600.400 Basis, scope, and applicability.

(a) *Statutory basis.* This subpart implements sections 1331(b), (c), and (g) of the Affordable Care Act, which set forth provisions regarding the minimum coverage standards under BHP, as well as the delivery of such coverage,

including the contracting process for standard health plan offerors participating in the BHP.

(b) *Scope and applicability.* This subpart consists of provisions relating to all BHPs for the delivery of, at a minimum, the ten essential health benefits as described in section 1302(b) of the Affordable Care Act, the contracting process by which States must contract for the provision of standard health plans, the minimum requirements States must include in their standard health plan contracts, the minimum coverage standards provided by the standard health plan offeror, and other applicable requirements to enhance the coordination of the provision of standard health plan coverage.

§ 600.405 Standard health plan coverage.

(a) *Essential Health Benefits (EHB).* Standard health plan coverage must include, at a minimum, the essential health benefits as determined and specified under 45 CFR 156.110, and 45 CFR 156.122 regarding prescription drugs, except that States may select more than one base benchmark option from those codified at 45 CFR 156.100 for establishing essential health benefits for standard health plans. Additionally, States must comply with 45 CFR 156.122(a)(2) by requiring participating plans to submit their drug list to the State.

(b) *Additional required benefits.* Where the standard health plan for BHP is subject to State insurance mandates, the State shall adopt the determination of the Exchange at 45 CFR 155.170(a)(3) in determining which benefits enacted after December 31, 2011 are in addition to EHB.

(c) *Periodic review.* Essential health benefits must include any changes resulting from periodic reviews required by section 1302(b)(4)(G) of the Affordable Care Act. The provision of such essential health benefits must meet all the requirements of 45 CFR 156.115.

(d) *Non-discrimination in benefit design.* The terms of 45 CFR 156.125 applies to standard health plans offered under the BHP.

(e) *Compliance.* The State and standard health plans must comply with prohibitions on federal funding for abortion services at 45 CFR 156.280.

§ 600.410 Competitive contracting process.

(a) *General requirement.* In order to receive initial HHS certification as described in § 600.120, the State must assure in its BHP Blueprint that it complies with the requirements set forth in this section.

(b) *Contracting process.* The State must:

(1) Conduct the contracting process in a manner providing full and open competition consistent with the standards of 45 CFR 92.36(b) through (i);

(2) Include a negotiation of the elements described in paragraph (d) of this section on a fair and adequate basis; and

(3) Consider the additional elements described in paragraph (e) of this section.

(c) *Initial implementation exceptions.* (1) If a State is not able to implement a competitive contracting process described in paragraph (b) of this section for program year 2015, the State must include a justification as to why it cannot meet the conditions in paragraph (b), as well as a description of the process it will use to enter into contracts for the provision of standard health plans under BHP.

(2) The State must include a proposed timeline that implements a competitive contracting process, as described in paragraph (b) of this section, for program year 2016.

(3) Initial implementation exceptions are subject to HHS approval consistent with the BHP Blueprint review process established in § 600.120, and may only be in effect for benefit year 2015.

(d) *Negotiation criteria.* The State must assure that its competitive contracting process includes the negotiation of:

(1) Premiums and cost sharing, consistent with the requirements at §§ 600.505 and 600.510(e);

(2) Benefits, consistent with the requirements at § 600.405;

(3) Inclusion of innovative features, such as:

(i) Care coordination and care management for enrollees, with a particular focus on enrollees with chronic health conditions;

(ii) Incentives for the use of preventive services; and

(iii) Establishment of provider-patient relationships that maximize patient involvement in their health care decision-making, including the use of incentives for appropriate health care utilization and patient choice of provider.

(e) *Other considerations:* The State shall also include in its competitive process criteria to ensure:

(1) Consideration of health care needs of enrollees;

(2) Local availability of, and access, to health care providers to ensure the appropriate number, mix and geographic distribution to meet the needs of the anticipated number of enrollees in the service area (including but not limited to services provided by essential community providers, as defined in 45 CFR 156.235) so that access to services is at least sufficient to meet the access standards applicable under 42 CFR Part 438, Subpart D, or 45 CFR 156.230 and 156.235;

(3) Use of a managed care process, or a similar process to improve the quality, accessibility, appropriate utilization, and efficiency of services provided to enrollees;

(4) Performance measures and standards focused on quality of care and improved health outcomes as specified in § 600.415;

(5) Coordination between other health insurance affordability programs to ensure enrollee continuity of care as described in § 600.425; and

(6) Measures to prevent, identify, and address fraud, waste and abuse and ensure consumer protections.

(f) *Discrimination.* Nothing in the competitive process shall permit or encourage discrimination in enrollment based on pre-existing conditions or other health status-related factors.

§ 600.415 Contracting qualifications and requirements.

(a) *Eligible offerors for standard health plan contracts.* A State may enter into contracts for the administration and provision of standard health plans under the BHP with, but not limited to, the following entities:

(1) Licensed health maintenance organization.

(2) Licensed health insurance insurer.

(3) Network of health care providers demonstrating capacity to meet the criteria set forth in § 600.410(d).

(4) Non-licensed health maintenance organizations participating in Medicaid and/or CHIP.

(b) *General contract requirements.* (1) A State contracting with eligible standard health plan offerors described in paragraph (a) of this section must include contract provisions addressing network adequacy, service provision and authorization, quality and performance, enrollment procedures, disenrollment procedures, noticing and appeals, provisions protecting the privacy and security of personally identifiable information, and other applicable contract requirements as determined by the Secretary to the extent that the service delivery model furthers the objectives of the program.

(2) All contracts under this part must include provisions that define a sound and complete procurement contract, as required by 45 CFR 92.36(i).

(3) To the extent that the standard health plan is health insurance coverage offered by a health insurance issuer, the

contract must provide that the medical loss ratio is at least 85 percent.

(c) *Notification of State election.* To receive HHS certification, the State must include in its BHP Blueprint the standard set of contract requirements described in paragraph (b) of this section that will be incorporated into its standard health plan contracts.

§ 600.420 Enhanced availability of standard health plans.

(a) *Choice of standard health plans offerors.* (1) The State must assure that standard health plans from at least two offerors are available to enrollees under BHP. This assurance shall be reflected in the BHP Blueprint, which if applicable, shall also include a description of how it will further ensure enrollee choice of standard health plans.

(2) If a State is not able to assure choice of standard health plan offerors, the State may request an exception to the requirement set forth in paragraph (a)(1) of this section, which must include a justification as to why it cannot assure choice of standard health plan offeror as well as demonstrate that the State has reviewed its competitive contracting process to determine the following:

(i) Whether all contract requirements and qualifications are required under the federal framework for BHP;

(ii) Whether additional negotiating flexibility would be consistent with the minimum statutory requirements and available BHP funding: and

(iii) Whether potential bidders have received sufficient information to encourage participation in the BHP competitive contracting process.

(b) *Use of regional compacts.* (1) A State may enter into a joint procurement with other States to negotiate and contract with standard health plan offerors to administer and provide standard health plans statewide, or in geographically specific areas within the States, to BHP enrollees residing in the participating regional compact States.

(2) A State electing the option described in paragraph (b)(1) of this section that also contracts for the provision of a geographically specific standard health plan must assure that enrollees, regardless of residency within the State, continue to have choice of at least two standard health plans.

(3) A State electing the option described in paragraph (b)(1) of this section must include in its BHP Blueprint all of the following:

(i) The other State(s) entering into the regional compact.

(ii) The specific areas within the participating States that the standard health plans will operate, if applicable.

(A) If the State contracts for the provision of a geographically specific standard health plan, the State must describe in its BHP Blueprint how it will assure that enrollees, regardless of location within the State, continue to have choice of at least two standard health plan offerors.

(B) [Reserved]

(iii) An assurance that the competitive contracting process used in the joint procurement of the standard health plans complies with the requirements set forth in § 600.410.

(iv) Any variations that may occur as a result of regional differences between the participating states with respect to benefit packages, premiums and cost sharing, contracting requirements and other applicable elements as determined by HHS.

§ 600.425 Coordination with other insurance affordability programs.

A State must ensure coordination for the provision of health care services to promote enrollee continuity of care between Medicaid, CHIP, Exchange and any other state-administered health insurance programs. The State's BHP Blueprint must describe how it will ensure such coordination.

Subpart F—Enrollee Financial Responsibilities

§ 600.500 Basis, scope, and applicability.

(a) *Statutory basis.* This subpart implements section 1331(a) of the Affordable Care Act, which sets forth provisions regarding the establishment of the BHP and requirements regarding monthly premiums and cost sharing for enrollees.

(b) *Scope and applicability.* This subpart consists of provisions relating to the imposition of monthly premiums and cost-sharing under all state BHPs.

§ 600.505 Premiums.

(a) *Premium requirements.* (1) For premiums imposed on enrollees, the State must assure that the monthly premium imposed on any enrollee does not exceed the monthly premium that the enrollee would have been required to pay had he or she enrolled in a plan with a premium equal to the premium of the applicable benchmark plan, as defined in 26 CFR 1.36B–3(f). The State must assure that when determining the amount of the enrollee's monthly premium, the State took into account reductions in the premium resulting from the premium tax credit that would have been paid on the enrollee's behalf.

(2) This assurance must be reflected in the BHP Blueprint, which shall also include:

(i) The group or groups of enrollees subject to premiums.

(ii) The collection method and procedure for the payment of an enrollee's premium.

(iii) The consequences for an enrollee or applicant who does not pay a premium.

(b) [Reserved]

§ 600.510 Cost-sharing.

(a) *Cost-sharing requirements.* (1) For cost sharing imposed on enrollees, the State must assure the following:

(i) The cost sharing imposed on enrollees meet the standards detailed in § 600.520(c).

(ii) The establishment of an effective system to monitor and track the cost-sharing standards consistent with § 600.520(b) through (d).

(2) This assurance must be reflected in the BHP Blueprint, which shall also include the group or groups of enrollees subject to the cost sharing.

(b) *Cost sharing for preventive health services.* A State may not impose cost sharing with respect to the preventive health services or items, as defined in, and in accordance with 45 CFR 147.130.

§ 600.515 Public schedule of enrollee premium and cost sharing.

(a) The State must ensure that applicants and enrollees have access to information about all of the following, either upon request or through an Internet Web site:

(1) The amount of and types of enrollee premiums and cost sharing for each standard health plan that would apply for individuals at different income levels.

(2) The consequences for an applicant or an enrollee who does not pay a premium.

(b) The information described in paragraph (a) of this section must be made available to applicants for standard health plan coverage and enrollees in such coverage, at the time of enrollment and reenrollment, after a redetermination of eligibility, when premiums, cost sharing, and annual limitations on cost sharing are revised, and upon request by the individual.

§ 600.520 General cost-sharing protections.

(a) *Cost-sharing protections for lower income enrollees.* The State may vary premiums and cost sharing based on household income only in a manner that does not favor enrollees with higher income over enrollees with lower income.

(b) *Cost-sharing protections to ensure enrollment of Indians.* A State must ensure that standard health plans meet

the standards in accordance with 45 CFR 156.420(b)(1) and (d).

(c) *Cost-sharing standards.* A State must ensure that standard health plans meet:

(1) The standards in accordance with 45 CFR 156.420(c) and (e); and

(2) The cost-sharing reduction standards in accordance with 45 CFR 156.420(a)(1) for an enrollee with household income at or below 150 percent of the FPL, and 45 CFR 156.420(a)(2) for an enrollee with household income above 150 percent of the FPL.

(3) The State must establish an effective system to monitor compliance with the cost-sharing reduction standards in paragraph (c) of this section, and the cost-sharing protections to ensure enrollment of Indians in paragraph (b) of this section to ensure that enrollees are not held responsible for such monitoring activity.

(d) *Acceptance of certain third party payments.* States must ensure that standard health plans must accept premium and cost-sharing payments from the following third party entities on behalf of plan enrollees:

(1) Ryan White HIV/AIDS Programs under title XXVI of the Public Health Service Act;

(2) Indian tribes, tribal organizations or urban Indian organizations; and

(3) State and federal government programs.

§ 600.525 Disenrollment procedures and consequences for nonpayment of premiums.

(a) *Disenrollment procedures due to nonpayment of premium.* (1) A State must assure that it is in compliance with the disenrollment procedures described in 45 CFR 155.430. This assurance must be reflected in the state's BHP Blueprint.

(2) A State electing to enroll eligible individuals in accordance with 45 CFR 155.410 and 155.420 must comply with the premium grace period standards set forth in 45 CFR 156.270 for required premium payment prior to disenrollment.

(3) A State electing to enroll eligible individuals throughout the year must provide an enrollee a 30-day grace period to pay any required premium prior to disenrollment.

(b) *Consequences of nonpayment of premium.* (1) A State electing to enroll eligible individuals in accordance with 45 CFR 155.410 and 155.420 may not restrict reenrollment to BHP beyond the next open enrollment period.

(2) A State electing to enroll eligible individuals throughout the year must comply with the reenrollment standards set forth in § 457.570(c) of this chapter. If applicable, the State must define the length of its premium lockout period in its BHP Blueprint.

Subpart G—Payment to States

§ 600.600 Basis, scope, and applicability.

(a) *Statutory basis.* This subpart implements section 1331(d)(1) and (3) of the Affordable Care Act regarding the transfer of Federal funds to a State's BHP trust fund and the Federal payment amount to a State for the provision of BHP.

(b) *Scope and applicability.* This subpart consists of provisions relating to the methodology used to calculate the amount of payment to a state in a given Federal fiscal year for the provision of BHP and the process and procedures by which the Secretary establishes a State's BHP payment amount.

§ 600.605 BHP payment methodology.

(a) *General calculation.* The Federal payment for an eligible individual in a given Federal fiscal year is the sum of the premium tax credit component, as described in paragraph (a)(1) of this section, and the cost-sharing reduction component, as described in paragraph (a)(2) of this section.

(1) *Premium tax credit component.* The premium tax credit component equals 95 percent of the premium tax credit for which the eligible individual would have qualified had he or she been enrolled in a qualified health plan through an Exchange in a given calendar year, adjusted by the relevant factors described in paragraph (b) of this section.

(2) *Cost-sharing reduction component.* The cost-sharing reduction component equals 95 percent of the cost of the cost-sharing reductions for which the eligible individual would have qualified had he or she been enrolled in a qualified health plan through an Exchange in a given calendar year adjusted by the relevant factors described in paragraph (b) of this section.

(b) *Relevant factors in the payment methodology.* In determining the premium tax credit and cost-sharing reduction components described in paragraph (a) of this section, the Secretary will consider the following factors to determine applicable adjustments:

(1) Age of the enrollee;

(2) Income of the enrollee;

(3) Self-only or family coverage;

(4) Geographic differences in average spending for health care across rating areas;

(5) Health status of the enrollee for purposes of determining risk adjustment payments and reinsurance payments had the enrollee been enrolled in a qualified health plan through an Exchange;

(6) Reconciliation of the premium tax credit or cost-sharing reductions had such reconciliation occurred if an enrollee had been enrolled in a qualified health plan through an Exchange;

(7) Marketplace experience in other states with respect to Exchange participation and the effect of the premium tax credit and cost-sharing reductions provided to residents, particularly those residents with income below 200 percent of the FPL; and

(8) Other factors affecting the development of the methodology as determined by the Secretary.

(c) *Annual adjustments to payment methodology.* The Secretary will adjust the payment methodology on a prospective basis to adjust for any changes in the calculation of the premium tax credit and cost-sharing reduction components to the extent that necessary data is available for the Secretary to prospectively determine all relevant factors, as specified in paragraph (b) of this section.

§ 600.610 Secretarial determination of BHP payment amount.

(a) *Proposed payment notice.* (1) Beginning in FY 2015 and each subsequent year thereafter, the Secretary will determine and publish in a **Federal Register** document the next fiscal year's BHP payment methodology. The Secretary will publish this document annually in October upon receiving certification from the Chief Actuary of CMS.

(2) A State may be required to submit data in accordance with the published proposed payment document in order for the Secretary to determine the State's payment rate as described in paragraph (b) of this section.

(b) *Final payment notice.* (1) The Secretary will determine and publish the final BHP payment methodology and BHP payment amounts annually in February in a **Federal Register** document.

(2) *Calculation of payment rates.* State payment rates are determined by the Secretary using the final BHP payment methodology, data requested in the proposed payment notice described in paragraph (a) of this section, and, if needed, other applicable data as determined by the Secretary.

(c) *State specific aggregate BHP payment amounts.* (1) *Prospective aggregate payment amount.* The Secretary will determine, on a quarterly basis, the prospective aggregate BHP payment amount by multiplying the

payment rates described in paragraph (b) of this section by the projected number of enrollees. This calculation would be made for each category of enrollees based on enrollee characteristics and the other relevant factors considered when determining the payment methodology. The prospective aggregate BHP payment amount would be the sum of the payments determined for each category of enrollees for a State.

(2) *Retrospective adjustment to state specific aggregate payment amount for enrollment and errors.* (i) Sixty days after the end of each fiscal year quarter, the Secretary will calculate a retrospective adjustment to the previous quarter's specific aggregate payment amount by multiplying the payment rates described in paragraph (b) of this section by actual enrollment for the respective quarter. This calculation would be made for each category of enrollees based on enrollee characteristics and the other relevant factors considered when determining the payment methodology. The adjusted BHP payment amount would be the sum of the payments determined for each category of enrollees for a State.

(ii) Upon determination that a mathematical error occurred during the application of the BHP funding methodology, the Secretary will recalculate the state's BHP payment amount and make any necessary adjustments in accordance with paragraph (c)(2)(iv) of this section.

(iii) To the extent that the final payment notice described in paragraph (b) of this section permits retrospective adjustments to the state's BHP payment amount (due to the lack of necessary data for the Secretary to prospectively determine the relevant factors comprising the premium tax credit and cost-sharing reductions components of the BHP funding methodology), the Secretary will recalculate the state's BHP payment amount and make any necessary adjustments in accordance with paragraph (c)(2)(iv) of this section.

(iv) Any difference in the adjusted payment and the prospective aggregate payment amount will result in either:

(A) A deposit of the difference amount into the State's BHP trust fund; or

(B) A reduction in the upcoming quarter's prospective aggregate payment as described in paragraph (c)(1) of this section by the difference amount.

§ 600.615 Deposit of Federal BHP payment.

HHS will make quarterly deposits into the state's BHP trust fund based on the aggregate quarterly payment amounts described in § 600.610(c).

Subpart H—BHP Trust Fund

§ 600.700 Basis, scope, and applicability.

(a) *Statutory basis.* This subpart implements section 1331(d)(2) of the Affordable Care Act, which set forth provisions regarding BHP trust fund expenditures, fiscal policies and accountability standards and restitution to the BHP trust fund for unallowable expenditures.

(b) *Scope and applicability.* This subpart sets forth a framework for BHP trust funds and accounting, establishing sound fiscal policies and accountability standards and procedures for the restitution of unallowable BHP trust fund expenditures.

§ 600.705 BHP trust fund.

(a) *Establishment of BHP trust fund.* (1) The State must establish a BHP trust fund with an independent entity, or in a segregated account within the State's fund structure.

(2) The State must identify trustees responsible for oversight of the BHP trust fund.

(3) Trustees must specify individuals with the power to authorize withdrawal of funds for allowable trust fund expenditures.

(b) *Non-Federal deposits.* The State may deposit non-Federal funds, including such funds from enrollees, providers or other third parties for standard health plan coverage, into its BHP trust fund. Upon deposit, such funds will be considered BHP trust funds, must remain in the BHP trust fund and meet the standards described in paragraphs (c) and (d) of this section.

(c) *Allowable trust fund expenditures.* BHP trust funds may only be used to:

(1) Reduce premiums and cost sharing for eligible individuals enrolled in standard health plans under BHP; or

(2) Provide additional benefits for eligible individuals enrolled in standard health plans as determined by the State.

(d) *Limitations.* BHP trust funds may not be expended for any purpose other than those specified in paragraph (c) of this section. In addition, BHP trust funds may not be used for other purposes including but not limited to:

(1) Determining the amount of non-Federal funds for the purposes of meeting matching or expenditure requirements for Federal funding;

(2) Program administration of BHP or any other program;

(3) Payment to providers not associated with BHP services or requirements; or

(4) Coverage for individuals not eligible for BHP.

(e) *Year-to-year carryover of trust funds.* A State may maintain a surplus, or reserve, of funds in its trust through the carryover of unexpended funds from year-to-year. Expenditures from this surplus must be made in accordance with paragraphs (b) and (c) of this section.

§ 600.710 Fiscal policies and accountability.

The BHP administering agency must assure the fiscal policies and accountability set forth in paragraphs (a) through (g) of this section. This assurance must be reflected in the BHP Blueprint.

(a) *Accounting records.* Maintain an accounting system and supporting fiscal records to assure that the BHP trust funds are maintained and expended in accord with applicable Federal requirements, such as OMB Circulars A–87 and A–133.

(b) *Annual certification.* Obtain an annual certification from the BHP trustees, the State's chief financial officer, or designee, certifying all of the following:

(1) The State's BHP trust fund financial statements for the fiscal year.

(2) The BHP trust funds are not being used as the non-Federal share for purposes of meeting any matching or expenditure requirement of any Federally-funded program.

(3) The use of BHP trust funds is in accordance with Federal requirements consistent with those specified for the administration and provision of the program.

(c) *Independent audit.* Conduct an independent audit of BHP trust fund expenditures, consistent with the standards set forth in chapter 3 of the Government Accountability Office's Government Auditing Standards, over a 3-year period to determine that the expenditures made during the 3-year period were allowable as described in § 600.705(b) and in accord with other applicable Federal requirements. The independent audit may be conducted as a sub-audit of the single state audit conducted in accordance with OMB Circular A–133, and must follow the cost accounting principles in OMB Circular A–87.

(d) *Annual reports.* Publish annual reports on the use of funds, including a separate line item that tracks the use of funds described in § 600.705(e) to further reduce premiums and cost sharing, or for the provision of additional benefits within 10 days of approval by the trustees. If applicable for the reporting year, the annual report must also contain the findings for the

audit conducted in accordance with paragraph (c) of this section.

(e) *Restitution.* Establish and maintain BHP trust fund restitution procedures.

(f) *Record retention.* Retain records for 3 years from date of submission of a final expenditure report.

(g) *Record retention related to audit findings.* If any litigation, claim, financial management review, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

§ 600.715 Corrective action, restitution, and disallowance of questioned BHP transactions.

(a) *Corrective action.* When a question has been raised concerning the authority for BHP trust fund expenditures in an OIG report, other HHS compliance review, State audit or otherwise, the BHP trustees and the State shall review the issues and develop a written response no later than 60 days upon receipt of such a report, unless otherwise specified in the report, review or audit. To the extent determined necessary in that review, the BHP trustees and State shall implement changes to fiscal procedures to ensure proper use of trust fund resources.

(b) *Restitution.* To the extent that the State and BHP trustees determine that BHP trust funds may not have been properly spent, they must ensure restitution to the BHP trust fund of the funds in question. Restitution may be made directly by the BHP trustees, by the State, or by a liable third party. The State or the BHP trustees may enter into indemnification agreements assigning liability for restitution of funds to the BHP trust fund.

(c) *Timing of restitution.* Restitution to the BHP trust fund for any unallowable expenditure may occur in a lump sum amount, or in equal installment amounts. Restitution to the BHP trust fund cannot exceed a 2-year period from the date of the written response in accordance with paragraph (a) of this section.

(d) *HHS disallowance of improper BHP trust fund expenditures.* The State shall return to HHS the amount of federal BHP funding that HHS has determined was expended for unauthorized purposes, when no provision has been made to restore the funding to the BHP trust fund in accordance with paragraph (b) of this section (unless the restitution does not comply with the timing conditions described in paragraphs (c) of this section). When HHS determines that federal BHP funding is not allowable, HHS will provide written notice to the state and BHP Trustees containing:

(1) The date or dates of the improper expenditures from the BHP trust fund;

(2) A brief written explanation of the basis for the determination that the expenditures were improper; and

(3) Procedures for administrative reconsideration of the disallowance based on a final determination.

(e) *Administrative reconsideration of BHP trust fund disallowances.* (1) BHP Trustees or the State may request reconsideration of a disallowance within 60 days after receipt of the disallowance notice described in paragraph (d)(1) of this section by submitting a written request for review, along with any relevant evidence, documentation, or explanation, to HHS.

(2) After receipt of a reconsideration request, if the Secretary (or a designated hearing officer) determines that further proceedings would be warranted, the Secretary may issue a request for further information by a specific date, or may schedule a hearing to obtain further evidence or argument.

(3) The Secretary, or designee, shall issue a final decision within 90 days after the later of the date of receipt of the reconsideration request or date of the last scheduled proceeding or submission.

(f) *Return of disallowed BHP funding.* Disallowed federal BHP funding must be returned to HHS within 60 days after the later of the date of the disallowance notice or the final administrative reconsideration upholding the disallowance. Such repayment cannot be made from BHP trust funds, but must be made with other, non-Federal funds.

Title 45—Public Welfare

PART 144—REQUIREMENTS RELATING TO HEALTH INSURANCE COVERAGE

■ 2. The authority citation for part 144 continues to read as follows:

Authority: Secs. 2701 through 2763, 2791, and 2792 of the Public Health Service Act, 42 U.S.C. 300gg through 300gg-63, 300gg-91, and 300gg-92.

■ 3. Section 144.103 is amended by revising the definition of ''individual market'' to read as follows:

§ 144.103 Definitions.

* * * * *

Individual market means the market for health insurance coverage offered to individuals other than in connection with a group health plan, or other than coverage offered pursuant to a contract between the health insurance issuer with the Medicaid, Children's Health Insurance Program, or Basic Health programs.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: *February 19, 2014.*

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: February 21, 2014.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–05299 Filed 3–7–14; 4:15 pm]

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Federal Register

Vol. 79, No. 48

Wednesday, March 12, 2014

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FEDERAL REGISTER PAGES AND DATE, MARCH

11679–12030 3
12031–12352 4
12353–12654 5
12655–12922 6
12923–13188 7
13189–13496 10
13497–13872 11
13873–14152 12

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9083 12927
9084 12929
9085 12931
9086 12933
9087 12935
9088 13187

Executive Orders:
13660 13493

Administrative Orders:
Memorandums:
Memorandum of February 27, 2014 12923
Presidential Determinations:
No. 2014–08 of February 24, 2014 12655
Notices:
Notice of February 28, 2014 12031

5 CFR

534 12353
9601 12657

6 CFR

115 13100

7 CFR

246 ..... 12274, 13497
920 12033
944 12033
993 12034
1220 12037
1436 13189

Proposed Rules:
1005 ..... 12963, 12985
1006 12963
1007 ..... 12963, 12985

10 CFR

72 ..... 12362, 13192

Proposed Rules:
72 ..... 13002, 13260
431 ..... 11714, 12302

12 CFR

225 13498
252 13498
750 12657

Proposed Rules:
Ch. II 12414
710 11714

14 CFR

11 12937
25 ..... 11679, 13515
36 12040
39 ..... 11681, 11691, 11693, 11695, 11697, 11699, 11701, 12045, 12363, 12366, 12368, 12370, 12373, 12375, 13196, 13199, 13201, 13204, 13206, 13519, 13521, 13524, 13526, 13528, 13530
71 ..... 12049, 12050, 12051, 12052, 12053, 12054, 12055, 12056, 12057, 12058, 12059, 12060
97 ..... 11703, 11704, 12378, 12381, 13533, 13534

Proposed Rules:
39 ..... 11717, 11719, 11722, 11723, 11725, 11728, 12131, 12414, 12420, 12424, 12428, 12431, 13003, 13592, 13924, 13925, 13929, 13931, 13934, 13938, 13944
71 ..... 11730, 11731, 11732, 11734, 13262, 13948
121 13592
135 13592
142 13592
175 12133

15 CFR

Proposed Rules:
1110 11735

16 CFR

1 13539
1112 13208
1227 13208

17 CFR

232 13216

19 CFR

12 13873

20 CFR

404 11706
418 11706

21 CFR

172 13540
558 13542
878 13218
1308 12938

Proposed Rules:
15 12134
16 13593
101 ..... 11738, 11880, 11990
112 13593
573 13263

23 CFR

Proposed Rules:
490 13846

24 CFR

1005 12382

26 CFR

1 .....12726, 12812, 13220
31.....12726
301 .....12726, 13220, 13231
602.....13220, 13231

Proposed Rules:

1.....12868, 12880
31.....12880
301.....12880

28 CFR

0.....12060

Proposed Rules:

32.....12434
540.....13260

29 CFR

1625.....13546
4000.....13547
4006.....13547
4007.....13547
4047.....13547

Proposed Rules:

1910.....13006
2550.....13949

30 CFR

Proposed Rules:

943.....13264

31 CFR

1.....12943

33 CFR

117 .....12062, 12063, 12064, 13562
165 .....12064, 12072, 12074
208.....13563
401.....12658
402.....13252

34 CFR

Proposed Rules:

Ch. III.....11738, 11742

37 CFR

1.....12384, 12386

Proposed Rules:

1.....13962

39 CFR

121.....12390

40 CFR

52 .....11707, 11711, 12077, 12079, 12082, 12394, 12944, 12954, 13254, 13256, 13564, 13875
180 .....12396, 12401, 12408, 13877
300.....13882
450.....12661

Proposed Rules:

Ch. I.....13968
52 .....11747, 12136, 13266, 13268, 13598, 13963, 13966
60.....12681
70.....12681
71.....12681
82.....13006
98.....12681, 13394
300.....12436, 13967

41 CFR

Proposed Rules:

102–36.....12681

42 CFR

600.....13887, 14112

44 CFR

Proposed Rules:

206.....13970

45 CFR

144.....13744, 14112
147.....13744
153.....13744
155.....13744
156.....13744
158.....13744

Proposed Rules:

160.....12441
162.....12441
1626.....13017

46 CFR

401.....12084

47 CFR

15.....12667
73.....12679
74.....12679

Proposed Rules:

0.....13975
4.....13975
12.....13975
54.....13599
20.....12442

48 CFR

204.....13568
252.....13568
1052.....13567

Proposed Rules:

246.....11747

49 CFR

573.....13258
577.....13258
579.....13258

Proposed Rules:

382.....12685

50 CFR

17.....12572
217.....13568
300.....13906
622.....12411, 12957
648.....12958
660.....12412
679 .....12108, 12890, 12958, 12959, 12961

Proposed Rules:

17.....12138
21.....12458
217.....13022
622.....11748
648.....13607

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 10, 2014

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